



Department  
of Energy &  
Climate Change

**Redacted**  
**Redacted**

**Department of Energy & Climate Change**  
3 Whitehall Place,  
London SW1A 2AW  
[www.decc.gov.uk](http://www.decc.gov.uk)

Our ref: FOI2014/15420

6 August 2014

Dear **Redacted**,

**Re: Freedom of Information Request**

Thank you for your email of 9 July in which you requested the following:

*"1) I am seeking information in relation to the meeting between Greg Barker and Lambert Energy Advisory in May 2013.*

*For this meeting please provide:*

- I. Any meeting minutes*
- II. Correspondence in relation to meetings*
- III. Meeting readouts*
- IV. Briefing notes*
- V. Or other meeting memoranda*

*Please also provide information the following information in relation to the meeting:*

- I. Date*
- II. Time*
- III. Place*
- IV. Attendee list (including name (where disclose-able under requirements of DPA) and job title of each attendee)*

*2) I am also seeking information on the meeting between Michael Fallon and Lambert Energy Advisory in July 2013.*



## Department of Energy & Climate Change

*For this meeting please provide:*

- VI. Any meeting minutes*
- VII. Correspondence in relation to meetings*
- VIII. Meeting readouts*
- IX. Briefing notes*
- X. Or other meeting memoranda*

*Please also provide information the following information in relation to the meeting:*

- V. Date*
- VI. Time*
- VII. Place*
- VIII. Attendee list (including name (where disclose-able under requirements of DPA) and job title of each attendee)*

### **The EIRs**

*Since these meetings were concerning energy policy, and energy and climate issues, I would expect subject of my request to meet point 2(c) of the EIRs:*

*(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements”*

We have considered your request in accordance with the Environmental Information Regulations 2004 ('the EIRs') as the information you have sought disclosure of, does in our view, fall within the definition of 'environmental information' as stated in the EIRs.

I refer to the first part of your request. Greg Barker met with Lambert Energy Advisory Ltd during May 2013. I have carried out a search of our electronic and paper records and I have established that the Department does not hold any other information which may relate to this meeting.

Concerning the second part of your request, I can confirm that we do hold information related to the meeting, during July 2013, between Michael Fallon and Lambert Energy Advisory Ltd. Some of this related information, an internal briefing paper for Michael Fallon and an internal commissioning email from Michael Fallon's Private Office to Policy Officials, are withheld in accordance with the exceptions in Regulation 12(4) (e) and Regulation 12(3) of the EIRs. .

These exceptions are subject to the public interest test. The key public interest considerations we have taken into account are set out below. In considering the public interest we have applied a presumption in favour of disclosure as required by regulation 12(2) of the EIRs.



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**Regulation 12(4)(e)** provides an exception to the disclosure of internal communications. Briefing papers and emails between staff which we hold within the scope of this request take the form of internal communications and therefore exception 12(4)(e) applies to all of them.

We appreciate that there is a public interest in disclosing internal communications, as this enables the public to assess the quality of policy formulation, advice and guidance, and provides transparency in the decision making process making Government more accountable.

However, releasing internal communications would inhibit the ability of officials to provide Ministers and senior officials with free and frank advice and keep free and frank records of discussions between officials if there was a possibility that this advice could be disclosed at a later date. This would have a detrimental effect on the briefing process, leading civil servants to be less candid in their views. It would also affect policy development, as it would prove difficult in taking account of the views expressed by others if records were not kept. Given the live nature of the communications within the scope of the request, such outcomes would be likely to prejudice the conduct of public affairs, as this could result in less well-informed Ministers and senior officials.

Having considered the public interest, the Department has taken the decision to withhold the information requested.

**Regulations 12(3)** provides an exception for personal data of which the applicant is not the data subject. This then falls to be dealt with under 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 junior members of staff or third parties and do not think that any of the relevant conditions apply.

Attached to this letter is some information related to the Michael Fallon July 2013 meeting. However, parts of this information are withheld in accordance with the exception in Regulation 12(3) of the EIRs as stated above.

### **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](mailto:foi@decc.gsi.gov.uk)).

Information Rights Unit (DECC Shared Service)



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Department for Business, Innovation & Skills  
1 Victoria Street  
London  
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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,

***Redacted***  
***Redacted***