

Mr David Lake
Via email: request-440819-7f663e25@whatdotheyknow.com

14 November 2017

Dear Mr Lake

FOI17-1870

Thank you for your information request dated 25 October. Your request has been considered under the Freedom of Information Act 2000 ('the FOI Act').

In your email you requested the following information:

"Please provide an unredacted copy of the service agreement between High Speed Two (HS2) Ltd and Smith Lambert Hampton Ltd Property Management and Estate Services."

I can confirm that we do hold information related to your request. Please find attached documents we can release in the following Annexes:

Annex A – Framework Scope

Annex B – Selection Procedure

Annex C – Quotation Procedure

Annex D – Package Order Conditions of Contract for Services

Please note that further information in relation to your request is being refused on the following grounds:

FOI Act Section 43 - Commercial Information and trade secrets

Under the FOI Act, Section 43 allows public authorities to refuse a request for information if it is likely to prejudice the commercial interests of any person. (A person maybe an individual, a company, the public authority itself or any other legal entity). Furthermore, Section 43 exempts information if it constitutes a trade secret. The legislation is available via the following link:

<http://www.legislation.gov.uk/ukpga/2000/36/section/43>.

The document includes pricing and strategic information including operating procedures which are individual to the organisation's delivery models, therefore, to provide this information would prejudice the commercial interests of the organisation.

The disclosure of certain information, for example, to a competitor, could materially harm the commercial interests of the third party supplier. This could particularly disadvantage the third party in future bids. It is therefore considered that it is not in the public interest to disclose certain information as it would be likely to be used by competitors in the market to gain a competitive advantage.

Under the FOI Act, Section 43 is subject to a Public Interest Test which means that we need to consider whether *"in all circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information"*. We have weighed up the benefits to the public of releasing the information against the factors for not releasing it. We consider that the factors for not releasing the information outweigh that for disclosure. Please see Annex E for full details of our consideration

If you are unhappy with the way we have handled your request or with the decisions made in relation to your request, you may complain in writing to HS2 Ltd at the address below. Please also see attached details of HS2 Ltd's complaints procedure and your right to complain to the Information Commissioner.

Please remember to quote reference number **FOI17-1870** in any future communication relating to this request.

Yours sincerely,

M Choudhari
Freedom of Information Adviser
High Speed Two (HS2) Limited

Your right to complain to HS2 Ltd and the Information Commissioner

You have the right to complain to HS2 Ltd within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF