



Department
of Energy &
Climate Change

3 Whitehall Place,
London SW1A 2HD

E:

www.decc.gov.uk

Our ref: 13/0083

11 February 2013

By e-mail to:

Dear

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

I refer to your e-mail of 14 January which made the following request:

As you suggest I wish to reformulate my request as follows, narrowing the request to communication with Charles Hendry and only communication, not meetings.

I am writing to request the following information under Freedom of Information and Environmental Information regulations.

Please can you provide me with all communication (letters, emails etc) between energy minister Charles Hendry or his office and the companies Cuadrilla, AJ Lucas and Riverstone LLC from 1 January 2012 to 4 September 2012.

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.

There is information within the scope of your request which we can provide and this is contained in the attached documents which consist of three letters sent or received during the period specified within your request.

However some personal data (names) have been redacted from the letters - the exemption we are relying upon to withhold this information is Section 40.

Section 40 – Personal Data

Some personal information has been redacted from the information released under section 40(2) of the FOIA. Section 40 (FOIA) provides an absolute exemption 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.

Environmental Information Regulations 2004 (EIRs)

Your request has also been considered under the Environmental Information Regulations 2004 (EIRs).

Regulations 12(3) & 13 – Personal Data

Regulation 12(3) & 13 provide an exemption to disclosure of personal data. 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.

Appeals procedure

If you are unhappy with the handling 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.

Yours sincerely

*Oil & Gas Licensing Exploration & Development
Energy Development Unit*