



Department
of Energy &
Climate Change

Department of Energy & Climate Change

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Our ref: FOI2014/26527

22 Dec 2014

Dear ,

RE: FOI request (DECC) - Minutes of Interdepartmental Group on Green Economy

Thank you for your email on 24 November 2014 in which you requested information on the minutes produced by the Interdepartmental Group on the Green Economy and Growth.

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs), rather than under the Freedom of Information Act 2000, as the information you sought disclosure of does, in our view, fall within the definition of 'environmental information' in regulation 2(1) of the EIRs.

I confirm that we do hold information which falls within the scope of your request. However, following careful consideration, it has been decided to withhold this information under regulation 12(4)(e) of the EIRs.

The relevant part of this regulation provides that "*...a public authority may refuse to disclose information to the extent that...*

(e) the request involves the disclosure of internal communications.

We consider that your request relates to material which would involve the disclosure of internal communications.

In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure (applying, of course, a presumption in favour of disclosure as required by regulation 12(2) of the EIRs). There is a general public interest in favour of disclosure of information as greater transparency makes government more open and accountable. In addition, there is a general public interest in increased public access to environmental information to create greater awareness of environmental matters. We also acknowledge the more specific public interest in understanding the economic impact of government policies, particularly in relation to the environment.

However, the rationale behind the exception in regulation 12(4)(e) is that it is often in the public interest for public authorities to have a safe space within which to think through and develop policy.

In this case, the requested minutes include information related policy areas that are currently live across government, and whose impacts will depend on the particular design and means of implementation which remain under development. We consider there would be a 'chilling effect' if the information requested is released as those officials advising on this policy area (aspects of which remain under development) may be less frank and candid in giving their views and presenting information in this area in the future if there is a possibility that their on-going thinking may be made public. This is likely to have an adverse impact on the quality of decision making as the 'safe space' needed to effectively discuss and develop policy in this area would be affected.

Having considered the public interest and the presumption in favour of disclosure in Regulation 12(2), we are satisfied that, on balance, the public interest favours maintaining the exceptions and withholding the information.

Some personal information has also been withheld. Regulation 12(3) of the EIRs, with reference to regulation 13, provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data 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.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Under regulation 11(2) of the Environmental Information Regulations (EIRs) a request for an internal review should be submitted no later than 40 working days after the date of this letter and should be addressed to the information rights unit at foi@decc.gsi.gov.uk.

Please 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

If you have any queries about this letter, please contact us at the address above.

Yours faithfully,

Analysis Directorate,
DECC