

FOI request:	Design Triangle. Train Parameters Study, Design Triangle. eB. Po3. [HS2-HS2-OP-REP-000-000002]	
Date:	22 December 2016	
EIR Regulation: 12(5)(e) Confidentiality of commercial or industrial information		
Factors supporting disclosure		Factors supporting non-disclosure
<ul style="list-style-type: none">• General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made.• There is also public interest in transparency and accountability of HS2 Ltd for public funds to ensure that the funds are being used effectively and that the department is getting value for money in the good and services it purchases and/or the projects it funds.		<ul style="list-style-type: none">• The withheld information is commercially sensitive and could prejudice future negotiations that HS2 Ltd may be subject to. HS2 Ltd will be taking formal steps towards procurement of the trains for HS2 in early 2017. Releasing this information before the tendering process is completed could inhibit HS2 Ltd's ability to make robust decisions regarding its supply of goods and services, including ensuring that HS2 Ltd obtains the best value for money outcome.• Disclosure of early design details that may not be required for the passenger trains before the pre-qualification questionnaires are issued to potential suppliers would damage the trust such companies place in HS2 Ltd as a client and may discourage them from tendering in the future.• In addition, some of the withheld information has been provided to HS2 Ltd on a commercially confidential basis. Disclosure of the information would be likely to cause actual prejudice to the commercial interests of suppliers. Losing the trust of potential suppliers could damage HS2 Ltd's reputation with suppliers within the infrastructure industry and therefore undermine HS2 Ltd's ability to procure specialised services. This would be to the detriment of the project and public interest in seeing that HS2 is developed with the best advice and services, and at favourable rates.

	<ul style="list-style-type: none"> • Disclosure would also impact on any on-going or future negotiations HS2 Ltd would enter into regarding similar circumstances.
<p>Conclusion: The information requested relates to confidentiality of commercial or industrial information, disclosure of which would adversely affect an economic interest, therefore section 43 can be considered.</p> <p>Under ICO guidance we understand that we must consider whether it is reasonable in all circumstances to withhold this information before considering whether there is a public interest in disclosing it.</p> <p>There is public interest in disclosing procurement information however there is also a public interest in HS2 Ltd being able to procure the best services in order to deliver a high quality and cost effective project. Disclosing sensitive commercial information would damage the relationship between HS2 Ltd and potential contractors and would undermine its ability to procure the best services in the relevant field.</p> <p>For these reasons we believe section 43 applies and the reasons against disclosure outweigh the public interest in releasing this information.</p>	