

**Graeme Amis**  
[request-533791-2adfc922@whatdotheyknow.com](mailto:request-533791-2adfc922@whatdotheyknow.com)

01 April 2019

Dear Mr Amis,

**FOI-19-3138**

Thank you for your information request of 08 March 2019. Your request has been considered under the Freedom of Information 2000 ("the FOI Act").

In your email you requested the following information:

- 1. An instance of sexual misconduct was picked up in the internal review. How was this discovery unearthed and why was it not picked up by the normal process?**
- 2. The internal review seems to have been written on the 5th February 2019, 1 day before its due date. However, it was only provided to me on the 15th February, 9 days after the due date. What is the reason for this delay?**
- 3. Is there any recorded information about why or indeed when the 'victim' in question asked for this to be left off the register? Was this at the time of the complaint or e.g. after a redundancy package had been agreed?**
- 4. How far back do the formal HR records go and what records are held for events/complaints occurring prior to this date?**
- 5. Can you please confirm that this one isolated incident is the only complaint that HS2 Ltd has a record of and that there are no other incidents that HS2 Ltd has record of that may have been labelled in a more general way in the records?**

We can confirm that the information is held by HS2 Ltd. However, while the majority of the information is attached to this email I am not required to release all of the information requested. Please find attached our response (Annex A).

Some information in the attached file is exempt from disclosure by virtue of Section 40(2) (Personal data)

Section 40 (2) is an absolute and class based exemption if to provide the information would breach the third party's data protection rights. In this case provision of this personal information would not constitute fair processing of the data. As this exemption is class based I am not required to identify the harm in disclosure and in this instance I believe that the right to privacy outweighs any public interest in release.

Further information on section 40 is available via the following link:

<http://www.legislation.gov.uk/ukpga/2000/36/section/40>.

## **RIGHT OF APPEAL**

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 using HS2 Ltd's complaints procedure which is provided below.

Please remember to quote reference number **FOI-19-3138** in any future communication relating to this request.

Yours sincerely

**Carl Bird**

Briefing, Correspondence and FOI manager  
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