



Department
of Energy &
Climate Change

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Department of Energy & Climate Change
3 Whitehall Place,
London SW1A 2AW
www.decc.gov.uk

Our ref: FOI2014/21160

16 October 2014

Dear **Redacted**

Re: Environmental Information Request

Thank you for your email of 17 September in which you requested the following:

"I am seeking information on meetings between Michael Fallon and the following organisations:

- *October 2013 - BP (call)*
- *October 2013 - BP*
- *October 2013 - Dana Petroleum*
- *October 2013 - Shell*
- *October 2013 - EDF*
- *October 2013 – Petrochina*

Please provide:

- *Any meeting minutes*
- *Meeting readouts*
- *Briefing notes*
- *Or other meeting memoranda*
- *Emails between the parties involved in the lead up to and after the meeting*

Please also provide information on meetings including:



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- *Date*
- *Time*
- *Place*
- *Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee)."*

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.

1. BP – two phone calls: Although the second entry is listed in our quarterly declarations as a meeting, this was actually also a phone call with BP.

- ***Any meeting minutes – not held***
- ***Meeting readouts – not held***
- ***Briefing notes – not held***
- ***Or other meeting memoranda – not held***
- ***Emails between the parties involved in the lead up to and after the meeting – not held***

Please also provide information on meetings including:

- ***Date*** – 1st phone call took place on 18 October 2013. 2nd phone call took Place on 22 October 2013.
- ***Time*** – 1st Phone call took place at approximately 14:20. 2nd phone call took place at 10:30.
- ***Place*** – 1st phone call was conducted from the ministerial car. The 2nd phone call was conducted from the ministerial office at DECC, 3 Whitehall Place, London..
- ***Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee)."*** - 1st phone call was with Mr Ian Conn, Group Managing Director at BP. The 2nd phone call was with Mr Peter Mather, Vice President BP.

Where, above, information is stated as not held I have carried out a search of our electronic and paper records and I have established that the Department does not hold any information within scope of your request. This falls within the exception in Regulation 12(4)(a) which states that a public authority may refuse to disclose information to the extent that it does not hold that information when a request is received. While we acknowledge that all the exceptions in the EIRs are subject to the public interest test, the Information Commissioner has indicated that he can see no practical value in applying the test where no information is held and he does not expect public authorities to do so.



2. Dana Petroleum - meeting

- ***Any meeting minutes – not held***
- ***Meeting readouts – not held***
- ***Briefing note dated 18 October – withheld under 12(4)(e), 12(5)(a), 12(5)(e) and 12(3).***
- ***Or other meeting memoranda – not held***
- ***Emails between the parties involved in the lead up to and after the meeting – not held.***

Please also provide information on meetings including:

- ***Date – 22 October 2013***
- ***Time – approximately 10:00.***
- ***Place – DECC, 3 Whitehall Place, London***
- ***Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee).”- Dr Marcus Richards, Group Chief Executive and Mr Baek, Chief Strategy Officer.***

As above, Regulation 12(4)(a) has been applied where information is not held, and Regulations 12(4)(e), 12(5)(a), 12(5)(e) and 12(3) where information is stated as withheld.

Regulation 12(4)(e) provides an exception to the disclosure of internal communications. Briefing papers 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.

Regulation 12(5)(a)

Information is exempt under the exception in Regulation 12(5)(a) if disclosure would adversely affect international relations. In applying this exception we have had to balance the public interest in favour of withholding the information against the public interest in favour of disclosure. We have applied a presumption in favour of disclosure as required by Regulation 12(2) of the EIRs.

We acknowledge that there is a general public interest in favour of disclosure of information as it promotes greater understanding by the public of the government's work and increased transparency makes government more open and accountable. We also realise that there is a public interest in understanding how the UK Government conducts its relations with other countries, as well as a public interest in greater transparency and an insight into foreign policy work.

However, in this case we consider that there are stronger public interest factors in favour of withholding the information. This is because the meeting was, and was acknowledged to be, held in private, with an explicit promise made that the countries present spoke confidentially. This ensured an open and frank discussion. The effective conduct of international relations depends upon maintaining a relationship of trust and confidence with other governments. Disclosing information about this discussion would undermine the trust between the UK Government and another nation, damaging future relations and making it less likely that they will explain openly their position to us in future.

It is for these reasons that we consider the public interest lays in maintaining the exception in Regulation 12(5)(a).

Regulation 12(5)(e) provides an exception to the disclosure of information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. We recognise the general public interest in the disclosure of information as this can lead to greater transparency and accountability in Government. However, against this there is a strong public interest in ensuring that the commercial and economic interests of external businesses are not damaged or undermined by disclosure of information which is not common knowledge and which would adversely impact on future business. Releasing such information would adversely affect the commercial and economic interest of the company involved. Also in disclosing this information, we believe it would make it less likely that companies would



provide the Department with commercially sensitive information in the future and consequently undermine the ability of the Department to fulfil its role.

Regulations 12(3) excepts information to the extent that the information requested includes personal data of which the applicant is not the data subject. Regulation 13(1) provides an absolute exception for personal data which 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.

3. Shell – Phone call (although this was listed as a meeting this was actually a phone call).

- ***Any meeting minutes – not held***
- ***Meeting readouts – not held***
- ***Briefing notes – not held***
- ***Or other meeting memoranda – not held***
- ***Emails between the parties involved in the lead up to and after the meeting – not held***

Please also provide information on meetings including:

- ***Date – 22 October 2013***
- ***Time – 18:00***
- ***Place – Michael Fallon’s House of Commons office.***
- ***Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee).” - Ed Daniels, Chair, Shell UK.***

As above, Regulation 12(4)(a) has been applied where information is not held.

4. EDF - meeting

- ***Any meeting minutes – not held***
- ***Meeting readouts – not held***
- ***Briefing note dated 21 October 2013 - withheld under 12(4)(e), 12(5)(e) and 12(3).***
- ***Or other meeting memoranda – not held***
- ***Emails between the parties involved in the lead up to and after the meeting – not held***



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Please also provide information on meetings including:

- **Date** – 22 October 2013
- **Time** – 11:30
- **Place** – DECC, 3 Whitehall Place, London.
- **Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee).**” - Mr Vincent de Rivaz, CEO, EDF and Paul Spence, Director of Strategy and Corporate Affairs, EDF.

As above, Regulation 12(4)(a) has been applied where information is not held, and Regulations 12(4)(e), 12(5)(e) and 12(3) where information is stated as withheld.

5. Petrochina - meeting

- **Any meeting minutes** – Not held.
- **Meeting readouts** – Not held.
- **Briefing note dated 25 October 2013** - withheld under 12(4)(e), 12(5)(a) and 12(5)(e).
- **Or other meeting memoranda** – not held.
- **Emails between the parties involved in the lead up to and after the meeting** – not held.

Please also provide information on meetings including:

- **Date** – 28 October 2013.
- **Time** – approximately 11:30.
- **Place** – DECC, 3 Whitehall Place, London.
- **Attendee list (including name (where discloseable under requirements of DPA) and job title of each attendee).**”- Mr Si Bingjun, Managing Director of PetroChina International (London) and CEO of Petroineos Trading Ltd.

As above, Regulation 12(4)(a) has been applied where information is not held, and Regulations 12(4)(e), 12(5)(a) and 12(5)(e) where information is stated as withheld.

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).



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Information Rights Unit (DECC Shared Service)
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET

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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