

Department of Energy & Climate Change
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www.decc.gov.uk

11 April 2012

Our ref: 12/0412

Dear ,

RE: Consultation responses of the Phase 1 consultation on FITs from the 'big 6' energy companies.

Thank you for your Freedom of Information requests received on 12 March 2012 as set out below.

Your requests, received 12 March from

“Please provide me with the consultation responses to the Phase 1 consultation of the Comprehensive Review of the Feed-in Tariff (Tariffs for solar PV) from the following companies:

- Scottish Power / Iberdrola*
- British Gas / Centrica*
- SSE*
- E.ON*
- EDF*
- RWE npower”*

We have considered each of your requests in accordance with the Environmental Information Regulations 2004 (EIRs) as the information which you have sought disclosure of, in our view, falls within the definition of 'environmental information' as stated in the EIRs. We have now completed searching for the information requested.

All non-confidential responses received on the Phase 1 FITs consultation are now available on the DECC website at www.decc.gov.uk/en/content/cms/meeting_energy/renewable_ener/feedin_tariff/fits_review/fit

[s_review.aspx](#). This includes the responses from Scottish Power/Iberdrola, British Gas/Centrica and RWE npower.

Responses received from E.ON, EDF and SSE are attached as in Annex below. However, these were submitted as confidential responses and were examined for disclosure under Regulation 12(5)(e). Regulation 12(5)(e) exempts information where the disclosure of the information would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

SSE submitted information deemed as commercially sensitive as it relates to its administrative process and practices in its participation of the FITs scheme. However, in applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise the general public interest in the disclosure of information which can help lead to greater transparency and accountability in Government and help further public debate on the FITs scheme. However, against this there is a strong public interest in ensuring that the commercial and economic interests of external businesses are not damaged or undermined by disclosure of information which is not common knowledge and which would adversely impact on future business. We believe releasing the information provided by SSE pertaining to its administration of the FITs scheme would adversely affect its commercial and economic interest as this would result in public disclosure of commercial undertakings of the company thereby exposing them to target competition. Also in disclosing this information, we believe it would make it less likely that companies would provide the Department with commercially sensitive information in the future and consequently undermine the ability of the Department to fulfil its role. The companies also provide the information with an expectation of confidentiality. Breach of this confidence might provide a basis for an action for breach of confidence. Hence, the confidential commercial information submitted by SSE was redacted. The full responses received from E.ON and EDF is released.

Also, in releasing the confidential responses from E.ON, EDF and SSE, some personal information has been withheld. Regulation 12(3) of the EIRs provides an absolute exception for personal data which then falls to be dealt with under the Data Protection Act. 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 Data Protection Act. We do not think that it is fair to release the names of junior members of staff or third parties and do not think that any of the relevant conditions apply.

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 two months of the date of receipt of the response to your original letter and should be addressed to the DECC Information Rights Unit (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,

Feed-in Tariffs Policy Development
Office of Renewable Energy Deployment
Department of Energy and Climate Change – www.decc.gov.uk

Annex:

- EDF Phase 1 Response
- EON Phase 1 Response
- SSE Phase 1 Response