

Our ref: 13/0036

31st January 2013

**REQUEST FOR INFORMATION UNDER THE ENVIRONMENTAL INFORMATION
REGULATIONS 2004 AND FREEDOM OF INFORMATION ACT 2000**

I refer to your letter e-mail of 8th January 2013 which made the following request:

I would be grateful if you could send me details of any emails and letters sent between the Department of Energy and Climate Change and Cuadrilla Resources since the beginning of May 2010.

I would also like to be sent any memos, letters or emails held by the Department of Energy and Climate Change relating to Cuadrilla Resources written since the beginning of May 2010. This excludes any information previously published by DECC.

I would also like to be sent the minutes of any meetings held between Cuadrilla employees and DECC officials or ministers.

Some of the information which you have requested may constitute environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). However, to the extent that the information requested is not environmental we have also considered your request under the Freedom of Information Act 2000 (FOIA). Accordingly, your request has been considered under the terms of the EIRs and FOIA.

Environmental Information

After a preliminary assessment of your request we are unable to provide you with the environmental information requested because in our view the exception in regulation 12(4)(b) of the EIRs applies.

This exception provides that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable.

In this case the amount of information you have requested is likely to be substantial, gathering it together would therefore be likely to involve a significant cost and diversion of resources from the Department's other work. We would need to trawl a number of policy officials across the department who may have been involved in correspondence with Cuadrilla Resources and/or contributing to arranging or briefing for meetings with Cuadrilla Resources.

In applying this exception, we have considered the public interest in disclosing the information. In this respect we recognise that disclosure could enhance public understanding of the Government's position on shale gas and fracking and facilitate the accountability and transparency of Government decisions. However, we consider the balance of the public interest lies in favour of withholding the information. This is because your request would place a substantial and unreasonable burden on the resources of the Department and remove resources available to undertake the core work of the Department.

Non-environmental Information

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We consider that in this case the amount of information you have requested is likely to be substantial. Gathering it together would therefore be likely to involve a significant cost and diversion of resources from the Department's other work. We would need to trawl a number of policy officials across the department who may have been involved in correspondence with Cuadrilla Resources and/or contributing to arranging or briefing for meetings with Cuadrilla Resources. We estimate that it will take us in excess of 3.5 working days to search for, identify locate, retrieve and extract the information in reference to your request. Therefore, your request will not be processed further at this time.

Reformulating your request

We would suggest that you consider narrowing the request, perhaps for example by

- Reducing the number of DECC personnel covered by your request, for example restricting the request to just one or two Ministers or DECC officials.
- Limiting your request to a particular issue, for example more specific aspects of shale gas or hydraulic fracturing
- Limiting your request to particular meetings of which you may be aware. Quarterly lists of DECC Ministers' and Permanent Secretary's meetings with external organisations are published under the Transparency agenda on the DECC website.

These lists should help you identify specific meetings of interest.

<http://www.decc.gov.uk/en/content/cms/accesstoinform/registers/registers.aspx>

I should though add that if the scope of your request is reformulated, to the extent the request is for environmental information, exceptions to disclosure under the EIRs may still apply. Concerning any non-environmental information, you may wish to bear in mind when clarifying your request the £600 limit mentioned above. Exemptions to disclosure may still apply under FOIA to any narrower request.

Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review. Internal review requests should be submitted within two calendar months of receipt of the response to your original letter. If you wish to request an internal review, please contact me. Please remember to quote the reference number above in any future communications.

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.