



Department
of Energy &
Climate Change

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Our ref: Ref No: 13/1012

10 September 2013

RE: FOI Request 13/1012

Thank you for your email of 29 July where you requested the following information:

- 1) Confirmation of whether or not DECC does hold information on the number of consumers on dead or closed tariffs.
- 2) The grounds on which DECC deemed that my request for this information would break 'confidentiality arrangements'; including whether or not DECC sought advice from its FOI team or legal advice.
- 3) The number of consumers on dead or closed tariffs.
- 4) Copies of all correspondence and e-mails between Ministers, officials or special advisers with Ofgem or energy suppliers on the number of consumers on dead or closed tariffs.

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 now holds the information you have requested, which it did not have previously available. The information you requested is as follows

- 1) DECC did not hold this information at the time of your request. DECC does not collect information specifically on dead tariffs. DECC holds tariff by tariff information from energy suppliers, including the numbers of customers on each tariff, but within this data there is no indication of which tariffs are 'dead' and which aren't. Ofgem published their RMR on 21st June 2013. Since the date of your request, Ofgem has looked through tariff information supplied to them by DECC and advised which of these tariffs are 'dead' as per the definitions in this report, and also which tariffs

they classified as closed. DECC has now summed the data across these 'dead' and closed tariffs to arrive at the totals at point 3 below.

- 2) The letter to you from Gregory Barker on 11 July, dated 8 July 2013 stated that "My Department is unable to supply the number of consumers on dead tariffs because of confidentiality arrangements for the data we collect". Tariff by tariff data is provided to DECC on the basis that no data will be published that allows individual energy tariffs or energy suppliers to be identified. If the number of customers on dead tariffs were to largely consist of customers on one or two specific tariffs supplied by one supplier, then the risk of the answer being used to identify the number of customers on one supplier's specific tariff would be too great. This was thought to be the case when considering your initial request for information, and for this reason your question of 6 June 2013 was refused in Gregory Barker's letter of 8 July 2013. DECC operates a statistical dominance rule to ensure that statistical disclosure does not occur. As disclosure control is a statistical issue, no additional advice at the time was sought from Fol or legal teams.
- 3) Following receipt of data from Ofgem, and associated statistical work, DECC now estimates that there are 11.7 million consumers on dead (6.2) or closed (5.5) standard electricity (excluding Economy 7) tariffs, with 14.2 million on dead (8.1) or closed (6.1) gas tariffs.

- The dead tariff numbers include customers mainly on company's previous standard tariffs, which have been superseded with new tariffs without the two tier structure.

- The closed tariffs include customers on fixed term deals that are still current but are not open to new customers.

- The vast majority of the customers on dead tariffs are paying the same prices as customers on the replacement live tariffs, with energy companies just restructuring the tariffs so that the difference between the tier 1 and tier 2 prices multiplied by the split level are now equal to the standing charge of the replacement tariffs.

- 4) DECC does not hold correspondence between Ministers or special advisers with Ofgem or energy suppliers on this topic. You have also requested correspondence on this topic between DECC officials and Ofgem or energy suppliers, and we have searched for such correspondence in the team most likely to have it (the DECC Statistics team) from 1 August 2012 until the date of your request. A copy of this correspondence is attached.

Some personal details have been redacted from the copy of the correspondence that we have provided to you. Section 40(2) and (3) of the Freedom of Information Act provide an absolute exemption for third party personal data, which then falls to be dealt with under the Data Protection Act. 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 Data Protection Act. We do not think that it is fair to release *the names of junior members of staff* and do not think that any of the relevant conditions apply.

We acknowledge that the information we have provided only partially meets the request in your question 4. However, we have considered your full request and we estimate that searching for all of the correspondence you have requested would exceed the cost limit of £600 provided under Section 12 of the Freedom of Information Act. This represents the estimated cost of spending 3.5 working days: (i) determining whether the department holds the information, and (ii) locating, retrieving and extracting the information. The Act provides that we are not obliged to comply with requests where the estimated cost of complying would exceed this limit.

To provide you with correspondence on the scale which you have requested would require a search by all staff employed by the DECC, which would exceed the cost limit. You may wish to refine your request in question 4 by narrowing its scope by being more specific about what information you particularly wish to obtain. For example, you could specify any dates or periods of time relevant to the information required, or any team or individual within DECC, if known. We would be happy to consider whether any revised request could be dealt with within the cost limit.

DECC has had no direct communication with energy companies on the topic but has had discussions with Ofgem. A meeting between officials was held on 29 July 2013 to discuss how to produce estimates of the number of consumers on "dead" tariffs, following a request received from Ofgem on 16th July.

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 two 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 Services)

Department for Business, Innovation & Skills

1 Victoria Street

London

SW1H 0ET

E-mail: 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,

Redacted

DECC Statistics Team

E-mail: redacted