

Department of Energy & Climate Change
3 Whitehall Place,
London SW1A 2AW

www.decc.gov.uk

Your ref:
Our ref: FOI2015/00868

February 2015

Thank you for your email of 14 January where you requested the following information:

- Documentation relating to the aims and objectives of the working group on underground coal gasification referred to by Matthew Hancock in response to the PQ from Grahame Morris MP
 - <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-01-06/219878/>
- A list of members of the above working group
- Any notes and/or minutes arising from meetings of the above working group
- A schedule of communications from ministers and officers within BIS or other Governmental departments regarding the above working group.
- Copies of these communications where in written/email form.

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.

I can confirm that the Department holds information falling within the terms of your request. The information that can be disclosed is attached. It does not include minutes from the first meeting of the Group which were not prepared nor do we hold a schedule of communications. Some information is exempt from disclosure under the exceptions in Regulation 12(4)(e), Regulation 12(5)(e) or Regulation 12(3) of the EIRs as explained below and is therefore being withheld.

These exceptions are 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.

Regulation 12(4)(e) – Internal Communications

The Underground Coal Gasification Working Group was originally established as an internal officials group to formulate UCG policy and establish how it fits overall in DECC's policy agenda.

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.

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.

In our view, therefore, we believe that the balance of the public interest lies in withholding this information.

Regulation 12(5)(e) – Commercial or industrial information

We recognise the general public interest in the disclosure of information this can help lead to greater transparency and accountability in Government and help further public debate on Underground Coal Gasification. However, against this there is a strong public interest in ensuring that the commercial and economic interests of external businesses are not damaged or undermined by disclosure of information which is not common knowledge and which would adversely impact on future business. Releasing such information would adversely affect the commercial and economic interest of the companies involved. Also in disclosing this information, we believe it would make it less likely that these or other companies involved in this field would provide the Department with commercially sensitive information in the future. The companies also provide the information with an expectation of confidentiality. Breach of this might provide a basis for an action for breach of confidence.

Regulation 12(3) – Personal information

We have redacted some names from the information in accordance with Regulation 12(3) of the EIRs as we regard these as personal data. Regulation 12(3) provides an absolute exemption 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 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 think that it is fair to release the names of DECC officials or third parties and do not think that any of the relevant conditions in Schedule 2 of the DPA apply.

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: FOI@decc.gsi.gov.uk

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

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,