



Department  
of Energy &  
Climate Change

3 Whitehall Place  
London  
SW1A 2AW

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

REDACTED  
REDACTED

Email: [REDACTED](#)

Our ref: FOI/EIR  
2015/07234  
Your ref: 02DEC472

1 June 2015

Dear REDACTED,

I refer to your e-mail of 16 February in which you asked:

*Firstly,*

*I refer you to DECC's quarterly information for the DECC Permanent Secretary available on the gov.uk website:*

<https://www.gov.uk/government/collections/permanent-secretarys-meetings-with-external-organisations>

*I am seeking information on the meetings between DECC's Permanent Secretary, Stephen Lovegrove, and the following organisations:*

- *June 2013 - Cuadrilla - To discuss energy business*
- *June 2013- Ineos - Introductory meeting*
- *June 2013 - Shell UK Limited, Electricity Policy Research Group, Royal Academy of Engineering UK, Energy Research Centre, Earthwatch, British Geological Survey, Tyndall Centre, Grantham Research Institute, Energy Savings Trust - Lunch to discuss Energy Policy*
- *May 2013- UK Onshore Operators Group, Cuadrilla Resources, Carillion, Environment Agency, Lancashire County Council, Ineos, O&P, Europe Working - dinner to discuss shale gas*

● *October 2013 - D Group, Cuadrilla, The Daily Telegraph, iGas, ExxonMobil, AMEC, Arup, Oxford University, PricewaterhouseCoopers, BG Group, Church of England, The Global Warming Policy Foundation, Ineos, Schlumberger, Bechtel, Cairn Energy, Statoil – To discuss shale gas, oil and energy issues*

*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*
- *If it was a meeting where food was available, then the menu and costs of the food provided*

*Please also provide information on meetings including:*

- *Date*
- *Time*
- *Place*
- *Length of the meeting*
- *Attendee list (including name (where disclose-able under requirements of DPA) and job title of each attendee)*

*Secondly,*

*Can I enquire as to why there has been no update to the DECC Permanent Secretary's meetings with external organisations since October to December 2013. This contrasts to other Ministers within DECC and across government where the quarterly information for January to March 2014 and April to June 2014 has been published. If held I would like to receive the quarterly information for DECC's Permanent Secretary, Stephen Lovegrove for these latest two quarters. If not held, can I please have an explanation to why this is the case?*

On the first part of your request, 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 the three meetings you refer to in June 2013 and the meeting in October 2013. This information is enclosed in **Annex A to D**. The information which you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). Accordingly, your request has been considered under the terms of the EIRs. The Department does not hold any further information on the referenced meeting in May 2013.

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

EIR exceptions include:

- Regulation 12(4)(e) – internal communications
- Regulation 12(5)(d) – unfinished documents
- Regulation 12(5)(f) – voluntary supply of information from third parties
- Regulation 13(1) – disclosure of personal data

EIR Regulation 13(1) is an absolute exemption and is not subject to a public interest test. The remaining exceptions are subject to a 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.

#### **Regulation 12(4)(d) EIRs – Material in the course of completion, unfinished documents, incomplete data**

Regulation 12(4)(d) EIRs relates to unfinished documents where this information may be misleading to the public or inaccurate and where it may, as a result, require significant Departmental efforts to replace the incomplete information into its relevant context and to provide corrective statements to any potential inaccuracies expressed therein.

In applying this exception, we have considered the public interest in disclosing the information. In this respect we recognise that disclosure can, in certain cases, enhance public understanding of the work between Government departments and facilitate the accountability and transparency of Government decisions in relation to the government publications.

However, we consider the balance of the public interest lies in favour of withholding the information. The documents represent drafts which were never cleared and for which no finalised version has yet been created. Releasing such documents would have a detrimental effect on the on-going policy formulation process by inhibiting a thorough exploration of a range of ideas and would lead to civil servants being less frank in expressing their opinions in the future. This is likely to have a detrimental effect on the policy formulation process and on the quality of policy derived therefrom. In addition, information contained within these uncleared draft documents is inaccurate and/or incomplete and may prove misleading. Given that no finalised versions of these documents have been approved, such misleading information cannot be easily addressed and would detract resources better deployed in undertaking the core work of the Department.

#### **Regulation 12(4)e EIRs – Internal communications**

Regulation 12(4)(e) makes the provision whereby internal communications of a public authority including correspondence between officials in any government department and between any government departments may be protected under this exception. The rationale behind this exception is that it is often in the public interest that public authorities have a space within which to think in private as recognised in the Aarhus Convention. This exception is subject to the public interest test. In considering this exception we have applied a presumption in favour of disclosure.

We believe there is a general public interest in the disclosure of information as greater transparency makes Government more accountable and there is a public interest in being able to assess the quality of information and advice which is used in subsequent policy formulation. However, against this there is a public interest in ensuring that the formulation and development of government policy and government decision making can proceed in the self-contained space needed to ensure that it is done well. We believe that, if officials were conscious that such

advice made in an internal document could be made public, frankness would inevitably be inhibited, and policy decisions would be made without full consideration of the issues. Moreover, making public Government thinking at an early stage, which may change later on in the decision-making process, could cause confusion and uncertainty for industry and would be detrimental to the policy as a whole. In our view, therefore, we believe that the balance of the public interest lies in withholding certain information you have requested.

### **Regulation 12(5)(f) EIRs – Voluntary supply of information from third parties**

Regulation 12(5)(f) of the EIRs is designed to protect the interests of the person who provided the information where that person: was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority; did not supply it in circumstances such that DECC or any other public authority is entitled apart from these regulations to disclose it; and has not consented to its disclosure.

As above, we recognise that there is a public interest in transparency. Companies may not share sensitive information with the Department if that information will be released to the public; disclosing such sensitive information could inhibit open and constructive discussions between the Department and industry in the future to the detriment of policy development. These companies provided information to DECC voluntarily, without any obligation. Making such information public would inhibit future communications with them and others in industry.

Additionally, these public interests have to be weighed against a public interest in the prevention of adverse effects on the interests of the third party provider of information, and the principle of confidentiality.

Taking into account all the circumstances of the case, we have concluded that the balance of public interest favours withholding certain information in this request.

### **Regulation 13(1) EIRs – Personal information**

Finally, some of the information constitutes personal data and has been withheld. Regulation 13(1) of the EIRs provides an absolute exception for personal data which then falls to be dealt with under the Data Protection Act.

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 junior 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 this information has been redacted from your copy of this information.

With regard to the second part of your request, this information can now be accessed under the following link:

- <https://www.gov.uk/government/collections/permanent-secretarys-meetings-with-external-organisations>

The reason for the information not being available previously was an administrative error, which has now been rectified.

### **Appeals Procedure**

If you are dissatisfied with the result of your request for information, you may request an internal review within 40 working days of the date of receipt of the response to your original letter. If you wish to request an internal review, please contact:

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

Email: [foi@decc.gsi.gov.uk](mailto: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, Cheshire, SK9 5AF.

Yours sincerely,

Office of Unconventional Gas and Oil