

Thank you for your *email* of 6 June 2013 where you requested the following information;

*“the minutes of the meeting you (DECC) had with trading standards over the matter of possible collusion, and also, what their recommendations were regarding possible signs of collusion.”*

And;

*“the reports that I gather you (DECC) have received from the city trader over the monitoring of the auctions.”*

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

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

I am writing to advise you that, following a search of our paper and electronic records, I have established that the information you have requested regarding *“the minutes of the meeting you had with trading standards over the matter of possible collusion and also what their recommendations were regarding possible signs of collusion”* are not held by the Department.

With regards to your second request, *“the reports that I gather you (DECC) have received from the city trader over the monitoring of the auctions”*, I can confirm the Department has access to two forms of information which may be relevant, but are not identical, to your request; reports from the Government Procurement Service (GPS) who operate the brokerage platform on behalf of DECC, and, advice of a DECC employee with commercial trading experience. The individual overseeing and advising on brokerage does so on an on-going basis in their capacity as a DECC employee, and DECC holds no reports matching your request as such. The request would also be exempt from disclosure under Section 43 of the Act and is therefore being withheld.

The information requested is provided to us in confidence by the brokerage mechanism administrator, the Government Procurement Service. Due to the commercially sensitive and confidential nature of the information requested the Department has a duty to limit the dissemination of the information on the part of GPS and all participants who trade on the Energy Company Obligation (ECO) brokerage platform. If DECC were to disclose this information, it could have serious and detrimental effects on the brokerage mechanism and would be likely to prejudice the commercial interest of some of those trading on the brokerage platform.

While there is a general public interest in the disclosure of information, as greater transparency makes Government more accountable, there are public interest considerations in favour of withholding the information in order to ensure that commercial confidentiality is not prejudiced or undermined by disclosure of information which is not common knowledge, as this could adversely impact on future business and possibly the outright ability of some parties to trade through brokerage. Releasing the reports

requested could undermine the trading position of one or more parties, or enable trading parties to alter business and/or bidding strategies, including pricing, to the detriment of others using the brokerage platform, the market as a whole, and energy consumers.

Having considered the public interest in releasing the requested information, we consider the public interest in disclosing this information is outweighed by the public interest considerations in favour of withholding the information as any negative effects, such as price increases, would be passed through to energy consumers. Furthermore, the undermining of trading positions could see brokerage participants withdrawing from the platform, which could affect the ability of Energy Companies to meet their obligation, and, ultimately, threaten the United Kingdom's ability to meet its International Climate Change Target. The Department's decision is therefore to withhold the 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 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](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 Sincerely,