

Our ref: 12/1747

8th February 2013

ENVIRONMENTAL INFORMATION REQUEST : 12/1747

I refer to your letter/e-mail of 11th December 2012 which made the following request:

Without prejudice to the foregoing, please provide the following information as soon as possible:

- (a) All submissions to DECC ministers which concern shale gas or fracking during the period 1 January 2012 to the date of this letter;
- (b) All correspondence between DECC ministers and Cuadrilla Resources Holdings Ltd (or associated companies) during the same period.

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs) as the information you have sought disclosure of, does in our view, fall within the definition of 'environmental information' as stated in the EIRs.

In relation to the request above at (a) of your request we are unable to provide you with the environmental information requested because in our view the exception in regulation 12(4)(e) of the EIRs applies. This exception provides that a public authority may refuse to disclose information that involves the disclosure of internal communications.

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 as 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. It is important to ensure that policy advice to Ministers is protected from disclosure so that officials in offering advice do not feel inhibited in doing so, or are influenced to distort or restrain the discussion by the knowledge that such submissions may be disclosed to the public.

In relation to the request above at (b) we have searched our internal filing systems for all written correspondence between DECC ministers and Cuadrilla Resources Holdings Ltd (or associated companies) during the period in question and I attach at Annex A the results of that search.

Some of the information has been redacted under regulation 12(3) of the EIRs. Regulation 12(3) provides an absolute exemption for 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 of junior members of staff or third parties and do not think that any of the relevant conditions in Schedule 2 of the DPA apply.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Under Regulation 11(2) of the EIRs a request for an internal review should be submitted no later than 40 working days after the date of this letter. If you wish to request an internal review please contact the department. 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. Contact details: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely