



Department
of Energy &
Climate Change

Department of Energy & Climate Change

3 Whitehall Place,
London SW1A 2AW
www.decc.gov.uk

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Our ref: FOI2014/15530

7 August 2014

Dear **Redacted**

Re: Environmental Information Regulations

Thank you for your email of 11 July in which you requested the following:

“This request is for information under the Environmental Information Regulations Act and relates to any communications or meetings which have taken place between Michael Fallon MP, his personal staff and his representatives and representatives of a number of Energy Companies between 01/01/2012 and today’s date.

Representatives of the Energy Companies would include anyone working for:

- *E.ON UK*
- *British Gas*
- *EDF Energy*
- *npower*
- *Scottish Power*
- *SSE*

For any meeting, could I be supplied with the:

- *Time*
- *Date*
- *Location*
- *Names and titles of the people in attendance*
- *Number of people in attendance*
- *Agendas*
- *Minutes*
- *Briefing notes*
- *Any associated documents which were referred to or generated as a direct result of this conversation*



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Similarly, for each item of correspondence, to include but not be limited to telephone calls, emails or text messages, could I be supplied with the:

- *Time*
- *Date*
- *Names and titles of other people party to the correspondence*
- *Any attachments to emails or supplementary documents included*
- *Any associated documents generated as a direct result of this conversation e.g. briefing notes, minutes, memos, transcripts or summaries*

Please ensure you have searched for relevant correspondence in:

- *Emails and attachments*
- *Letters*
- *Briefing documents or equivalents (sent and received)*
- *Notes taken in relation to phone calls*
- *Any other form of correspondence used by either party related to the parties specified above.”*

We have considered your request in accordance with the Environmental Information Regulations 2004 ('the EIRs') as some of the information you have sought disclosure of, may in our view, fall within the definition of 'environmental information' as stated in the EIRs. However to the extent that any of the information requested is not environmental, we have also considered your request under the Freedom of Information Act 2000 (FOIA). Accordingly, your request has been dealt with under the terms of the EIRs and the FOIA.

The Department wishes to be as open as possible in answering requests, and to help people obtain the information they are looking for. Unfortunately in this case, from our preliminary assessment, it is clear that to determine whether the Department holds the information you have requested and to locate, retrieve and extract the information would require a substantial volume of work.

After careful examination of your request under the EIRs, we have determined that Regulation 12(4)(b) would apply. Regulation 12(4)(b) states that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable.

In applying the exception, we have considered the public interest test in respect of your request. We have applied a presumption in favour of disclosure as required by Regulation 12(2). We acknowledge that there may be public interest in the information you have requested. Greater transparency makes the government more accountable to the electorate and increases trust and also enables the public contribution to policy making to become more effective.

Your request is broad and voluminous. Gathering the information you requested would be likely to involve a significant cost and diversion of resources from the teams concerned and the Department's other work. In order to provide you with the information on the scale that you have requested above would require a



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search of all the records, computer drives and email accounts of Mr Fallon, his private office staff and Special Advisors including their support staff for a period of two and half years. Therefore, we will not process your request as currently drafted at this stage.

To the extent that any information held may not be environmental, your request is also refused in accordance with Section 12 of the FOIA. From our preliminary assessment, we estimate that complying with your request would exceed the cost limit of £600 provided under Section 12 of the Freedom of Information Act. This represents the estimated cost of spending 3.5 working days: (i) determining whether the department holds the information, and (ii) locating, retrieving and extracting the information. The Act provides that we are not obliged to comply with requests where the estimated cost of complying would exceed this limit.

Given the nature of your request you may wish to refine it by narrowing its scope and being more specific concerning the precise nature of the information you wish to obtain. You could, for example focus on information relating to correspondence or meetings relating to a specific subject, with a particular person or fewer number of companies and reduce the time period that you wish to obtain information for.

You may also like to be aware that Mr Fallon was Minister of State at DECC between 28 March 2013 and 15 July 2014 so it is unlikely that DECC would hold information outside of this period.

You may wish to be aware that details of DECC Ministers and the Permanent Secretary's meetings with external organisations are published on a quarterly basis on the www.gov.uk website at the following link:
https://www.gov.uk/government/publications?departments%5B%5D=department-of-energy-climate-change&publication_type=transparency-data

Information covering the period of the first quarter of 2014 (January – March) is being compiled and checked and will be published in due course.

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



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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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