



Department  
of Energy &  
Climate Change

Department of Energy & Climate Change  
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[www.gov.uk/decc](http://www.gov.uk/decc)

09 12 2013

**RE: EIR Request: 13/1679**

Thank you for your email dated 26 11 2013, refining your earlier information request ref 13/1665:

*“Copies of all correspondence (including emails and all attachments) relating to energy prices and environmental regulations/charges since 1 January 2013 between Ministers in the Department of Energy and Climate Change and the following: Energy UK, NPower, SSE, British Gas, Scottish Power, E.ON and EDF. Please limit your search of correspondence to the Ministerial private offices and the Energy Strategy Networks & Markets section of the Department.”*

Until the information has been located it is difficult to determine precisely if the information should be considered under EIR or FOI or both regimes.

Your request has been considered under the terms of the Freedom of Information (FOI) Act 2000. However, some of the information you have requested may constitute environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). As such, to the extent that the information requested may be environmental your request has also been considered under the EIRs.

In considering your request under FOI, we estimate that complying with your refined request would still exceed the cost limit of £600 provided under Section 12 of the Freedom of Information Act, as explained in the replies sent to you on 19 November 2013 (13/1525) and on 25 November 2013 (13/1665).

In considering your request under the EIRs, from our preliminary assessment we have concluded that we are still unable to provide you with the environmental information requested because in our view the exception in regulation 12(4)(b) of the EIRs applies. This exception provides that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable. As explained in the replies sent on 19 November 2013 and on 25 November 2013, to provide you with the information requested would require searches of all forms of written correspondence across large sections of the Department, including individual teams, as well as

Ministerial Private Offices and our central Correspondence Unit, in order to ensure that every piece of correspondence was located. We note that you have limited your original request to cover only correspondence to the Ministerial Private Offices and the Energy Strategy Networks & Markets section of the Department. However, this still covers a large section of the Department's work. To identify all items in scope of your request would require us to examine large volumes of correspondence and emails to determine if they contain references to the companies and the topics you have mentioned.

In applying this EIR exception, we have considered the public interest in disclosing the information. In this respect we recognise that disclosure could enhance public understanding of the Government's contact with the companies mentioned in your request. However, we consider the balance of the public interest lies in favour of withholding the information. This is because your request would place a substantial and unreasonable burden on the resources of the Department and on balance, therefore, we consider that the public interest would be better served deploying our resource in undertaking core work of the Department.

You may wish to refine your request by narrowing its scope further, by selecting a shorter timeframe or by being more specific about the items you particularly wish to obtain, such as who the correspondence is from and/or who it is addressed to, so that we are better able to locate and retrieve the correspondence you require. As we mentioned in our letter of 25 November, the topics 'energy prices and environmental regulations/charges' in your request are very broad. You may wish to consider providing more details about the particular areas of these topics you are interested in.

We would be happy to consider whether any revised request could be dealt with within the appropriate limit.

Yours faithfully,