

ANNEXE A – FOI-19-3138-R – SEXUAL MISCONDUCT

- 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? -***

I would reiterate that this particular complaint was, at the request of the complainant, not recorded on HR systems and was not found in a search of HR systems. The recorded information we hold on how this complaint was uncovered is exempt by virtue of Section 40(2) of the FOI Act (personal information).

The Information Commissioner states that personal data has to be information that relates to an individual and further that the individual must be identifiable either directly or indirectly from one or more identifiers or from factors specific to the individual.

Release of this information would allow for the identification of an individual and release would not constitute fair processing. We are therefore withholding it. 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>

- 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? -***

The file was created and first saved on 5th February. Subsequently this file was worked on to ensure that the response was correct.

No further recorded information is held that could satisfy this question. It should however be noted that HS2 Ltd has recently experienced a significant increase in the number of requests for information it has received and as a result some requests are not being responded to within the 20 working day timescale.

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? -

This complaint was made while the individual was an employee. Any further information is exempt by virtue of Section 40(2) of the Freedom of Information Act (personal data).

How far back do the formal HR records go and what records are held for events/complaints occurring prior to this date? -

There are HR records back to the time HS2 Ltd was first established as an organisation. HS2 Ltd was established by the Department for Transport in 2009. No recorded information is held prior to 2009.

3. 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? -

This was the only such complaint at the time of the request. Subsequently there has been a complaint which has been recorded on the system with the acceptance of the person involved.