

Department of Energy & Climate Change

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T: REDACTED

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www.decc.gov.uk

By email: REDACTED.REDACTED@bbc.co.uk

Our ref: 12/0558

22 June 2012

Dear REDACTED

RE: FOI Information Request

In your email of 3 April 2012 you requested the following information:

Copies of any unpublished (ie not already in the public domain) internal correspondence between

a. DECC and RWE

b. DECC and E.On's relating to the building of new nuclear plants in the UK.

Please release copies of correspondence since 1 January 2012

Please accept my apologies for the delay in responding to this request. I have identified information which we believe falls within the scope of the request. This information is enclosed with this letter.

Some information has been redacted from the disclosed information as it is exempt under section 35(1) (d) of the Freedom of Information Act. The information in question relates to the operation of a ministerial private office. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information. The factors the Department considered when deciding where the public interest lay are the public interest in ensuring that private offices operate efficiently and the public interest in ensuring private offices are used appropriately

However, whilst we recognise that there is a general public interest in disclosure of information and that greater transparency makes government more accountable to the electorate, we take the view that the over-riding public interest is in the non-disclosure of this information. In reaching this decision we have considered the fact that the private office is an important aspect of the

space around ministers which needs to be protected so that good decision making is not threatened.

Some information has been redacted from the disclosed information as it is exempt under section 40(2) of the FOI Act. The information constitutes personal data the disclosure of which would contravene one or more of the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful. In this case we do not consider that it is fair to release the personal data of government officials or employees of commercial organisation who are not considered to have public facing roles.

Some of the information is exempt under section 43 (2) of the FOI Act. Section 43(2) exempts information if its disclosure under the Act would, or would be likely to prejudice the commercial interests on any person. In this context, we recognise that there is a general public interest in the disclosure of information. However, against this there is a need to ensure that the commercial interests of businesses are not damaged or undermined by disclosure of information which is not common knowledge and could adversely impact future business. Releasing such information could prejudice the commercial interests of the parties concerned in this case. In our view, therefore, the balance of public opinion lies in withholding this information.

Appeals procedure

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 me.

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,

REDACTED

Office for Nuclear Development