

Department of Energy & Climate Change
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Our ref: **FOI 12/0574**

15 May 2012

REQUEST FOR INFORMATION: Consumption emissions briefings and submissions

Thank you for your request for information about briefings and submissions on consumption emissions, which we received on 5th April.

1. Briefings or submissions to Ministers that are on the subject of or contain the following phrases:

"Emissions from imports"
"Embedded emissions"
"Outsourced emissions"
"Consumption based emissions accounting"
"Consumption based emissions reporting"
"Consumption emissions"

For the dates: 1st Dec 2010 – present.

2. A list of all briefings or submissions to Ministers containing the phrases and within the dates specified in (1).

We have looked carefully at the request and the definition of environmental information under the Environmental Information Regulations 2004 (EIRs) and have decided that this request falls to be handled under the EIRs rather than the Freedom of Information Act 2000 (FOIA). The EIRs are the equivalent of the FOIA where the information requested concerns environmental matters, and information on emissions falls within the definition in the EIRs.

The department has identified four documents in the scope of your request.

Date	Title	Minister	
19 Oct	A submission on a joint response to a House of	Greg	Page 1

2011	Commons Energy and Climate Change (ECC) Select Committee inquiry into consumption emissions.	Barker	
31 Jan 2012	A briefing with lines to take ahead of the oral evidence session on the ECC select committee inquiry into Consumption Emissions	Greg Barker	Page 17
5 March 2012	A covering submission and explanatory briefing (see below)	Ed Davey	Page 47
7 March 2012	A Statistical Release on the UK's Carbon Footprint 1990 – 2009 which has an accompanying briefing	Ed Davey Greg Barker	Page 55

One item has been excluded from the search as it falls out of the scope of your request. This item was an annex to the covering submission and note of 5 March 2012 listed above.

Date	Title	Minister
5 March 2012	Correspondence covering embedded emissions and the green deal	Ed Davey

Following careful consideration, we have decided not to disclose some of this information. Information relating to communications and handling advice has been withheld, in accordance with the exception set out in regulation 12(4)(e) of the EIRs, which allows a public authority to refuse to disclose information to the extent that the request involves the disclosure of internal communications.

Regulation 12(4)(e) – Internal Communications

Regulation 12(4)(e) provides that internal communications of a public authority including correspondence between officials in any government department may be withheld under this exception. The rationale behind this exception is that it is often in the public interest that public authorities should have a space within which to think in private, as recognised in the Aarhus Convention.

This exception is subject to the public interest test. In considering this exception we have applied a presumption in favour of disclosure as required by regulation 12(2) of the EIRs. We believe there is a general public interest in the disclosure of information concerning advice given to Ministers on the UK's carbon footprint in order to promote greater transparency makes Government more accountable and there is a public interest in being able to assess the quality of information and advice which is used in subsequent policy formulation.

However, against this there is a public interest in ensuring that the formulation and development of government policy and government decision making can proceed in the self-contained space needed to ensure that it is done well. Government policy on consumption emissions is, as you know, still under development and disclosure of internal communications could prejudice the ongoing process to develop cross-

Departmental agreement on the range, and ownership, of actions to address the greenhouse gas emissions embedded in the goods and services consumed by UK citizens, and to formulate a response to the recent Select Committee enquiry on this topic. In order for the Government to work effectively to do this, we need a 'safe space' to formulate policy and to have a free and frank debate in order to agree a collective position. There is a public interest in the Government being able to develop and present a united front on policy on the topic of embedded emissions, and avoiding the need to spend time publicly debating and defending views that have only ever been individual views rather than Government positions.

Regulation 12(3) – Personal Data

We have also redacted the names of junior officials. These personal data are being withheld as the information falls under the exception in regulations 12(3) and 13(2)(a)(i) of the EIRs, which relate to personal data relating to third parties. Regulation 13(2)(a)(i) of the EIRs exempts from disclosure personal data relating to third parties where disclosure would breach the Data Protection Act 1998 (DPA). In this case, we believe that disclosure of the information would breach the first data protection principle in Schedule 1 of the DPA in two ways. First, disclosure would not constitute 'fair' processing of the personal data and, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. In particular we do not consider that there is a legitimate interest in disclosure in this case. Release of names of junior officials poses a risk to the neutrality of the civil service, the names would add nothing to the public's understanding of this matter and the public authority's accountability does not require release of names. Consequently, we believe that regulations 12(3) and 13(2)(a) (i) of the EIRs exempt the information from disclosure.

If you are unhappy with the way the authority has handled your request, you may ask for an internal review. Please contact foi@decc.gsi.gov.uk who will arrange an internal review for your case.

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. Please remember to quote the reference above in any future correspondence.

Yours sincerely,