



Department
for Environment
Food & Rural Affairs

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www.defra.gov.uk

REDACTED 12(3)

Your ref: REDACTED
Our ref: RFI 6239
Date: 21/02/2014

Dear REDACTED 12(3)

REQUEST FOR INFORMATION UNDER THE ENVIRONMENTAL INFORMATION REGULATIONS

Thank you for your letter of 24 December in which you made the following request:

- a full copy of the Frontier Economics report on the impacts of energy infrastructure on housing prices, including any appendices;
- correspondence between relevant policy units in DEFRA and DECC concerning the report generated between 26/07/2013 and 14/12/2013, including letters, emails, email attachments.

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs).

Under these regulations, you have the right to know whether we hold the information you have requested and be provided with that information, subject to any exemptions or exceptions which may apply.

We can confirm that the Department holds some of this information and I am enclosing two pdf files which contain copies of the information which we are releasing which corresponds to the terms of your request.

Some information has been redacted from the documents under exception 12(3). Regulation 12(3) of the EIRs provides an exemption for personal data, which then falls to be dealt with under the Data Protection Act (DPA). Personal data can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the DPA. We do not think that it is fair to release the names



and contact details of Defra staff below senior civil service level, where they do not have a public facing role in connection with the policy to which the information relates, and do not think that any of the relevant conditions in Schedule 2 of the DPA apply. As a result, the names and contact details of staff in Defra below senior civil service level have been redacted.

In addition, some information has been withheld or redacted as we consider it to be outside the scope of the request or to be exempt from disclosure under regulations 12(4)(d) and 12(4)(e) (outlined below) of the EIRs because it relates to an unfinished document, incomplete data and internal communications or commercial information:

12 (4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data;

(e) the request involves the disclosure of internal communications.

Regulation 12 exceptions are subject to the public interest test. In considering the public interest, we have weighed up whether the public interest in maintaining the exception is greater than the public interest in providing the information.

In carrying out this test, we have applied a presumption in favour of disclosure, as required by regulation 12(2) of the EIRs. Following careful consideration, I can inform you that some of the information covered by your request has been withheld under Environmental Information Regulation Exemptions at Regulation 12(4)(d) and 12(4)(e).

We recognise that there is a public interest in disclosure of information concerning the impacts of electricity generation. We also understand the importance of transparency in public policymaking, and the need for openness in the publication of results transpiring from government-funded research such as this. On the other hand, there is a strong public interest in withholding the information requested because the work is only partially complete and any conclusions drawn from such unfinished analysis may prove to be misleading. The government has a duty to ensure that information which it releases into the public domain is based upon robust evidence and analysis.

The rationale behind the exceptions in regulation 12(4)(d) and 12(4)(e) is that it is often in the public interest for public authorities to have a safe space within which to think through and develop policy. Disclosure of related correspondence would affect the 'safe space' needed to consider the analysis which you requested.

There may also be a 'chilling effect' if the information requested is released as those officials advising on this policy area may be less frank and candid in giving their views in the future if there is a possibility that their on-going thinking may be made public. This is likely to have an adverse impact on the quality of decision making.

Having considered the public interest and the presumption in favour of disclosure in

Regulation 12(2), we are satisfied that, on balance, the public interest favours maintaining the exceptions and withholding some of the information.

I attach an annex giving contact details should you be unhappy with the service you have received.

Yours sincerely,

REDACTED 12(3)

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF