

Our ref: [REDACTED]

Laura Blake
Via email



25 November 2020

Dear Ms Blake,

Internal Review

Further to your email dated 27 October 2020 regarding an internal review of our response to your request under the Environmental Information Regulations 2004, it has been passed to me to conduct an internal review of the way in which your request (EIR 101443) was handled.

In your e-mail on 24 September 2020 you made the following request -

I would therefore request full details and data of the HE/LTC assessment data for UXOs under the Freedom of Information act, including a copy of all risk assessment reports for the investigative work sites.

On 22 October 2020 Highways England issued a response under reference EIR 101443 withholding the information under Regulation 12(4)(d) of the Environmental Information Regulations 2004 because the information was intended for future publication on the Planning Inspectorate website.

On the 27 October 2020 you requested an internal review of Highways England's response.

I have now had the opportunity to review the request and response, and discuss it with the team who issued it and I have concluded that the information was incorrectly withheld under Regulation 12(4)(d) of the Environmental Information Regulations 2004.

I have reached this conclusion because there is no facility under the Regulation 12(4)(d) or any of the Environmental Information Regulation exceptions, to withhold information because it is due for future publication. This exception is only engaged if the information, at the time of request, is incomplete or is complete but informs a wider document that is not yet complete. However, this was not the case with your request as the information was complete at the time of making the request.

Therefore, as Regulation 12(4)(d) was not engaged I have concluded that Highways England has incorrectly withheld this information and that it should be released to you now. A copy of the requested information has been included alongside this review. Please accept our apologies for any inconvenience this may have caused.

Please note that redactions have been made to the front page of the document under Regulation 13 of the Environmental Information Regulations 2004 for personal information. If you are not satisfied with the outcome of this 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

Yours sincerely

[REDACTED]

Freedom of Information Officer