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

Our Ref: 12/1488

15th November 2012

Dear NAME REDACTED,

Thank you for your email of 23rd October where you requested the following information:

Details of correspondence (letters, emails) and meetings (government briefing papers, agendas, minutes of meetings) between senior officials at the OND and EdF energy / NIA considering nuclear safety, nuclear new build (including Hinkley Point), and energy policy from 1st January 2012 until 31st March 2012.

Your request has been considered under the Freedom of Information Act 2000 (FOIA). We have interpreted your request to refer to nuclear safety, nuclear new build and nuclear energy policy.

I have conducted a search of our records and can confirm that 17 meetings took place in the period 1st January 2012 to 31st March 2012 where the areas specified were discussed. A list of these meetings is attached as Annex 1, and agendas and minutes are attached as Annex 2 to 6. Please note that Annex 1 is not a complete list of meetings which have taken place, as it excludes those meetings which do not fall within the scope of your request.

Minutes for the meeting on 6th March 2012 have already been released under a previous FOI request (12/1486) which was published online at:
http://www.decc.gov.uk/foi/Default.aspx?status=0&tags=0&term=1486&fromDate=&toDate
We have therefore not provided you with this information as it is already in the public domain and as such is exempt information under section 21 of FOIA.

The agenda and minute of the meeting held on 27th January, the minute of the 5th March meeting along with the presentation from the meeting held on 22nd March fall under section 43(2) of the FOIA as its disclosure would, or would be likely to prejudice the commercial interests of any person. Section 43 of the FOIA is subject to the public interest test. The public interest in disclosing this information is to ensure there is proper scrutiny of the Government's actions and to make the Government more open and transparent.

However, we must also consider the impact that releasing the information would have on maintaining the trust and confidence between the Department and companies who engage with us. The disclosure of this information would reduce trust between DECC and EDF,

making discussions considerably more difficult. With specific regard to the meetings on 27th January and 5th March the release of the information could damage and adversely affect the commercial position of EDF in the discussions on FID enabling for Hinkley Point C. DECC's work on FID Enabling intends to provide an interim arrangement for developers who need to take a final investment decision ahead of the Energy Bill coming into force, and Contracts for Difference being up and running in 2014. Disclosure of this information would make it significantly less likely that in future companies would provide the Department with commercially sensitive information. If the Department does not respect such confidences its ability to engage meaningfully with companies and other stakeholders would be likely to be prejudiced. Therefore the Department's own commercial interests and its ability to fulfil its role could also be damaged. We have therefore decided that the public interest lies in withholding this information.

For your information we would like to direct you to a recent FOI ref: 12/0559, where the meetings of 27th January and 5th March also fell in scope. This can be found at http://www.decc.gov.uk/assets/decc-foi/energy-markets/232-120559-edf-contracts-for-difference.pdf

Some personal information has been redacted from the information released. This information is exempt under section 40(2) of the FOIA as it constitutes personal data, the disclosure of which, would contravene one or more of the data protection principles. Personal data can only be disclosed in accordance with the data protection principles. 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 consider that it is fair and reasonable to release the names of individuals from third parties or those who are not members of the Senior Civil Service, and do not consider that any of the relevant conditions apply. The names of Senior Civil Servants have been published.

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:

Information and Security Rights Team (DECC Shared Service)
Department of Business, Innovation & Skills
Victoria 3, 5th Floor
1 Victoria Street
London SW1H 0ET
Email: foi@decc.gsi.gov.uk

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
Please remember to quote the reference number above in any future communications.

Yours sincerely,

NAME REDACTED
Office for Nuclear Development