



Department  
of Energy &  
Climate Change

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

Our ref: EIR 14/0127

14 February 2014

Dear **Redacted**

**Re: Freedom of Information Request**

Thank you for your email of 20 January in which you requested the following information:

*I would like to make a Freedom of Information request regarding communications between Chris Nicholson, Special Adviser, and a number of energy companies.*

*Those energy companies are:*

*Green Energy UK  
First Utility  
Co-operative Energy  
Ovo Energy  
Ecotricity  
Flow Energy  
Green Star Energy*

*Specifically, I am interested in the details of any meetings, phone calls, emails or letters between Chris Nicholson and any member of this group. I am interested in such communications between 20th September 2013 and today, 20th January 2014.*

*I would like each email, phone call or meeting logged with a time stamp and indicating, where possible, who were the parties involved. I would also like to see any notes that*



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*were attached to these exchanges, either to set up the meeting or conversation or to discuss the matters arising (including any minutes that were taken).*

*In the case of emails and letters, I would like to see the text of the messages.*

I can confirm that DECC holds some information within scope of your request. No information is held with regard to any correspondence or meetings between Chris Nicholson and Ovo Energy, Ecotricity, Flow Energy or Green Star Energy. The information we do hold is environmental in nature and has therefore been considered in accordance with the Environmental Information Regulations 2004 (EIRs). This information is withheld in accordance with the exception in Regulation 12 (5)(e) and Regulation 13(1) of the EIRs.

### **Regulation 12(5)(e)**

Regulation 12(5)(e) exempts information if disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

The use of Regulation 12 is subject to a public interest test. In this context, we recognise that there is a general public interest in the disclosure of information as greater transparency makes Government more accountable. Against this there is a public interest in ensuring that the commercial interests of external businesses are not damaged or undermined by the disclosure of information which is not common knowledge and which could adversely impact their ability to operate and compete in the market. In this case, the emails contain commercially sensitive information and disclosure would affect the commercial interests of the company. We therefore consider the balance of the public interest lies in withholding this information.

### **Regulation 13(1)**

Regulation 13(1) exempts information to the extent that the information requested includes personal data of which the applicant is not the data subject. 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 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



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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](mailto: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.

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

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