

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 11 October 2022

Public Authority: High Speed Two (HS2) Limited

Address: Two Snowhill
Snow Hill
Queensway
Birmingham
B4 6GA

Decision (including any steps ordered)

1. The complainant has requested information relating to properties acquired by HS2.
2. HS2 disclosed a list of partial addresses but withheld the full addresses, citing regulation 12(5)(a) (International relations, defence, national security or public safety), regulation 12(5)(b) (The course of justice and inquiries) and regulation 13 (personal Data).
3. The Commissioner's decision is that regulation 12(5)(a) is engaged and that the public interest favours maintaining the exception.
4. The Commissioner does not HS2 to take any further steps.

Request and response

5. On 29 November 2021 the complainant wrote to HS2 and requested the following information:

"Please could I have an up-to-date list of acquired properties HS2 – addresses, prices paid and dates."

6. On 21 December 2021 HS2 responded and disclosed a list of partial postcodes of properties acquired, the prices paid and dates of when these properties were acquired in ascending order. HS2 confirmed that the full addresses were being withheld under regulation 12(5)(a) (International relations, defence, national security or public safety), regulations 12(5)(b) (The course of justice and inquiries) and regulation 13 (Personal Data).
7. The complainant requested an internal review on 2 December 2021. The complainant noted that HS2 had released the requested information, in full, on previous occasions.
8. HS2 provided the outcome to its internal review on 18 January 2021 and upheld its original position.

Reasons for decision

9. The Commissioner notes that he has recently dealt with a similar case, IC-40100-P6C4.¹
10. Regulation 12(5)(a) of the EIR states that information is exempt if its disclosure would adversely affect international relations, defence, national security or public safety. In this case, HS2 believes that disclosure would have an adverse effect on public safety.
11. Paragraphs 16-37 of IC-40100-P6C4 explains why the Commissioner considers the withheld information engages the exception. The Commissioner doesn't deem it necessary to duplicate those arguments in this notice.
12. Paragraph 44 of IC-40100-P6C4 also explains why HS2 could previously release the requested information but now cannot.
13. Ultimately, HS2 has provided the Commissioner with a confidential annex which details lists of incidents recorded at properties it has bought. These incidents include burglary, theft, squatting, violence, intimidatory behaviour and intruding. These incidents vary in severity but all, in HS2's and the Commissioner's opinion, compromise public safety.

¹ [IC-40100-P6C4 \(ico.org.uk\)](https://ico.org.uk/cases/40100-p6c4)

14. The Commissioner notes that the incident data also displays a clear trend, HS2 has explained that 'incidents have increased in recent years, rising sharply in 2019 and peaking in 2020. The number of incidents since 2020 has remained high.'
15. HS2 has explained that, when it did release the requested data previously, it 'was released in February 2019 and it is probable that this release of information by HS2 Ltd facilitated the increase in incidents experienced in 2019.'
16. The Commissioner notes that this matter has also been considered by the Tribunal and in relation to EA/2021/0098² where it was noted that "it seems obvious to the Tribunal that a disclosure of a list of full addresses of HS2 Ltd properties, if it became generally available, would lead to more incidents at these properties whether involving basic criminality or HS2 Ltd related crime. This is the case even if disclosures have been made in the past of similar information, as the withheld material is an updated list which will contain new properties about which details were not previously available" (paragraph 29). It would be remiss of the Commissioner to disregard this finding.
17. Paragraphs 38-53 of IC-40100-P6C4 discuss the public interest in both disclosure and in maintaining the exception.
18. On the one hand, the Commissioner accepts that HS2 is a controversial project which attracts much opposition and involves a large amount of taxpayer money. With this comes the need for scrutiny and transparency which the Commissioner is satisfied has been met by the partial disclosure referred to in paragraph 6 of this notice.
19. On the other hand, the Commissioner accepts the danger to public safety is real and significant and, ultimately, believes that the public interest lies in maintaining the exception.

² [Microsoft Word - 016 270921 Judge decision.docx \(tribunals.gov.uk\)](#)

Right of appeal

20. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

21. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF