

Annex B – FOI15-1329 Public Interest Test

FOI15-1329:	Detailed cost calculations which support the published document <i>HS2 Guide to Tunnelling Costs</i>
Date:	10 July 2015
EIR Regulation: 12(5)(e) Confidentiality of commercial or industrial information	
Factors supporting disclosure	Factors supporting non-disclosure
<ol style="list-style-type: none"> 1) Statutory responsibility to release information to the public in a timely manner as outlined in HS2 Ltd's publication scheme. 2) General public interest in the disclosure of information to ensure transparency and visibility of public bodies being held to account regarding decisions made and use of funds. 3) There is a public interest in information about projected costs for the route for Phase One of the HS2 project between London and the West Midlands. 	<ol style="list-style-type: none"> 1) The information relates to legitimate economic interests. The release of further estimating detail could compromise HS2 Ltd's delivery team's ability to secure good value in their future discussions with contractors by creating market expectations in key rates and allowances. 2) There is no foreseeable benefit to the public in releasing the information earlier. Disclosure at this early stage before negotiations with contractors would adversely affect the finances for the HS2 Proposed Scheme and thus the public purse. It is important that HS2 Ltd protects its interests and its bargaining position in negotiations. 3) The indicative cost of a tunnelled section of the route and an example of an indicative cost estimate, based on the guide, is available in the public domain in the document <i>HS2: A guide to tunnelling costs</i> which can be found online via the following link: https://www.gov.uk/government/publications/hs2-guide-to-tunnelling-costs.
<p>Conclusion: The information requested relates to confidentiality of commercial or industrial information therefore Regulation 12(5)(e) of EIR 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. The information relates to legitimate economic interests. Releasing projected costs for all elements for the construction of bored tunnels would damage HS2 Ltd's commercial bargaining position for future negotiations and adversely affect the finances for the HS2 Proposed Scheme and</p>	

thus the public purse. Indicative costs are available in the public domain.

For these reasons we believe Regulation 12(5)(e) applies and the reasons against disclosure outweigh the public interest in releasing the information.