



Department
of Energy &
Climate Change

REDACTED
Email: REDACTED

Ref No: FOI2015/14154

Department of Energy & Climate Change

Atholl House
86-88 Guild Street
Aberdeen AB11 6AR
T: REDACTED
E: REDACTED
www.gov.uk/decc

3 August 2015

Dear REDACTED

Thank you for your email of 8 July 2015 where you requested the following information:

I would like to request copies of the OPEPs below:

Dolphin Drilling Ltd (1017560): Borgholm Dolphin OPEP
BP Exploration Operating Company Ltd (305943): Clair Ridge
Prosafe Offshore Ltd (3320915): Safe Bristolia
BP Exploration Operating Company Ltd (305943): Clair Ridge - Floatel Victory
Communication and Interface Plan
Premier Oil UK Ltd (SC048705): Catcher Development Drilling

We have considered your request in accordance with the Environmental Information Regulations 2004 (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.

We can confirm that the Department holds the information you have requested and copies of the requested oil pollution emergency plans (OPEPs) are attached.

Some of the information in the OPEPs is exempt from disclosure under the following regulations: regulation 12(3) of the EIRs which applies to personal data of which the applicant is not the data subject; regulation 13 of the EIRs which relates to personal data; and regulation 12(5)(a) of the EIRs which relates to information regarding international relations, defence, national security or public safety; and is therefore being withheld.

Regulation 12(3) provides an exception to duty to disclose environmental information to the extent that the information requested includes personal data of which the applicant is not the data subject otherwise that in accordance with regulation 13.

Regulation 13 stipulates that any information which applies to the definition of 'data' in section 1(1) of the Data Protection Act (DPA) should be dealt with under the DPA. 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 DPA. We do not believe that it is fair to release the names and contact details of DECC staff below Senior Civil Service level or staff in third party organisations and do not consider that any of the relevant conditions in Schedule 2 of the DPA apply. As a result this information has been redacted from these documents.

Regulation 12(5)(a) provides an exception to the disclosure of information which may have an adverse effect on public safety. This exception is 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. The OPEPs contain emergency telephone numbers, contact details and form reference numbers for a number of organisations, some of which are not within the public domain. This information should be used only in the event of an emergency when public safety may be at risk and by those responsible for responding to an emergency. Should these details be released, there is a risk that they may be used incorrectly during an emergency situation (or during a non-emergency situation) other than by those persons for those purposes. This would hamper the ability for the Department and associated organisations to effectively respond to an offshore environmental incident thus having an adverse effect on public safety. Having considered the public interest, the Department's decision is therefore to withhold the information.

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:

Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET

E-mail: foi@decc.gsi.gov.uk

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,

Offshore Environmental Inspectorate Team