

Department of Energy & Climate Change

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www.decc.gov.uk

15 October 2012

Our Reference: FOI 12/1343

Dear

Re: Freedom of Information Request

Thank you for your freedom of information request of 19 September 2012 in which you asked the following:

“Please note that I am only interested in information which relates to the period 1995 and 1998. [clarified 20/09/2012 to cover the period January 1 1995 – January 1 1998].

You will be aware that a High Court has recently ruled that correspondence between His Royal Highness and individual government Ministers which has been described as ‘advocacy correspondence’ should now be published.

If the department was not in existence at the time please supply any records which you hold and which relate to the work of your predecessor.

I would like to request the following.

1...Copies of all correspondence between His Royal Highness the Prince of Wales and individual members of the Ministerial team. Please note that I am interested in receiving both sides of the correspondence.

2...Copies of all correspondence between employees and or representatives of His Royal Highness the Prince of Wales and individual members of the Ministerial team.

3...A list of all occasions when His Royal Highness the Prince of Wales met with individual members of the Ministerial team. In the case of each meeting can you state the date, the time and the venue. Can you provide a list of all those present including members of the department and representatives of the Prince of Wales. Can you please provide details of the topic (s) under discussion. Can you please provide copies of any briefing notes distributed to participants before hand and or copies of any paper work generated as a result of the meeting.”

DECC was established in October 2008, taking over some of the functions of the [Department for Business, Enterprise and Regulatory Reform](#) (energy) and [Department for Environment, Food and Rural Affairs](#) (climate change).

However, I have carried out a search of the Department's electronic records to see if we hold any information that may relate to the ministerial team, during past or present administrations, meeting or corresponding with the Prince of Wales or any of his representatives between 1 January 1995 and 1 January 1998, and I have established and can duly confirm that the Department does not hold the information you have requested.

Regarding any possible papers records I must inform you that the Department is unable to comply with your request. Section 12 of the Freedom of Information Act relieves public authorities of the duty to comply with a request for information if the cost of dealing with it would exceed the appropriate limit. The appropriate limit has been specified in regulations and for central Government this is set at £600. This represents the estimated cost of one person spending 3½ working days (24 working hours) in determining whether the Department holds the information, and locating, retrieving and extracting it.

The reason that your request exceeds the cost limit is that relevant information could be contained in many files over a long time period. Searching all those that might contain relevant information to determine whether the Department holds any information relevant to your request will exceed the appropriate limit laid down in the regulations. We want to be as open as possible in answering requests and to help people obtain the information they are looking for. Unfortunately in this case to provide you with any information held would require physically searching hard copy archived files relating to the DTI covering the three year period you requested. This is likely to require reading through a substantial number of files to identify and extract material that may fall within scope of your request. In accordance with the Department's records management policy, based on the system laid down by the Public Records Act (1958), files from the period 1995-1998 will already have been subject to a 1st Review during which most will have been destroyed. Some files may have been retained and be awaiting a further 2nd Review, but in effect it will not be possible to trace papers regarding the subject of this FOI request as it currently stands. For more information on the public records system please see the attached link:

<http://www.nationalarchives.gov.uk/information-management/legislation/public-records-system.htm>

Regarding your request for the list of occasions when the HRH Prince of Wales met the Ministerial team between 1 January 1995 and 1 January 1998, diary information relating to departmental Ministers is held for a maximum of 5 years only.

If you wish, you may refine your request in order to bring the cost of determining whether the Department holds relevant information, locating, retrieving and extracting it, below the appropriate limit. As the period covered by your request is very long, one way to refine it would be to narrow the period it covers.

However even a shorter period would require us to search many files and would not be sufficient, on its own, to make it possible for us to comply with your request within the appropriate limit. Bearing in mind that our records are classified by broad subject areas, I consider that we will not be able to carry out a search for information unless you can relate the information you seek to a definite context such as a notable event or particular issue. I must also inform you that if the Department does hold any information in scope of a refined request, it may be subject to one or more of the exemptions of the Freedom of Information Act.

Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review, please contact me.

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

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely,