



Department
of Energy &
Climate Change

By Post

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Our ref: FOI/EIR 13/1339

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11 October 2013

Dear,

Thank you for your e-mail of 24 September 2013 in which you requested the following information

I note that the North Uist OPEP was released under the above FOI request (12/0550) and would be grateful if I could also have a copy of this OPEP – the reference noted in the response to the request is OPEP 1633 if that helps.

I make this request under the Environmental Information Regulations 2004

If it is possible to e-mail this then that would be appreciated otherwise a CD copy would be equally useful

We consider that the information that you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). Accordingly, your request has been dealt with under the terms of the 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 exceptions which may apply).

We confirm that we do hold the information requested. I have enclosed a CD copy of the North Uist Oil Pollution Emergency Plan (OPEP) which was issued in response to FOI request 12/0550. Some information has been redacted under the exceptions in Regulations 12(3), 13 and 12(5)(a) of the EIRs and details are provided below.

Regulations 12(3) and 13 of the EIRs provides an exception to disclosure of personal data, which then falls to be dealt with under the Data Protection Act (DPA). Personal data of third parties 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 DECC staff below Senior Civil Service level, oil company personnel or staff in other organisations 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 DECC below Senior Civil Service level, and of staff in oil companies and other organisations have been redacted from these documents.

Regulation 12(5)(a) of the EIRs provides a qualified exception to disclosure of information to the extent that its disclosure would adversely affect public safety. In applying regulation 12(5)(a), we have had to balance the public interest in withholding the information against the public interest in disclosure (applying, of course, the presumption in favour of disclosure as required by regulation 12(2) of the EIRs).

The OPEPs contain emergency telephone numbers/contact details and form reference numbers for a number of organisations. Some of them are not in the public domain. They are to be used only in cases of emergency when public safety may be at risk and by those responsible for responding to an emergency. Were these contact details to be placed in the public domain, they might be used other than by those persons and for those purposes and so public safety may be adversely affected.

We have considered the balance of public interests in the application of the exception. There is a general public interest in openness and transparency. However, there is also a public interest in maintaining public safety by ensuring that emergency contact details are used only in the event of an emergency and are kept free for that purpose. Weighing these factors, we have concluded on balance that the public interest lays in favour of withholding those emergency contact details and form reference numbers which are not already in the public domain from the information supplied to you.

Contact telephone numbers which are readily available in the public domain have not been redacted from your copy of the OPEPs.

Appeals Procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original letter and should be addressed to the ***Information Rights Unit (DECC Shared Service) at foi@decc.gsi.gov.uk***.

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.

Yours sincerely

Energy Development Unit