



Department
of Energy &
Climate Change

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www.gov.uk/decc

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Email: [REDACTED](#)

Our ref: FOI/EIR 2015/05770

18 May 2015

Dear Mr Alexander,

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

1) I am seeking information on correspondence concerning or between the offices and representatives of

- The Rt Hon Edward Davey MP, Secretary of State for Energy and Climate Change***
- The Rt Hon Matthew Hancock MP, Minister of State for Energy***
- Amber Rudd MP, Parliamentary Under Secretary of State for Climate Change***
- Baroness Verma, Parliamentary Under Secretary of State for Energy and Climate Change***

and the following CEOs and their representatives.

- Cuadrilla - Francis Egan***
- INEOS - Jim Ratcliffe***
- Igas - Andrew Austin***
- Third Energy - Rasik Valand***
- Celtique Energie - Geoff Davies***
- UKOOG - Ken Cronin***

I would be grateful if you could use keywords in the terms listed above to search your records systems as part of your efforts to locate information.

I am requesting correspondence generated in the period beginning 01/06/2014 and continuing up to the present day, or as close as possible to it (i.e. the date this request or any subsequent appeal is processed).

Please ensure that your search for correspondence includes:

- ***Email correspondence (including attachments)***
- ***Transcripts***
- ***Memos***
- ***Reports***
- ***Briefing documents or the equivalent***
- ***Letters***
- ***Telephone records and any notes made during and after telephone calls***
- ***Correspondence includes any other type of correspondence frequently used by the department, including text messages and private emails***

2) I am seeking information on any meetings between

- ***The Rt Hon Edward Davey MP, Secretary of State for Energy and Climate Change***
- ***The Rt Hon Matthew Hancock MP, Minister of State for Energy***
- ***Amber Rudd MP, Parliamentary Under Secretary of State for Climate Change***
- ***Baroness Verma, Parliamentary Under Secretary of State for Energy and Climate Change***

and the following CEOs and their representatives.

- ***Cuadrilla - Francis Egan***
- ***INEOS - Jim Ratcliffe***
- ***Igas - Andrew Austin***
- ***Third Energy - Rasik Valand***
- ***Celtique Energie - Geoff Davies***
- ***UKOOG - Ken Cronin***

I would be grateful if you could use the keywords in the terms listed above to search your records systems. I am requesting information on meetings in the period beginning 01/06/2014 and continuing up to the present day, or as close as possible.

Please provide:

- ***Any meeting minutes***
- ***Meeting readouts***
- ***Briefing notes***
- ***Or other meeting memoranda***

Please also provide information on meetings including:

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

Some of the information which you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). However, to the extent that the information requested is not environmental we have also considered your request under the Freedom of Information Act 2000 (FOIA). Accordingly, your request has been considered under the terms of the EIRs and FOIA.

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 Cuadrilla, INEOS, iGas, UKOOG and Celtique Energy. The Department does not hold any information relating to Third Energy. Information relating to **Cuadrilla** are in **Annex A**, **INEOS** in **Annex B**, **iGas** in **Annex C**, **Celtique Energy** in **Annex D** and **UKOOG** in **Annex E**.

Two of the attachments under **Annex A** are available on the following website:

- Cuadrilla Information on Planning Application and Consultation Response, Preston New Road Exploration Site: <http://cuadrillaresources.com/wp-content/uploads/2014/06/PNR-booklet-June-2014.pdf>
- Non-Technical Summary of the Environmental Statement: <http://cuadrillaresources.com/wp-content/uploads/2014/06/PNR-booklet-June-2014.pdf>

Two of the attachments under **Annex B** contain press releases which have been published under the following links:

- INEOS Press release from 28 October 2014: <http://www.ineos.com/news/ineos-group/ineos-plans-25-billion-shale-gas-giveaway/>
- INEOS Press release from 18 August 2014: <http://www.ineos.com/news/ineos-group/ineos-moves-into-uk-shale-gas-exploration/>

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

EIR exceptions include:

- Regulation 12(4)(e) – internal communications
- Regulation 12(5)(e) – confidentiality of commercial information
- Regulation 13(1) – disclosure of personal data

FOI exemptions include:

- Section 35(1) (a) – formulation or development of government policy
- Section 43(2) – likely to prejudice the commercial interest of any person
- Section 40(2) – disclosure of personal data

EIR Regulation 13(1) and FOI Section 40(2) are absolute exceptions /exemptions and are not subject to public interest tests. The remaining exceptions / exemptions 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. The FOI does not contain a similar provision, but DECC applies the same principle to requests that come within the ambit of that legislation.

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 the information you have requested.

Regulation 12(5)(e) EIRs and Section 43(2)FOIA – Likely to prejudice confidentiality of commercial information or prejudice commercial interests

The Department considers that some of the information that is being withheld contains commercial information, the disclosure of which would be likely to prejudice the commercial interests of the organisations listed above. The exception under Regulation 12(5)(e) and the exemption under section 43(2) FOI Act applies.

DECC recognises that there is general public interest in disclosure of information to help the public in understanding the United Kingdom's conduct of economic, industrial and commercial policy. We also recognise that openness by DECC may increase public trust and engagement with the government. But disclosure of commercially sensitive information in relation to the organisation's interest in shale gas provided to DECC in confidence could damage industry's commercial interests and potentially undermine future communication with this industry. That would make it harder for Government to understand industry's position, which would be detrimental to the effective development of policy. Taking into account all the circumstances of the case, we conclude that the public interest in engaging this exception/ exemption outweighs the public interest in disclosing the information. The Department's decision is therefore to withhold certain commercially sensitive information falling within the scope of this request.

Section 35(1)(a) – FOIA – Formulation or development of government policy

We believe some of the information is exempt from disclosure under Section 35(1)(a) of the FOI Act. The exemption is subject to the public interest test, specifically, the importance to the public interest of disclosing information about government affairs, versus the powerful public interest in ensuring that there is a space within which Ministers, officials and commercial organisations are able to discuss options and delivery, freely and frankly. We also consider there is a wide public interest in maintaining firm and coherent government.

The policy in relation to shale gas is still being developed and is still subject to discussion within government. Disclosing such information would prejudice the ability of Ministers and officials to discuss policy options and its implications freely and frankly. It is important that Ministers and officials are able to maintain a private thinking space, so that policy development can be conducted in an uninhibited fashion where the Department can take decisions based upon all pertinent and relevant advice and facts, and on a full

understanding of the issues.

We consider that were this information to be disclosed in the public domain than this may also have a chilling effect on decision with the commercial companies. This would not be in the in the public interest. Taking into account all the circumstances of the case, we have concluded that the balance of public interest favours in withholding some of the information.

Regulation 13(1) EIRS and Section 40(2) FOI – Personal information

Finally, some of the information constitutes personal data and has been withheld. Regulation 13(1) of the EIRs and Section 40(2) of the FOI Act provides an absolute exception / exemption for personal data which than 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, the names and contact details of junior 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 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

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