



Department
of Energy &
Climate Change

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Climate Change**

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Our Ref: FOI 13/1201

30 September 2013

Dear

Re: Freedom of Information Request

Thank you for your email of 2 September 2013 where you requested the following:

This is a FOI request for details of meetings (agendas, ministerial briefing notes, minutes) and related correspondence to the meetings (including emails, letters, skype chat, and texts including from unofficial phones) between:

ED Davey and / or his special advisor on energy / climate / nuclear power and EDF to discuss energy issues, climate change, Davey in January 2013;

Ed Davey and / or his special advisor on energy / climate / nuclear power and NuGEN Ltd; Horizon Nuclear Power; Hitachi; Areva UK; AMEC; Sellafield; Westinghouse UK; Urenco Ltd; NDA; Atkins; Babcock International; Betchel; CH2M Hill; Doosan Power Systems; Laing O'Rourke; M&W Group; Rolls-Royce; Nuclear Engineering Services Ltd; Weir Group; Lloyd's Register Group; UNITE AMICUS Section; Nuclear-AMRC; NSAN; NNL; University of Manchester; UKTI; NIA; Prospect; ONR; EA; Welsh Assembly Government in February 2013;

Ed Davey and / or his special advisor on energy / climate / nuclear power and Ofgem, EDF Energy plc, RES Group, The Global Warming, Policy Foundation, Centrica plc, The Global Warming Policy Foundation, Cambridge Judge Business School, Bellenden Public Affairs, The TaxPayers' Alliance, Institute of Directors, Regulatory Policy Institute, Eggborough Power, IEA in October 2012;

John Hayes and 2 meetings with the UK Nuclear Industry Council in February 2013;

John Hayes and a meeting with EDF in November 2012;

Greg Barker and meeting with AMEC in January 2013;

Baroness Verma and meeting with Sellafield in January 2013 and February 2013 as well as EDF in February 2013;

Baroness Verma and meeting with Sellafield Workers Campaign in October 2012;



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I can confirm that the Department does hold some of the information within scope of your request and it has been dealt with under both the Freedom of Information Act 2000 (the Act) and Environmental Information Regulations 2004 (the EIRs).

ED Davey and / or his special advisor on energy / climate / nuclear power and EdF to discuss energy issues, climate change, Davey in January 2013 – I have searched our electronic and paper records and I have established that the Department does not hold the information.

Ed Davey and / or his special advisor on energy / climate / nuclear power and NuGEN Ltd; Horizon Nuclear Power; Hitachi; Areva UK; AMEC; Sellafield; Westinghouse UK; Urenco Ltd; NDA; Atkins; Babcock International; Betchel; CH2M Hill; Doosan Power Systems; Laing O'Rourke; M&W Group; Rolls-Royce; Nuclear Engineering Services Ltd; Weir Group; Lloyd's Register Group; UNITE AMICUS Section; Nuclear-AMRC; NSAN; NNL; University of Manchester; UKTI; NIA; Prospect; ONR; EA; Welsh Assembly Government in February 2013 – I have searched our electronic and paper records and I have established that the Department does not hold the information. This meeting was a general round table discussion with stakeholders.

Ed Davey and / or his special advisor on energy / climate / nuclear power and Ofgem, EDF Energy plc, RES Group, The Global Warming, Policy Foundation, Centrica plc, The Global Warming Policy Foundation, Cambridge Judge Business School, Bellenden Public Affairs, The TaxPayers' Alliance, Institute of Directors, Regulatory Policy Institute, Eggborough Power, IEA in October 2012 – I have searched our electronic and paper records and I have established that the Department does not hold the information. This meeting was a general round table discussion with stakeholders.

John Hayes and 2 meetings with the UK Nuclear Industry Council in February 2013 – Only one meeting took place and we hold some details of this meeting. However after careful examination of your request we have determined that Regulation 12(4)(e) applies. This concerns DECC's internal emails, briefing papers or meeting notes where the Nuclear Industry is discussed. Regulation 12(4)(e) provides that a public authority may refuse to disclose information to the extent that the request for information involves the disclosure of internal communications.



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All minutes, notes and briefing documents between staff and Ministers, which we hold within the scope of this request take the form of internal communications and therefore Regulation 12(4)(e) applies to all of them.

This exception is subject to a public interest test. We believe there is a general public interest in the disclosure of information as greater transparency makes Government more accountable. However, releasing internal communications and briefings would inhibit the ability of officials to provide Ministers and senior officials with free and frank advice as well as keep free and frank records of stakeholder meetings. This would have a detrimental effect on the briefing process, leading civil servants to be less candid in their views. It would also affect policy development, as the Department would be prevented from taking decisions based on the fullest understanding of the issues involved. Such outcomes would be likely to prejudice the conduct of public affairs, as this could result in less well informed Ministers and less well informed briefing packs.

Having considered the public interest, the Department has taken the decision to withhold the information you requested.

Your request has also been considered under the Act. This information is being withheld under Section 35(1)(a). Under Section 35 information can be considered exempt information if it relates to the formulation and development of Government policy. Section 35 is a qualified exemption and therefore subject to the public interest test.

We accept the public interest arguments in favour of disclosure as greater transparency makes government more accountable and increases trust between government and the public. There is a great deal of public interest in energy issues and in information relating to the formulation and development of the government policy.

However in this particular case, the public interest in withholding the information outweighs the public interest in releasing it. We believe it is in the public interest that communications between civil servants on behalf of ministers, which are not already in the public domain, are withheld to ensure that the private thinking space needed to ensure sound policy discussion is maintained. If this information were made public we believe frankness and policy development would be inhibited and the as the Department would be prevented from taking decisions based on the fullest understanding of the issues involved. The Department has therefore taken the decision to withhold the information you requested.



John Hayes and a meeting with EdF in November 2012 – We hold some details of this meeting. However after careful examination of your request we have determined that Regulation 12(4)(e) applies. This concerns DECC's internal emails, briefing papers or meeting notes. Regulation 12(4)(e) provides that a public authority may refuse to disclose information to the extent that the request for information involves the disclosure of internal communications.

All minutes, notes and briefing documents between staff and Ministers, which we hold within the scope of this request take the form of internal communications and therefore Regulation 12(4)(e) applies to all of them.

This exception is subject to a public interest test, as set out above.

Your request has also been considered under the Act. This information is being withheld under Section 35(1)(a). Under Section 35 information can be considered exempt information if it relates to the formulation and development of Government policy. Section 35 is a qualified exemption and therefore subject to the public interest test, as set out above.

Having considered the public interest under both Regulation 12(4)(e) of the EIRs and Section 35 of the Act, the Department has taken the decision to withhold the information you requested.

Greg Barker and meeting with AMEC in January 2013 – I have searched our electronic and paper records and I have established that the Department does not hold the information.

Baroness Verma and meeting with Sellafield in January 2013 and February 2013... – I have searched our electronic and paper records and I have established that the Department does not hold the information. **...as well as EdF in February 2013** – We hold some details of this meeting. However after careful examination of your request we have determined that Regulation 12(4)(e) applies. This concerns DECC's internal emails, briefing papers or meeting notes. Regulation 12(4)(e) provides that a public authority may refuse to disclose information to the extent that the request for information involves the disclosure of internal communications.

All minutes, notes and briefing documents between staff and Ministers, which we hold within the scope of this request take the form of internal communications and therefore exception 12(4)(e) applies to all of them.

This exception is subject to a public interest test, as set out above.



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Your request has also been considered under the Act. This information is being withheld under Section 35(1)(a). Under Section 35 information can be considered exempt information if it relates to the formulation and development of Government policy. Section 35 is a qualified exemption and therefore subject to the public interest test, as set out above.

Having considered the public interest under both Regulation 12(4)(e) of the EIRs and Section 35 of the Act, the Department has taken the decision to withhold the information you requested.

Baroness Verma and meeting with Sellafied Workers Campaign in October 2012 – Please see attached letter from the Sellafied Workers Campaign to Baroness Verma. Personal data and personal contact information has been redacted in accordance with Section 40(2) of the Act and Regulation 13(1) of the EIRs. Section 40(2) and Regulation 13(1) provide an absolute exemption for personal data which then falls to be dealt with under 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 consider that to disclose this personal data of a third party would contravene of one or more of those data protection principles. The definition of personal information to which Section 40 and Regulation 13 applies is wide and can include references to identifiable individuals. Our view is that the release of these details would not be fair and none of the conditions of Schedule 2 are met.

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 (foi@decc.gsi.gov.uk).

Information Rights Unit (DECC Shared Service)
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET

Please remember to quote the reference number above in any future communications.



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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