



**Department  
of Energy &  
Climate Change**

**Department of Energy & Climate Change**

3 Whitehall Place,  
London SW1A 2AW

[www.gov.uk/decc](http://www.gov.uk/decc)

Your ref: 02DEC286

Our ref: 13/1627

15 January 2014

Dear

**REQUEST FOR INFORMATION UNDER THE ENVIRONMENTAL INFORMATION  
REGULATIONS 2004.**

In follow up to my letter of 12 December DECC is now in the position to respond to your request of 15 November where you requested the following information:

1) Correspondence between OUGO and the following:

- I. UKOOG
- II. Centrica
- III. IGas

2) Information on meetings between OUGO and the following:

- I. UKOOG
- II. Centrica
- III. IGas

Your request is being considered under the Environmental Information Regulations 2004 ('the EIRs') 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.

I can confirm that following a search of our paper and electronic records, I have established that the Department does hold information in the scope of your request. Accordingly, I have attached a number of emails which fall within the scope of your request. I have also listed details of meetings that took place between OUGO and the listed parties. I have attached information relating to these meetings where they exist. Some personal information has been redacted from your copy of this information. Regulations 12(3) and 13 of the EIRs provides an absolute exception from disclosure 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 under 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 it is fair to release the names and contact details of DECC staff below Senior Civil Service level, or staff in other organisations, and do not think that any of the relevant conditions in Schedule 2 of the DPA apply. As a result, the names and contact details of staff in DECC

below Senior Civil Service level and staff in other organisations have been redacted from your copy of this information.

However, we consider that some of the information which we hold is exempt from disclosure and should be withheld. The exceptions that apply to the information you have requested are those under regulation 12(4)(d), regulation 12(5)(e) and regulation 12(5)(f).

These exceptions are subject to the public interest test. The key public interest considerations we have taken into account are set out below. In considering the public interest test we have applied a presumption in favour of disclosure as required by regulation 12(2).

#### Regulation 12(4)(e) – Internal communications

Regulation 12(4)(e) exempts information to the extent that the request involves the disclosure of internal communications.

We recognise that there is a public interest test in releasing this information as this ensuring openness and transparency in relation to the policy on shale gas development. However the release of these documents relating to the development of government policy could harm the deliberative process of policy-making and could inhibit candid and robust discussions about policy, and thereby undermine the quality of government policy making. Therefore on balance, having considered the public interest and presumption in favour of the disclosure stated in regulation 12(2), we do not feel it would be in the public interest to release this information.

#### Regulation 12(5)(e) – Confidentiality of commercial or industrial information

Regulation 12(5)(e) exempts information where the disclosure of the information would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. We set out the key public interest considerations we have taken into account below.

We recognise the general public interest test in disclosure of information which can help lead to greater transparency in Government decision making. However, against this there is strong public interest in ensuring that the commercial interests of external business are not damaged or undermined by disclosure of information which is not common knowledge and which could adversely impact on future business. DECC greatly values the information companies provide it with and takes the view that if it were disclose the information this would deter those companies, or other stakeholders, unhappy with their confidential commercial information might be at risk, from providing similar assistance in the future. We therefore consider the public interest test lies in withholding of this information.

#### Regulation 12(5)(f) – Disclosure would adversely affect the interests of the person who provided the information

Regulation 12(5)(f) provides protection of the interests of the person who provided the information.

We recognise the general public interest in the disclosure of information which can help lead to greater transparency in Government decision making. However, information received from an individual organisation was received voluntarily and the UK Government is under no obligation to disclose this information. Making such information public could adversely affect the interests of this organisation and inhibit open and constructive discussions between the Government and them. We have therefore concluded that the public interest is in maintaining the exception and withholding this information.

## **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 40 working days of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at:

Information Rights Unit  
Department for Business, Innovation & Skills  
1 Victoria Street  
London  
SW1H 0ET  
E-mail: [foi.requests@bis.gsi.gov.uk](mailto:foi.requests@bis.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 faithfully

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