



Department
of Energy &
Climate Change

Department of Energy & Climate Change
3 Whitehall Place,
London
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<http://www.gov.uk/decc>

25 July 2013

MID-WALES CONJOINED PUBLIC INQUIRY

I refer to [redacted]'s e-mail message to your [redacted] of 5 June 2013, relating to your letter to [redacted] of 16 April 2013, where you requested the following information:

"Copies of all correspondence, exchanges and notes of discussions to from and between (or on behalf of) DECC and the Inspector and PINS from the first date leading to his appointment to present (naturally redacting personal details)".

As [redacted] e-mail message explained, it appears that your letter was not received by our correspondence system. His e-mail message also set out details of the DECC official's attendance at the meeting in question and the process followed for setting up the Mid-Wales inquiry. I trust that explanation was helpful.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require.
- be provided with that information (subject to any exemptions under the Act which may apply).

Some of the information also constitutes 'environmental information' and has therefore been considered under the Environmental Information Regulations 2004 ('the EIRs'). The EIRs require the Department to disclose information in response to a request unless an exception applies. We can only withhold the information if the balance of the public interest, in all the circumstances of the case, favours non-disclosure of the information.

Some of the information requested is personal information about individuals who are neither DECC employees nor Planning Inspectorate employees. Such information can only be provided with the written agreement of the individuals and it was necessary to write to them to request their permission for its release. Where they have refused permission their personal information has been withheld.

Regulation 12(3) and 13 of the Environmental Information Regulations 2004 and Sections 40(2) and 40(3) of the Act provide an absolute exception 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 personal information of those individuals who have not given us permission to do this. Also we do not think it fair to release the names and contact details of DECC staff below Senior Civil Service level, or staff in other organisations, and we do not think that any of the relevant conditions in Schedule 2 of the DPA apply. As a result, the personal information of individuals, and the names and contact details of staff in DECC below Senior Civil Service level and staff in other organisations have been redacted from these documents.

The information the Department holds relating to your request is attached with personal information redacted.

As officials explained to , and also in their letter to you of 15 July 2013, it was not possible to reply to your request within the statutory deadline. Please accept my apologies, but the delay was because some of the information requested also included correspondence with individuals. Such information can only be provided with the written agreement of individuals and it was necessary therefore to write to them to request their permission for its release. However, with the exception where any such individual agreement has not been forthcoming, the information the Department holds relating to your request is now attached with personal information redacted.

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 sent to the Security & Information Rights Unit at:

Security & Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET
E-mail: 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

kindest regards