



Department  
of Energy &  
Climate Change

REDACTED  
Email: REDACTED

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[www.gov.uk/decc](http://www.gov.uk/decc)

Our ref: FOI 2015-16665

Dear REDACTED

Thank you for your *email* of 6 August where you requested the following information:

***DECC today released three videos to provide more information to people about shale gas, hydraulic fracturing and how it would be regulated.***

***Can you please supply me with a breakdown of all the costs involved in this project.***

***Can you also supply me with all the briefing notes supplied by DECC to the makers of the videos.***

We have considered your requests in accordance with the Freedom of Information Act 2000 (FoIA). However, to the extent that any of the information requested is environmental, we have also considered your request under Environmental Information Regulations 2004 (EIRs). Accordingly, your request has been dealt with under the terms of the EIRs and the FoIA.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require;
- be provided with that information (subject to any exemptions under the Act which may apply).

I can confirm that the Department of Energy and Climate Change holds the information you have requested. However, the information is already in the public domain and is therefore exempt under Section 21 of the Act as we are not required to provide information which is already reasonably accessible to you. The Department makes publicly available all departmental spending over £500 on the following website:

<https://www.gov.uk/government/collections/departmental-spend-over-500>

The departmental expenditures on the shale videos are included in these published documents. For ease of navigating the documents, the video expenses can be found in the

expense area “Office for Unconventional Gas and Oil”, from the supplier “Content On Demand Ltd”, for the months of February, March, April, and June 2015.

Following a search of our paper and electronic records, I have established that the Department holds information falling within the terms of your request in relation to briefing notes supplied by DECC to the makers of the videos. These records are attached in **Annex A**.

After careful examination, DECC considers that some the information requested is exempt from disclosure under both the FOI exemptions and the EIRs exceptions and is therefore withheld:

FOI exemptions include:

- Section 40 - personal data

EIR exceptions include:

- Regulation 12(4)(d) - material which is still in the course of completion, unfinished documents, and incomplete data unfinished or incomplete document.
- Regulation 13(1) - disclosure of personal data

Section 40 and regulation 13(1) of the EIRs are absolute exemptions/exceptions and are not subject to public interest tests. The remaining exemptions/exceptions are qualified, and subject to a public interest test. The key public interest considerations we have taken into account are set out below.

#### **Regulation 12(4)(d) - material which is still in the course of completion, unfinished documents, and incomplete data**

We consider that regulation 12(4)(d) of the EIRs applies because some of the information is still in the form of unfinished drafts. In deciding not to release information under this exception, we have balanced the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure and understand the importance of transparency in public policymaking.

But there is also a strong public interest in withholding the requested information because the documents are unfinished drafts and any conclusions drawn from such analysis could be misleading. The government needs to ensure that information which it releases into the public domain is based upon robust evidence and analysis.

Having considered the balance of public interest, we have concluded that the public interest in withholding outweighs the public interest in disclosing certain information in this instance. The final versions of the draft documents are included in the release of information and can be viewed in **Annex A**.

#### **Section 40(2) FOI and regulation 13(1) of the EIRs**

Finally, some of the information constitutes personal data and has been withheld. Section 40(2) of the FOI Act and Regulation 13(1) of the EIRs provides an absolute

exemption/exception for personal data which then falls to be dealt with under the Data Protection Act (DPA).

Personal data of third parties can only be disclosed under 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 think it is fair to release the names and contact details of DECC staff below Senior Civil Service level, or staff in other organisations, and do not think that any of the relevant conditions in Schedule 2 of the DPA apply. As a result, the names and contact details of staff in DECC below Senior Civil Service level and staff in other organisations have been redacted from your copy of this 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 2 months 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 (DECC Shared Service),  
Department for Business, Innovation & Skills,  
1 Victoria Street, London, SW1H 0ET.

E-mail: [foi@decc.gsi.gov.uk](mailto: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,

Office of Unconventional Gas and Oil