

Regulation 12(4)(d) – Material in the course of completion, unfinished documents and incomplete data

Regulation 12(4)(d) of the Environmental Information Regulations 2004 ('the Regulations') provides that a public authority may refuse to disclose information "to the extent that the request relates to material, which is still in the course of completion, to unfinished documents or to incomplete data". If the information falls into any one of these categories, then the exception is potentially engaged (subject to a consideration of where the public interest lies).

This information relates to the unpublished minutes of meetings which are currently going through the necessary process of quality assurance.

Please refer to the link below for a further explanation of the legislation:

<https://www.legislation.gov.uk/uksi/2004/3391/regulation/12/made>.

Factors supporting disclosure

- Disclosure of information would provide greater transparency, visibility and accountability of public bodies.
- Releasing information could contribute to public understanding of a large publicly funded project.

Factors supporting non-disclosure

- There is a strong public interest in ensuring that public officials have a safe space to work candidly and freely without being concerned that information could be released in a non-finalised form.
- This coordinated approach to publication mitigates any harm that may be caused by incomplete information entering the public domain.
- Public authorities must have freedom to be able to determine their own publication timetables. This allows them to deal with the necessary preparation, administration and context of publication.

Balance Test

The issues of transparency and awareness are noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact release would have.

Release of the data into the public domain without the appropriate level of quality assurance, would lead to misinformed public debate. This, in turn, would lead to the diversion of public resources, thus affecting the timeline of the HS2 project, causing unnecessary concern on issues that are still under consideration.

There is a strong public interest in ensuring that public authorities are given space to mitigate any harm that may be caused by incomplete or incorrect information entering the public domain.

Consequently, we believe the reasons against disclosure outweigh the public interest in releasing the information.