



Our ref: 727830
Your ref:

Tim Reardon
General Counsel
Highways England
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

Via Email
mailto: [REDACTED]

07 October 2015

Dear Mr [REDACTED]

FREEDOM OF INFORMATION REQUEST

Thank you for your email of 16 September 2015 requesting information regarding a Green Claims Procedures Manual. The manual you refer to has not been in use for some time but I'm afraid I don't have an exact date when its use was discontinued. It was replaced by an internal Green Claims handbook. However, I regret to inform you of my decision not to release a copy of the handbook to you.

The information you requested is being withheld in reliance on the exemptions in Section 43: Commercial interests of the Freedom of Information Act 2000 because release of the document would, we feel, prejudice our position when negotiating with insurers and loss adjusters.

In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are attached.

In keeping with the spirit and effect of the legislation, all information is assumed to be releasable to the public unless exempt. We may therefore be publishing the information you requested, together with any related information that will provide a key to its wider context, via the Gov.uk website.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:
<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. I would be grateful if you would contact me if you wish to have an internal review.

Page 1 of 2





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

Should you have any queries about this letter, please contact me. Please quote our reference number above in any future communications.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tim Reardon".

P.P. Tim Reardon

Email: [REDACTED]

Tel: [REDACTED]

Request for Green Claims Information

FOIA Exemption S.43 (1) & (2) – Commercial Interests

| Factors supporting disclosure | Factors supporting non-disclosure |
|---|---|
| <ul style="list-style-type: none">• There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way;• There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse;• There is a strong public interest in releasing information which shows the criteria used when assessing options to illustrate that the processes used were fair and appropriate. | <ul style="list-style-type: none">• The document is primarily a training guide for new Green Claims case officers and is not intended to be used as a prescriptive procedures manual. Release of the document would undermine the Green Claims ability to negotiate with insurers/loss adjusters.• Release of the document could prejudice our position if we were to be held to account by insurers/loss adjuster if they felt we had veered away from the 'guidance'. Leading to difficult and protracted negotiations.• To reveal the details of the document would seriously undermine our ability to negotiate the best value for money for the public purse on claims. We always aim to recover appropriate amounts and there is never any intention to maximise recovery by over inflating amounts that we seek to recover.• Sections of the document contain advice from the Government Legal Department and are therefore held under client/lawyer privilege. |

FOIA Exemption S.40 (2) - Personal Information

| | |
|--|--|
| | <ul style="list-style-type: none">• The manual includes the names and grades of individual members of the Green Claims team. To release the information would contravene the data protection principles. |
|--|--|

Conclusion: there are compelling arguments which support withholding the information which outweigh those supporting release.

PIT Members: Alan Woodrow, Kevin Mullaney, Tim Reardon

Date of PIT: 7 October 2015

