

Reference Number: EIR

Dear

We refer to your email dated the 18 November 2025 in relation to the information provided to you in our response to EIR

We logged your internal review reference as EIR for this case.

Original request EIR

We received your request for information on 20 October 2025 and recorded this as EIR

"Therefore, I am now writing to make a formal request for information under the Freedom of Information Act 2000 (FOIA) and, where applicable, the Environmental Information Regulations 2004 (EIR). I appreciate your organisation's commitment to transparency and look forward to your assistance in this matter.

The information I am seeking is as follows:

- A list of your unused water supply assets including, but not limited to, abstraction licences, springs, boreholes, raw water reservoirs, treatment works, service reservoirs and pipelines (raw or supply).*
- Key details on these assets such as location, size or capacity, historical output, condition"*

Our response to EIR

We responded on the 17 November 2025 to EIR

"In accordance with section 12(5) paragraph (a) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety. Whilst we understand that for the purposes of public interest it would be beneficial to obtain this information we also have to considered whether it would be in the wider public interest to disclose the information. When weighed against the potential risk to national security and public safety for our clean water infrastructure.

Disclosure of details relating to unused water assets including abstraction licences, pipelines, reservoirs, boreholes, tanks, and treatment facilities present a significant risk to public safety and the national security of Critical National Infrastructure (CNI). Safeguarding national security includes the protection of

potential targets, even if there is no evidence that an attack is imminent. The clean water network form part of the CNI of this country and could be perceived as a potential target for such an attack. Although certain assets referenced may currently be 'unused', confirming their status or condition could expose vulnerabilities for these sites. This could increase the likelihood of trespass, illegal abstraction, theft, or interference with the public water network. Such activity could compromise water quality, disrupt supply, and create physical safety hazards. The Northern Ireland Water (2023) decision recognises that information identifying the precise location or condition of water infrastructure can engage Regulation 12(5)(a) due to its potential to facilitate criminal activity and leave essential assets exposed to harm. In addition to this, we have to consider that whilst some asset may at this time be recorded as 'unused' this does not permit any future strategic planning whereby, we may undertake a decision to re-utilise assets based on business requirements, linked to our public task functions for clean water supply. Releasing further asset specific details in relation to these assets, including metadata relating to size, capacity, or operational history, would also conflict with other regulatory obligations. We also have to consider the guidance issued to us by DEFRA on what we can make available in the public domain in relation to Critical National Infrastructure (CNI). We recognise the importance of transparency and accountability, and we have carefully considered whether the public interest in disclosure outweighs the potential harm. However, we believe that in this case, the public interest in maintaining the exemption outweighs the public interest in disclosure. The potential risks associated with releasing the information are too significant to justify its disclosure, as such we will not be disclosing the information to you.

In addition to the above, in accordance with section 12(5) paragraph (e) of the EIR, a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. The information in relation to unused assets is considered commercial sensitive, the information requested forms part of our internal asset management strategy and may relate to assets that could be reactivated, repurposed, or sold in future. This information is not readily available in the public domain and the confidentiality of the information is protected by law. Releasing such information would prejudice our commercial interests and undermine our ability to operate in a competitive market, by providing an unfair advantage to prospective purchasers or competitors, particularly outside a controlled tendering environment, disclosure would compromise our ability to secure fair

market value and manage commercial negotiations effectively. We recognise the public interest in maintaining transparency and accountability regarding the management of water supply infrastructure. However, we consider in this case that the public interest in maintaining the commercial confidentiality outweighs the public interest in disclosure, the harm to our legitimate economic interest and wider implications on fair competition have been factored into our assessment.”

Our response to your internal review EIR

You contacted us on the 18 November 2025 to request an internal review of our response to EIR. This letter is the response to that request for an internal review.

After a thorough review and further discussions with the relevant colleagues, we have concluded as follows:

1. As set out in our response dated 17 November 2025 (see above), we relied on regulation 12(5)(e) EIR for the purpose of refusing to disclose the information requested. We will no longer be relying on regulation 12(5)(e) EIR for the purpose of refusing to disclose the information requested.
2. We are partially upholding our reliance on regulation 12(5)(a) EIR for the purpose of refusing to disclose some of the information requested. The information which we will not disclose under regulation 12(5)(a) relates to asset that are currently recorded as non-operational or decommissioned where these may form part of our future public water company supply arrangements. This includes unused licences being considering within our Water Resource Management Plan (WRMP29) with future WRMP solutions.

In this regard, we would repeat the reasoning provided in our response dated 17 November 2025 (see above). In addition, we have considered the mosaic effect of sharing individual pieces of information which may appear harmless on their own, however when combined with data from other sources could collectively expose patterns, vulnerabilities, or operational details that would otherwise remain concealed.

3. There is some information that we can disclose in relation to unused assets (being assets that have been abandoned or are included in our demolition programme). These assets are non-operational and there

are no intentions to reintroduce them for use in the management of our drinking water supply operations. In this regard, please find attached a spreadsheet which details:

- The asset name under common name
- The asset condition under status
- Location reference we have recorded
- The nominal capacity TCM
- The maximum contents TCM/D
- Design capacity for the WTW
- Maximum operational capacity for the RPS
- Maximum operational capacity for the WPS

Throughout our engagement with the business regarding your request, we can confirm that a dedicated contact has been identified should you wish to discuss your request further Jason Ball: Jason.Ball@Yorkshirewater.co.uk.

If you are not satisfied with the outcome of the internal review you have the right of appeal to the Information Commissioner who can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Web: <http://www.ico.org.uk>

Thank you for contacting Yorkshire Water.

Yours sincerely,

Data Protection Team

Email: EIR@Yorkshirewater.co.uk