

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

Decision notice

Date: 16 June 2020

Public Authority: High Speed 2 (HS2) Ltd
Address: Two Snowhill
Snow Hill Queensway
Birmingham
B4 6GA

Decision (including any steps ordered)

1. The complainant has requested information relating to projected journey times using HS2 between a number of stations. HS2 Ltd dealt with the request under the FOIA. It confirmed that some of the requested information was held and provided links to where it considered some of the information held was available on the internet. However it originally withheld the rest of the information under the exemptions provided by section 36 of the FOIA – prejudice to the conduct of public affairs. Having been provided with copies of the journey times that were held and having considered the case carefully, the Commissioner determined that the information was environmental information and that therefore the request should have been considered under the EIR.
2. As a consequence HS2 Ltd provided the Commissioner with a fresh submission setting out its arguments for withholding the information under regulation 12(4)(a) – information not held, 12(4)(d) - information in the course of completion, and regulation 12(4)(e) – internal communications.
3. The Commissioner finds that HS2 Ltd does not hold the information on the times for 100 of the journeys that were requested. HS2 Ltd is entitled to rely on regulation 12(4)(a) to refuse those elements of the request. However in respect of the 55 remaining journey times which HS2 Ltd does hold, the Commissioner finds that regulation

12(4)(d) is engaged, but that the public interest favours disclosure and that the exception provided by regulation 12(4)(e) is not engaged.

4. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Disclose the information on the projected journey times that it does hold.
5. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

6. On 25 March 2019 the complainant requested information of the following description:

"Please provide me with the projected journey times for the following trips using captive HS2 and classic compatible services, as is expected to be provided within the current £55.7bn funding envelope within the current project scope, and without any additional expenditure. I wish to be very specific that you should not include any assumptions for any additional expenditure on transport infrastructure outside the £55.7bn HS2 budget envelope in responding to this request. If it will not be possible to complete a proposed journey solely on HS2 trains within the provision of the current £55.7bn budget envelope, please make this clear. Please also provide the assumptions you have used for the fastest existing direct services for these journeys.

This may seem like a long list, but I would expect that given that a big deal is being made of the fact HS2 trains would serve 25 cities (though of course many aren't cities, but we'll let that one slide), that you must have this data easily available, probably in table form, already.

*Chesterfield to Sheffield
Chesterfield to Leeds
Chesterfield to York
..."*

[The complainant listed a total of 155 journeys. The request is set out in full in the annex which accompanies this notice]

7. HS2 Ltd initially failed to respond to the request so on 28 May 2019 the complainant asked it to carry out an internal review. Following the intervention of the Commissioner, HS2 Ltd provided a response on 22 July 2019. It confirmed that it held some of the requested information and provided links to web pages and documents which gave the times for some of the journeys listed in the request. However HS2 Ltd also explained that some of the requested information was being withheld under section 36(2) – prejudice to the conduct of public affairs.
8. This response represented both HS2 Ltd's initial response to the request and the outcome of the internal review of its handling of the request. HS2 Ltd therefore advised the complainant, if he remained dissatisfied with the response, he was free to complain directly to the Commissioner.
9. As part of the investigation HS2 Ltd provided the Commissioner with a copy of the information it was withholding. At this point it became evident that HS2 Ltd had failed to consider the second element of the request, i.e. the request for assumptions underlying the projected journey times.
10. On further consideration the Commissioner also took the view that the requested information was environmental information and that therefore the request fell to be considered under the EIR. Once HS2 Ltd was informed of the Commissioner's view, it provided the Commissioner with a fresh submission setting out its arguments for refusing the request under the EIR. HS2 Ltd now argued that, if the request did fall under the EIR, it was entitled to refuse the request under the exceptions provided by regulation 12(4)(a) – information not held, regulation 12(4)(d) – information in the course of completion, and regulation 12(4)(e) – internal communications.
11. HS2 Ltd also provided the complainant with a fresh response setting out its grounds for refusing the request under the EIR and took the opportunity to inform the complainant of the assumptions on which those journey times that it did hold were based in compliance with the second part of the request.

Scope of the case

12. The complainant originally contacted the Commissioner on 1 July 2019 to complain about the way his request for information had been handled, however it was only after HS2 Ltd and provided its response of 22 July 2019 that the complaint became eligible for investigation.

13. The Commissioner considers that the matters to be decided is whether HS2 Ltd is entitled to rely on the exceptions provided by regulations 12(4)(a), 12(4)(d) and 12(4)(e) to refuse the request for the journey times.
14. As HS2 Ltd provided the complainant with an explanation of the assumptions underlying the projected journey times when providing him with a fresh response to the request, as set out in paragraph 11 above, the Commissioner considers that it has complied with the second element of the request and has not investigated that matter further.

Background

15. The requested information consists of projected journey times between a series of named stations. Although the request seeks information in respect of 155 journey times, HS2 Ltd has stated that it only holds information on 55 of them. By 2017 HS2 Ltd had already published times for the majority of these 55 journeys and the complainant was provided with links to where that information could be accessed on HS2 Ltd's website, including a 'Journey Planner'. The journey times available from the journey planner were based on the planned route and infrastructure plans which existed at the time of their publication, i.e. 2017 or earlier. However the request captures the projected journey times that were current at the time of the request was made in March 2019 and these journey times may have changed since 2017.
16. The Commissioner cannot comment on whether those journey times have altered, or if so, to what extent, and nothing in this notice should be interpreted as indicating one way or another whether there have been any changes. HS2 Ltd's concerns arise out of the fact that there is the potential for journey times to change. It is the potential for times to change and how any changes that might exist may be interpreted which, it argues, necessitates the application of the exceptions provided by regulations 12(4)(d) and 12(4)(e).

Reasons for decision

Environmental Information

17. HS2 Ltd does not consider that the information is environmental information because, in its opinion, the actual journey times are too far removed from any impact on the environment for them to be captured by any of the definitions of environmental information contained in the EIR. However the Commissioner considers that the correct approach is to look at the information in a wider context. The information relates to the HS2 project and clearly that project is one which affects the environment. The main purpose of the project was to reduce journey times, so the information has a very direct link with the principal objective of the project. Furthermore it is clear from discussions with HS2 Ltd that one of the factors which determine journey times are the changes to the infrastructure of the rail network, which again have a very direct impact on the environment.
18. The Commissioner considers support for this approach can be taken from that adopted by the Tribunal in Crane v the Information Commissioner and the Department for Transport EA/206/0087 and EA/2016/0088. This in turn followed the Upper Tribunal's reasoning in The Department for Energy and Climate Change v The Information Commissioner and H [2015] UKHT 0671 (AAC). In Crane the Tribunal found that if there was a sufficiently close connection between the requested information and the HS2 project the information should be regarded as being on the overall HS2 project.
19. In light of the above the Commissioner finds that the requested information is environmental information as defined by regulation 2(1)(c) i.e. it is information on measures such as policies, plans, programmes,... and activities affecting or likely to affect the elements of the environment or factors affecting those elements.

Regulation 12(4)(a) – information not held

20. The information on the 55 journey times which HS2 Ltd does hold was taken from what it describes as 'concept' timetables, which it stresses will be subject to change. Although the Commissioner accepts that these concept timetables do not include information on the remaining 100 journeys, she asked HS2 Ltd to consider whether it held sufficient details which would allow it to calculate the remaining times, i.e. whether it held the basic building blocks from which the information could be assembled with relative ease.
21. In response HS2 Ltd explained that, in broad terms, it was responsible for delivering the trains and infrastructure (mainly new tracks and track improvements) which would provide the HS2 train service from London Euston to ten end destinations. Those end destinations being Birmingham, Liverpool, Manchester, Preston,

Glasgow, Edinburgh, Sheffield, Leeds, York and Newcastle. For most of these end destinations a proportion of the route taken will be on separate lines from those to the other destinations. For example, the HS2 service between London and Preston diverges from the route between London and Manchester, i.e. the Preston service will not pass through Manchester and so will not stop at Manchester.

22. HS2 journeys from London to these end destinations will involve a HS2 train travelling on both the new HS2 track and on existing Network Rail tracks. Using information about the capability of the HS2 infrastructure, the HS2 train and the Network Rail infrastructure, HS2 Ltd has been able to produce 'concept' timetables by calculating journey times from London Euston to the end destinations. The Commissioner understands that such calculations may also take account of specific local factors affecting the speed along a particular section of a route. The same approach can be used to calculate the time for journeys between any station along the route of a given HS2 service. For example if the HS2 service from London to Manchester called at stations A and B, HS2 Ltd could calculate the times of a journey from Euston to A, from A to B and from B to Manchester etc. The 55 train journeys for which times are held are all such journeys.
23. In respect of the remaining 100 journeys HS2 Ltd has explained that these are for pairs of stations which are not directly served by a single HS2 service. In some cases part of the journey could be completed using a HS2 service, but passengers would then need to make a connection onto an existing Network Rail service to complete their journey. An example would be Chesterfield to Leeds. In order to give a time for such journeys one would need access to the timetable for the services operated on the existing Network Rail, not now, but as it would be in the future. That is, HS2 Ltd would need to know the timetable for the existing services as they would operate once HS2 services were being operated and, presumably, the existing services had been rescheduled to dovetail with those new HS2 services.
24. Furthermore, having considered the current timetable for the existing Network Rail services, HS2 Ltd is aware that duration of journeys between two given locations can vary. Therefore even if HS2 Ltd attempted to use the existing timetables, it does not have the details explaining why journey times vary and so it would not be in a position to determine which of the current times would be the most appropriate to apply in order to calculate the time for a journey completed using a combination of HS2 and Network Rail services.

25. HS2 Ltd accepts that for some of the 100 journeys it would be possible to complete the journey using only HS2 services, but to do so would involve such an illogical detour that no passenger would choose to take that route. Therefore HS2 Ltd argues that it cannot be said to hold the information on that journey for any practical purpose. For example, HS2 Ltd has explained that there is no HS2 service between Newcastle and Edinburgh and that although it is possible to take a HS2 service from Newcastle all the way down to Birmingham and then take another HS2 service all the way back up north to Edinburgh, no one would contemplate making such a journey when existing Network Rail services already provide a shorter and faster route. The Commissioner accepts that in these circumstances HS2 Ltd cannot be said to hold times for such journeys.
26. In light of the above the Commissioner is satisfied that HS2 Ltd does not have the information it would require to calculate the journey times for the 100 journeys. The exception provided by regulation 12(4)(a) is engaged.
27. Technically, regulation 12(4)(a) is subject to the public interest test which provides that even where an exception is engaged the information can only be withheld if the public interest in maintaining the exception outweighs the public interest in disclosure. However, the Commissioner can see no practical value in applying the test where information is not held and she does not expect public authorities to do so.

Regulation 12(4)(d) – information in the course of completion

28. Regulation 12(4)(d) states that a public authority may refuse to disclose information to the extent that the request relates to material that is still in the course of completion, to unfinished documents or to incomplete data.
29. HS2 Ltd has explained that the 55 journey times which are held by HS2 Ltd in respect of this request:

“... are not final and have been written to test what the eventual HS2 service could look like, depending on various policy and technical choices that are yet to be made. The times will change as a result of (amongst other things) the design of the rolling stock, the eventual stopping pattern, the presence of various infrastructure enhancements, and the timetable for non HS2 services over the same routes.”
30. The overall development of the HS2 project was at the time of the request, and still is, very much a work in progress as evidenced by

the Prime Minister's statement on the future of the project as recent as 11 February 2020. Consequently, HS2 Ltd argues that:

"... there were and still are no final and agreed times for the journeys within the request, and all the journey times are 'draft' and will be subject to change. The information therefore directly relates to the continuing development of policy and the process of making decisions regarding works and technical aspects of the design and the Government's future policy decisions for the wider rail network."

31. In light of the above the Commissioner is satisfied that the information on the projected journey times was material in the course of completion at the time of the request. The exception is engaged.

Public interest test

32. As with all the exceptions, regulation 12(4)(d) is subject to the public interest test. This means that although the exception is engaged it can only be relied on to withhold the information if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure.
33. In respect of the public interest in maintaining regulation 12(4)(d) HS2 Ltd has stressed that the information will be subject to change as work on the project progresses and that journey times will be influenced by a number of variables which have not yet been decided. Therefore disclosing the information at the time of the request would have provided a misleading picture of the level of service which HS2 will deliver. Providing such misleading information would, in HS2 Ltd's view, misinform and distract public debate about the project.
34. HS2 Ltd does not consider it would be practical to put the requested information in to context. This is because it is not possible to provide accurate times to counter any confusion created by releasing the draft times until all the variables have been finalised. HS2 Ltd has stated that it will publish a draft Train Service Schedule at some point in the future, but considers that publishing, what it considers to be, a very incomplete draft at this stage would not be helpful.
35. HS2 Ltd has also stressed that it has a statutory duty to ensure that information is communicated clearly and effectively to those affected by the project and interested parties.
36. However the Commissioner does not accept that HS2 Ltd would be unable provide any useful context to the journey times. Although

the Commissioner appreciates that HS2 Ltd was not in a position to provide a fully developed Train Service Schedule at the time of the request, this would not have prevented it from explaining that the journey times were merely provisional times which were subject to change. The Commissioner considers that in the circumstances of this case, this would have overcome many of the concerns that HS2 Ltd has over the risk of people being misled. It would also overcome its concerns over compliance with its statutory duty to ensure that information is communicated clearly and effectively.

37. Having said that, the Commissioner recognises that in the absence of more accurate times it is always possible that more weight is placed on any figures that are available, regardless of how unreliable they may prove to be. This is particularly so given that those who oppose the project would scrutinise any information that was released. Therefore there is some potential for the public debate on the HS2 to be misdirected. However the Commissioner still maintains that even though it may not be possible to produce more reliable figures at this time, it would be possible to provide an explanation of why the projected times have to be treated with caution. That is not to say that all members of the public would necessarily heed the cautionary explanation. However the Commissioner is satisfied that the severity of the prejudice that would be caused is not as great as HS2 Ltd fear.
38. HS2 Ltd also argues that, if disclosed, the current projected journey times would be compared with the times made available in 2017 to see whether there had been any changes and, if there had, this could lead to speculation that there had been changes to the route. If there were no changes to the times, this may be interpreted as there having been no changes made to the planned route since 2017. In either case HS2 Ltd argues that people could be tempted to use the current projected journey times to monitor route and infrastructure changes. Again HS2 Ltd considers disclosing the information would create a misleading impression and distract the public debate. Furthermore, if the information was used by the public in an attempt to monitor the project's progress, responding to this request could prompt similar requests in the future. HS2 Ltd believes it would prove onerous if it had to respond to all requests for the latest projected times. This would be a distraction from its core work of delivering the HS2 rail network. HS2 Ltd has not however provided the Commissioner with any information which suggests it is likely to receive numerous requests of this nature.
39. The Commissioner does recognise the logic of the argument presented by HS2 Ltd that it should be able to manage the disclosure of projected journey times in a controlled way. Presumably, before publishing the projected journey times in 2017

it considered how those journey times would be received and was in a position to deal with any enquiries that might arise. However the Commissioner is not persuaded that the impact of disclosing the actual information which is the subject of this request would cause a reaction that would lead to any significant demand on HS2 Ltd's resources.

40. Another argument against disclosure raised by HS2 Ltd is that disclosing the information would undermine the integrity of the decision making process. This is because, according to HS2 Ltd, the journey times are calculated as part of modelling exercises which are used to check whether the project will deliver the journey times specified by the DfT and so help identify what changes may be needed. It advised the Commissioner that the times will be directly affected by decisions on such matters as the design of rolling stock and various infrastructure enhancements. HS2 Ltd considers it important that decisions regarding such matters are made in an "unfettered environment". It maintains that releasing the information at the time of the request would undermine this modelling process and therefore negatively impact on the design process. It has said that its staff require "safe space" to conduct the ongoing development work without feeling the need to justify and explain their work, before it is complete and need to be free from concern that their work might be undermined or distracted by debating proposals in public.
41. However the Commissioner does not consider that disclosing the withheld information would undermine the safe space required by HS2 Ltd's staff when considering different options to any significant degree. Although the journey times may reflect the conclusions of the internal discussions taking place, they do not reflect the actual nature of the discussions themselves. It is difficult to see how disclosing the information would lead to the public's attention being focussed on one particular aspect of the project, i.e. one particular variable which will ultimately influence the journey times. This being so the Commissioner considers any intrusion into the safe space needed during the evolution of the project would be very limited.
42. HS2 Ltd argue that disclosure would make its staff wary of sharing their analysis and restrict the range of scenarios that may be considered, which would undermine the quality of decision making. The Commissioner is very sceptical of this argument. This is in part because of the nature of the actual information in dispute and, secondly, because the Commissioner considers it unlikely that those tasked with delivering the HS2 project would be prepared to undermine the successful delivery of the project by not carrying out the necessary analysis or considering all the relevant scenarios.

43. HS2 Ltd has also raised concern that releasing the information would make it harder for ministers to make decisions on the factors effecting the project as disclosure could provide specific, but potentially false, expectations in respect to the service. The Commissioner is unconvinced that the disclosure of fresh information would tie the hands of ministers to any greater degree than the publication of the Journey Planner on HS2 Ltd's website would have done in 2017. Therefore it is difficult to see how the disclosure would make it more difficult for ministers to take the decisions that are required in any meaningful way.
44. Finally HS2 Ltd has argued that it needs to engage with relevant effected parties and consult with the relevant people at an appropriate time, in order to properly manage the project. It believes disclosing the information in response to the request would undermine that engagement, impacting negatively on the feedback it might receive, which in turn would lead to poorer decision making.
45. Again having regard for the actual information which is the subject of the request the Commissioner is not persuaded that its disclosure would have any significant impact on HS2 Ltd's ability to engage, or consult with other parties. When HS2 Ltd presented its arguments for withholding the information under the FOIA, it explained that it was concerned disclosure could either reveal significant changes to the planned route, or invite speculation as to whether there may have been any changes. This, HS2 Ltd believes, would hinder its consultations with, what HS2 Ltd described as, 'relevant effected parties'. The Commissioner queried which parties HS2 Ltd was referring to and in response HS2 Ltd explained that the effected parties would be those in the rail industry, i.e. network providers and rail operators, as well as the travelling public.
46. The Commissioner considers that it is most likely that HS2 Ltd would have developed strong working relations with members of the rail industry over the life of the project and that it would liaise with them on a regular basis. It is very possible that they would be privy to any changes to the project that affected them. Even if this was not the case, the Commissioner considers that it would not be difficult for HS2 Ltd to manage any reaction such parties had to the disclosure of the information because of the working relations it had established with them and because the rail industry is very likely to appreciate the provisional nature of the projected journey times. They should also be aware of HS2 Ltd's responsibilities under the EIR. Therefore the Commissioner is not persuaded that the prejudice to HS2 Ltd's ability to maintain constructive relationships with members of the rail industry and conduct meaningful

consultations with such parties would be particularly severe or extensive.

47. In respect of the harm caused to HS2 Ltd's ability to consult with the travelling public, the Commissioner has already expressed her opinion that HS2 Ltd could mitigate the potential for the projected journey times to mislead the public by putting the information into context. This together with the limited number of journey times under consideration reduces the severity and extent of any prejudice to future consultations that may occur.
48. The Commissioner also recognises the argument that any changes to journey times may be interpreted as reflecting changes to the route. However the Commissioner is not persuaded that disclosing such journey times would allow anyone to identify potential changes to the route with sufficient precision to hinder any consultations with the affected parties. Nor is it clear that such parties would not already have been consulted with before they were reflected in any changes to the projected journey times that may or may have occurred. Therefore the Commissioner does not consider there would be any significant prejudice to HS2 Ltd's ability to consult with parties directly affected by any route changes indicated by the journey times.
49. In relation to the public interest in favour of disclosure HS2 Ltd has recognised that there are general public interest arguments in favour of greater transparency and accountability around the progress of the HS2 programme. More specifically it considers that disclosure of the information would show the public that HS2 Ltd has considered scenarios regarding the calculation of the possible train schedules for these particular stations, and thereby the projected level of service that HS2 Ltd will provide.
50. The complainant is sceptical over HS2 Ltd's arguments for withholding the information. He counters that the arguments for withholding the information are caused by the potential for the journey times to change as the project evolves and argues that if the information that has already been published was correct and remained reliable there would be no concerns over updated information either being misleading or undermining future consultations. He has also advised HS2 Ltd that included in his list of journey times were a number of journeys which he did not believe would be provided by the HS2 service. The complainant told HS2 Ltd that his reason for including these journeys was to clarify the situation because he was concerned that people were being misled in to thinking that there would be a service between these destinations.

51. Having visited the HS2 website the Commissioner notes that the journey planner which allows the public to see the published journey times between different stations does refer to the fact that assumptions have been made when calculating the times and is explicit that they may be subject to change. The Commissioner also notes that once the station from which a journey will commence has been selected, the list of destination stations to choose from is limited. The Commissioner also notes that one of the assumptions referred to on the relevant webpage is that where there is no direct HS2 service between two locations a period of 10 minutes to change trains is included in the journey time that's provided.
52. Therefore the Commissioner is satisfied the information made available by HS2 Ltd on its website does set out at least some of the limits of the HS2 service, including that, although served by a HS2 service, some of journeys may require a change from one HS2 service to another HS2 service. HS2 Ltd may not publish an explicit list of journeys which are not served by a HS2 service, either directly or requiring a change between HS2 services, but it is not clear one would expect it to do so. The Commissioner is not aware of any material claiming HS2 would provide services for such journeys. The Commissioner does not therefore accept the argument that the public is being misled as to the extent of the services provided by HS2. However that is not to say that some of the public may be unclear as to the extent or limits of the HS2 services that will be delivered.
53. In balancing the public interest arguments for and against disclosure the Commissioner finds that there is little weight in favour of either. Although the Commissioner understands the logic of some of the arguments presented by HS2 Ltd she finds that, having regard for the actual information captured by the request, any harm that might arise from the disclosure would be minimal. Having said that, again having viewed the withheld information, the Commissioner considers its disclosure would add very little to the public debate of the pros and cons of the HS2 project.
54. In deciding the balance of the public interest the Commissioner has taken account of the fact that information must be released unless the public interest in withholding it is greater than that in disclosure and that under regulation 12(2) there is an explicit presumption in favour of disclosure. In light of this the Commissioner finds that the public interest in favour of maintaining the exception cannot be said to outweigh that in favour of disclosure. Therefore HS2 Ltd are not entitled to rely on regulation 12(4)(d) to withhold the information.

55. The Commissioner will now consider the application of regulation 12(4)(e) to the same information.

Regulation 12(4)(e) – internal communications

56. HS2 Ltd has also applied regulation 12(4)(e) to the journey times that are held. This exception provides that a public authority can refuse a request to the extent that the request involves the disclosure of internal communications. The Commissioner accepts that the term 'communications' should be given a wide interpretation. In line with her published guidance on the exception, 'communications' will encompass any information someone intends to communicate to others, or even places on file (including saving it on an electronic filing system) where others may consult it. It will therefore include not only letters, memos, and emails, but also notes of meetings or any other documents if these are circulated or filed so that they are available to others. In line with this approach the Commissioner is satisfied that the record of the journey times constitutes a communication.
57. However the exception only applies to internal communications. In its submission to the Commissioner HS2 Ltd explained that the information was shared internally and with Department for Transport (DfT). The Commissioner has looked at HS2 Ltd's Framework Agreement which is published on its website. At paragraph 1.12, under the heading 'Founding Legislation and Status of HS2 Ltd', it states that:
- "HS2Ltd is established by incorporation under the Companies Act limited by guarantee. It has as sole member the Secretary of State. HS2 Ltd is a separate legal entity from the crown. HS2 Ltd is funded by grant-in-aid from the Department. HS2 Ltd is also and executive NDPB sponsored by the Secretary of State. HS2 Ltd is sponsored and wholly funded by the Department. The Board of Directors is appointed by the Secretary of State."
58. At paragraph 1.15 under the heading 'Classification' the Framework Agreement states that:
- "For policy/administration purposes is classified as an Executive NDPB. It is not a Crown Body"
59. Although it is clear that HS2 Ltd has a very close relationship with the DfT and may regard communications between the two to be internal communications, it is also clear that it is separate legal entity from the DfT. Therefore for the purposes of regulation 12(4)(e) the Commissioner finds that communications between the

two are not internal communications. For this reason the Commissioner finds the exception cannot apply.

60. As the Commissioner has found that neither of the exceptions claimed can be relied on to withhold the journey times that are held, HS2 Ltd is obliged to release that information.

Right of appeal

61. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

62. 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.

63. 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

Rob Mechan
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

The request in full is set out below:

On 25 March 2019 the complainant requested information of the following description:

"Please provide me with the projected journey times for the following trips using captive HS2 and classic compatible services, as is expected to be provided within the current £55.7bn funding envelope within the current project scope, and without any additional expenditure. I wish to be very specific that you should not include any assumptions for any additional expenditure on transport infrastructure outside the £55.7bn HS2 budget envelope in responding to this request. If it will not be possible to complete a proposed journey solely on HS2 trains within the provision of the current £55.7bn budget envelope, please make this clear. Please also provide the assumptions you have used for the fastest existing direct services for these journeys.

This may seem like a long list, but I would expect that given that a big deal is being made of the fact HS2 trains would serve 25 cities (though of course many aren't cities, but we'll let that one slide), that you must have this data easily available, probably in table form, already.

*Chesterfield to Sheffield
Chesterfield to Leeds
Chesterfield to York
Chesterfield to Darlington
Chesterfield to Durham
Chesterfield to Newcastle
Chesterfield to Edinburgh
Chesterfield to Glasgow
Sheffield to Leeds
Sheffield to York
Sheffield to Darlington
Sheffield to Durham
Sheffield to Newcastle
Sheffield to Edinburgh
Sheffield to Glasgow
Leeds to York
Leeds to Darlington
Leeds to Durham
Leeds to Newcastle
Leeds to Edinburgh
Leeds to Glasgow
York to Darlington*

York to Durham
York to Newcastle
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Darlington to Durham
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Durham to Newcastle
Durham to Edinburgh
Durham to Glasgow
Newcastle to Edinburgh
Newcastle to Glasgow
Glasgow to Edinburgh
Glasgow to Carstairs
Glasgow to Lockerbie
Glasgow to Carlisle
Glasgow to Penrith
Glasgow to Oxenholme
Glasgow to Lancaster
Glasgow to Preston
Glasgow to Wigan
Glasgow to Warrington
Glasgow to Liverpool
Glasgow to Runcorn
Glasgow to Crewe
Glasgow to Stafford
Glasgow to Manchester Piccadilly
Edinburgh to Carstairs
Edinburgh to Lockerbie
Edinburgh to Carlisle
Edinburgh to Penrith
Edinburgh to Oxenholme
Edinburgh to Lancaster
Edinburgh to Preston
Edinburgh to Wigan
Edinburgh to Warrington
Edinburgh to Liverpool
Edinburgh to Runcorn
Edinburgh to Crewe
Edinburgh to Stafford
Edinburgh to Manchester Piccadilly
Carstairs to Lockerbie
Carstairs to Carlisle
Carstairs to Penrith
Carstairs to Oxenholme
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Carstairs to Wigan
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Carstairs to Runcorn
Carstairs to Crewe
Carstairs to Stafford
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Lockerbie to Carlisle
Lockerbie to Penrith
Lockerbie to Oxenholme
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Carlisle to Manchester Piccadilly
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Oxenholme to Runcorn

*Oxenholme to Crewe
Oxenholme to Stafford
Oxenholme to Manchester Piccadilly
Lancaster to Preston
Lancaster to Wigan
Lancaster to Warrington
Lancaster to Liverpool
Lancaster to Runcorn
Lancaster to Crewe
Lancaster to Stafford
Lancaster to Manchester Piccadilly
Preston to Wigan
Preston to Warrington
Preston to Liverpool
Preston to Runcorn
Preston to Crewe
Preston to Stafford
Preston to Manchester Piccadilly
Wigan to Warrington
Wigan to Liverpool
Wigan to Runcorn
Wigan to Crewe
Wigan to Stafford
Wigan to Manchester Piccadilly
Warrington to Liverpool
Warrington to Runcorn
Warrington to Crewe
Warrington to Stafford
Warrington to Manchester Piccadilly
Liverpool to Runcorn
Liverpool to Crewe
Liverpool to Stafford
Liverpool to Manchester Piccadilly
Runcorn to Crewe
Runcorn to Stafford
Runcorn to Manchester Piccadilly
Crewe to Stafford
Crewe to Manchester Piccadilly
Stafford to Manchester Piccadilly"*