



Department
of Energy &
Climate Change

REDACTED
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Department of Energy & Climate Change
3 Whitehall Place,
London SW1A 2AW
www.gov.uk/decc

Our ref: EIR 13/1742

8 January 2014

Dear **REDACTED**

RE: FREEDOM OF INFORMATION REQUEST

Thank you for your email of 6 December in which you requested the following information:

'I would like to see any emails, papers, minutes, documents etc. relating to the Ed Davey's May 2013 meeting with Japan Bank for International Cooperation "to discuss energy and climate change issues".'

Your request has been considered under the Environmental Information Regulations 2004 on the basis that the information you have sought disclosure of does, in our view, fall within the definition of 'environmental information' as stated in the EIRs.

We are writing to advise you that following a comprehensive search of our paper and electronic records we can confirm that the Department does hold information within the scope of your request. However, this information is withheld under the exceptions in Regulation 12(5)(a) and Regulation 13(1) of the EIRs.

Regulation 12(5)(a)

Information is exempt under the exception in Regulation 12(5)(a) if disclosure would adversely affect international relations. In applying this exception we have had to balance the public interest in favour of withholding the information against the public interest in favour of disclosure. We have applied a presumption in favour of disclosure as required by Regulation 12(2) of the EIRs.

We acknowledge that there is a general public interest in favour of disclosure of information as it promotes greater understanding by the public of the government's work and increased transparency makes government more open and accountable. We also realise that there is a public interest in understanding how the UK Government conducts its relations with other countries, as well as a public interest in greater transparency and an insight into foreign policy work.

However, in this case we consider that there are stronger public interest factors in favour of withholding the information. This is because the meeting was, and was acknowledged to be, held in private, with an explicit promise made that the countries present spoke confidentially. This ensured an open and frank discussion. The effective conduct of international relations depends upon maintaining a relationship of trust and confidence with other governments. Disclosing information about this discussion would undermine the Japanese Government's trust in the UK Government, damaging future relations and making it less likely that they will explain openly their position to us in future.

It is for these reasons that we consider the public interest lays in maintaining the exception in Regulation 12(5)(a).

Regulation 13(1)

Some of the information you requested is being withheld in accordance with the exception in Regulation 13(1) of the EIRs. Regulation 13(1) provides an absolute exemption (i.e. the public interest test does not apply) for information about identifiable individuals where this would breach the Data Protection Act 1998. 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 dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Information Rights Unit at the Department for Business, Innovation & Skills who have a shared service level agreement with DECC to process and advise on our FOI requests.

Information Rights Unit

Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET

Email: FOI@decc.gsi.gov.uk).

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