

Daniel Williams

Via email: [request-338969-1cc502do@whatdotheyknow.com](mailto:request-338969-1cc502do@whatdotheyknow.com)

6 July 2016

Dear Mr Williams

### **FOI16-1525 – Response**

Thank you for your recent information request received via email on 7 June 2016 and clarified on 13 June 2016. Your request has been considered under the *Environmental Information Regulations 2004* (the EIR).

In your email of 7 June 2016 you requested the following information:

**“..a copy of the recent utility locating survey report undertaken in the Euston Road area.**

**This survey has resulted in many individually numbered colourful spray painted markings on the pavements around Euston Road. I am seeking a copy of the report linked to these numbered markings, explaining what each number means. I was directed to you by Transport for London, who believe the survey was undertaken between 23rd February and 1st March.**

**My preferred format to receive this information is by electronic means. If one part of this request can be answered sooner than others, please send that information first followed by any subsequent data.”**

In your email of 13 June 2016 you then stated:

**“If possible I would like the full results of this utility locating survey, regardless of which streets segments they were on. If you require a boundary, then I would like all survey results within 1 kilometre of Euston Station.”**

### **Search for information**

I can confirm that we do hold information that falls within the description of your request. However, access has been refused to information on the following grounds:

#### ***Regulation 12(4)(b) – Manifestly unreasonable***

Regulation 12(4)(b) of the EIR sets out that a public authority may refuse to disclose information to the extent that the request for information is ‘manifestly unreasonable’. A request may be manifestly unreasonable if dealing with the request would create unreasonable costs or an unreasonable diversion of resources. I have received advice from the Euston Utilities Team regarding the volume of information relevant to your request and the time it would take to identify and collate them. As your request covers a broad remit and involves complicated and sensitive data, we estimate it would take either an HS2 Ltd staff member or an especially engaged consultant (at a cost), at least 21 hours (or 3 working days) to edit the [High Speed Two \(HS2\) Limited](#) One Canada Square, London E14 5AB  
T: 020 7944 4908 E: [hs2enquiries@hs2.org.uk](mailto:hs2enquiries@hs2.org.uk) [www.gov.uk/hs2](http://www.gov.uk/hs2)

current CAD model and create drawings which were useable. In particular, it would be very time consuming to remove sensitive utility information, which would be exempt under the EIR, and then repackage the data so that it can be viewed and deciphered without specific computer software packages.

In this case we believe that the cost of compliance with the request would be too great and that EIR regulation 12(4)(b) applies as the request for information is manifestly unreasonable. Annex A, which is attached to this letter, sets out Regulation 12(4)(b) in full.

All exceptions under EIR are subject to a Public Interest Test (PIT) 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 outweighs that for disclosure. Please see Annex B for full public interest test.

### **Duty to assist**

When applying regulation 12(4)(b) our duty to assist as per Information Commissioner's Office guidance would normally mean that we discuss with the applicant a way to refine their request to bring it within the cost limits. This does not appear to be possible in this case, due to the specific nature of the request.

Please note that we have consulted with utilities and asset owners and we are of the view that, even if the request was in a manageable form, regulation 12(5)(a) (national security and public safety) would be applicable.

### **Conclusion**

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 above address. 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 **FOI16-1525** in any future communication relating to this request.

Yours sincerely

**Piri Norris**

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