



Department  
of Energy &  
Climate Change

**Department of Energy & Climate  
Change**

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**Our Ref:** 13/0657

8 July 2013

Dear NAME REDACTED,

Thank you for your email of 24 May 2013 where you requested the following information:  
'All available minutes, notes, emails preparing for or reporting from Ed Davey's October 2012 meeting with Areva "To discuss energy and climate change issues"'

Your request has been considered under the Freedom of Information Act 2000 (FOIA). Your request has been interpreted to refer to any formal minute and any notes, including briefing and emails, sent to the Secretary of State regarding the meeting between Luc Oursel of Areva and Ed Davey which took place on 17 October 2012.

I can confirm there was no formal minute taken at this meeting, despite Annex 5 referring to a meeting note. Two briefing papers were prepared for this meeting, along with 6 accompanying emails; these can be found in Annexes 1 to 5. The file attached in the email in Annex 5, <<File: Luc Oursel meeting.docx>>, refers to the briefing paper at Annex 1.

Some information is being withheld under Section 43 (2) of the FOIA as its disclosure would, or would be likely to, prejudice the commercial interests of Areva. This includes:

- Some information from both briefings (Annex 1 and 2)
- Some information from Annex 4
- Some information from Annex 5
- The document named <<File:Areva Group account plan v6.doc>> from the email in Annex 5
- 1 email has also been withheld entirely.

We have considered the public interest in disclosing this information and recognise the importance of conducting our commercial activities in an open and transparent way which ensures that there is proper scrutiny of the Government's actions. However, disclosure would provide valuable information about Areva's current and ongoing business which could be used to undermine the company's commercial interests. Disclosure could also make it

less likely that other energy companies would provide the Department with commercially sensitive information in the future and consequently undermine the ability of the Department to fulfil its role. Given the potential impact on Areva and engagement with other major manufacturers looking to invest in the UK in our view, this particular case favours the public interest in withholding the information and has therefore been withheld.

One section of the briefing in Annex 2, regarding plutonium management, is being withheld under section 35(1) (a) of the FOIA, which provides an exemption for information which relates to the formulation and development of Government policy. This exemption applies because this section of information relates to our broad policy objectives and the interplay between programmes underpinning those policy objectives.

As you will be aware this exemption is also subject to the public interest test. In considering this, we recognise that there is an important public interest in the disclosure of information about the process of government policy formulation, particularly in the area of nuclear power. We also recognise that disclosing the information in question may help promote greater transparency and enhance trust in this area and may make the public contribution to the policy making process more effective and broad based. However, there is a very strong public interest against disclosing the workings of officials as they are attempting to establish policy going forward. When policy ideas are being raised or have been raised for discussion and views and judgments sought it is extremely important that officials have a safe space in which to consider these priorities, free from outside pressures, interference or the fear of premature disclosure. If officials are not permitted a safe space to consider these policy priorities there is likely to be a negative effect on the conduct of good government and there is a risk that decision making will become poorer and recorded inadequately. Given the nature of the information and the importance of a safe space for policy development it is our view that, in this case, the public interest lies in withholding this information.

Some personal information has been redacted from all Annexes. This information is exempt under section 40(2) of the FOIA as it constitutes personal data, the disclosure of which, would contravene one or more of the data protection principles. Personal data can only be disclosed in accordance with the data protection principles. 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 Data Protection Act. We do not consider that it is fair and reasonable to release the names of individuals who are not members of the Senior Civil Service, and do not consider that any of the relevant conditions apply. The names of Senior Civil Servants have been disclosed.

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review, please contact:

Security and Information Rights Team (DECC Shared Service)  
Department for Business, Innovation & Skills  
Victoria 3, 5<sup>th</sup> Floor  
1 Victoria Street  
London SW1H 0ET

Email: [foi@decc.gsi.gov.uk](mailto:foi@decc.gsi.gov.uk)

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

Please remember to quote the reference number above in any future communications.

Yours sincerely,

**Office for Nuclear Development**