

Our ref: 13/1066

30 September 2013

I refer to your e-mail of 8 August which requested the following:

*"Please could you send me a list of all meetings, discussions, correspondence or other forms of contacts with Lord Browne of Madingley about energy. This should include shale gas, fracking, security of supply, energy policy, gas, and energy policy more generally. Please would you send me a list of such conversations, contacts, memos and emails with the date and attach them, including any notes of meetings. Please could you let me know with whom the contact was made - including ministers and civil servants. If you could trace all such material since the last general election in 2010, that would be great."*

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).

After a trawl of our Ministers' Private Offices and very Senior Civil Servants (Director General level and above) in DECC we can confirm that there have been four meetings with Lord Browne and one phone call with Lord Browne during the period you specify in your request. These took place on the following dates:

- Chris Huhne MP – Lord Browne - end 2011 / early 2012 (we do not have precise date)
- Greg Barker MP – Lord Browne – end 2011 / early 2012 (we do not have precise date)
- Lord Marland – Lord Browne & Cuadrilla – 12.03.12
- Charles Hendry MP - Lord Browne & Cuadrilla – 02.07.12
- Michael Fallon MP – Lord Browne & Cuadrilla (phone call) – 08.07.13

The Department does not hold any minutes of the first three meetings listed above, but can confirm that Cuadrilla's activity plans and shale gas were discussed. DECC does hold a note of the 02.07.12 meeting and this has already been released via a separate FOI request and can be found on the Government website here:

<https://www.gov.uk/government/publications/charles-hendry-meeting-with-cuadrilla> There is no recorded note of the phone call of 08.07.13.

We have not trawled all civil servants in DECC. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We consider that in this case the amount of work involved in carrying this trawl with all civil servants in DECC is likely to be substantial. Gathering it together would therefore be likely to involve a significant cost and diversion of resources from the Department's other work. We estimate that it will take us in excess of 3.5 working days to determine appropriate material and locate, retrieve and extract the information in reference to your request. However, even though it would exceed the appropriate limit, we think it highly unlikely that Lord Browne would have met with anyone below Director General level in DECC. Therefore, this element of your request will not be processed further.

You will also wish to be aware of correspondence (already issued via other previous Fols) relevant to your request - those letters can be found via the following links:

<https://www.gov.uk/government/publications/request-for-information-under-the-environmental-information-regulations-2004-and-foi-act-2004>

<https://www.gov.uk/government/publications/foi-12-1747-environmental-information-request>

In addition to this, there is also an exchange of correspondence between the Secretary of State and Lord Browne – redacted copies of which are attached. We believe the remainder of the information that you requested (redacted in the enclosed information) is exempt under the sections 27(1) (*Prejudice to UK Interests*) and 40(2) and (3) (*Personal Information*) of the Act and it is therefore withheld.

#### Section 27(1)

Section 27 (1) (a) of the Act exempts information if its disclosure under this Act would, or would be likely to, prejudice relations between the UK and any other state. Section 27 (1) (b) exempts information if its disclosure under this Act would, or would be likely to, prejudice relations between the UK and any other international organisation or international court. The Department recognises the inherent public interest in transparency and in the accountability of public authorities and of furthering public understanding of the issues with which those public authorities must deal. However, the individuals and organisations involved in the negotiations that these papers relate to expressed views in confidence. These views, if released by the UK Government could prejudice UK relationships with these parties and, by extension, their host State. We have therefore concluded that, at this time, the public interest is in favour of maintaining the exemptions at Section 27 of the Act.

#### Section 40(2) and (3)

Section 40(2) and (3) provide an absolute exemption for third party personal data, which then falls to be dealt with under the Data Protection Act. 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 private addresses and do not think that any of the relevant conditions apply.

Please note, in the Davey-Browne letter of 29 April 2013 there is a figure of 20% quoted for global energy consumption of non-IEA members when it was established in 1974. This figure is incorrect and should have been 33%.

#### 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 40 working days of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at Department for Business, Innovation & Skills provide a shared service FOI advice service to DECC: Information Rights Unit, Department for Business, Innovation & Skills, 1 Victoria Street, London, SW1H 0ET. E-mail: [FOI@decc.gsi.gov.uk](mailto:FOI@decc.gsi.gov.uk)

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

*Oil & Gas Licensing Exploration & Development  
Energy Development Unit*