



Department
of Energy &
Climate Change

Department of Energy & Climate Change

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Our ref: **13/0536**

10 June 2013

Dear

RE: Environmental Information Regulations

Thank you for your Freedom of Information request of 24 April 2013, in which you asked the following:

"This is a request for information related to a meeting between a Minister of DECC and an industry representative.

I would like to receive detailed information on the meeting between Greg Barker and CBI that took place in June 2010. The purpose of this meeting was to discuss climate change issues.

The information related to this and that I now request might include:

- a) Invitations sent by DECC to participants of the meeting*
- b) Letters/emails seeking a meeting*
- c) Correspondence regarding organisational matters with regards to the meeting*
- d) Programs/agendas with points to be discussed*
- e) Minutes taken at the meeting*
- f) Follow-up emails after the meeting.*

I would like to receive the information in a form as close to the original as possible; this would mean, for example, copying the information and redacting within the document. I anticipate that you will redact some of the information as some exemptions might apply, such as section 35, policy formulation. I would like to ask you to redact the relevant statements within the record of the meeting rather than withholding the complete document outright."

Your request has been considered under Environmental Information Regulations, as we consider that the information that you have requested

constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs).

I have checked our records and I can confirm that Greg Barker met the CBI in July 2010, and not June 2010 as stated in your request above. I can also confirm that the Department holds some of the information you have requested.

a) Invitations sent by DECC to participants of the meeting:

I have carried out a search of both our paper and electronic records and I have established that this information is not held by the department.

b) Letters/emails seeking a meeting:

See attached letter from the CBI which is dated 25 May 2010. Redactions have been made to this document in accordance with EIR 12(3) and 13. Regulations 12(3) and 13 of the EIRs provides an absolute exception 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 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 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 staff in DECC below Senior Civil Service level and staff in other organisations have been redacted from these documents.

c) Correspondence regarding organisational matters with regards to the meeting:

I have carried out a search of both our paper and electronic records and I have established that this information is not held by the department.

d) Programs/agendas with points to be discussed;

See attached internal email which commissioned briefing for minister Greg Barker prior to attending the meeting. Redactions have been made to this document in accordance with EIR 12(3) and 13. Regulations 12(3) and 13 of the EIRs provides an absolute exception for personal data, which then falls to be dealt with under the Data Protection Act (DPA). The reasons for the redactions are as set out above at ***b)***.

The internal email refers to a briefing pack and readout of a meeting between Chris Huhne and the CBI. They do not fall within the scope of your request.

e) Minutes taken at the meeting;

We do hold information falling within this description but it is withheld under EIR 12(4e), as the request involves the disclosure of internal communications. We recognise that the decisions Ministers make have a significant impact on the lives of citizens and there is a public interest in this process being transparent. We also recognise that greater transparency makes government more

accountable to the electorate and increases trust. There is a public interest in providing the public with the information it needs to satisfy itself that the process by which government develops policy is of a high quality. In addition, we recognise that as knowledge of the way government works increases, the public contribution to the policy making process could become more effective and broadly-based.

However, there is a very strong public interest in withholding some information in this case under Regulation 12(4)(e). It is important that Ministers and officials retain the ability to debate issues relating to policy formulation freely and in confidence before reaching a decision. If Ministers or officials knew or thought that once a decision was reached, their communications in arriving at that point were to be disclosed, they might be less candid in expressing their views at the time. This would detract from the full and frank exchange of views that is necessary during policy formulation and would jeopardise the ability of the Ministers or officials to take decisions based on full advice and consideration of all the options.

f) Follow-up emails after the meeting:

See attached letter from the CBI which is dated 19 July 2010. Redactions have been made to this document in accordance with EIR 12(3) and 13. Regulations 12(3) and 13 of the EIRs provides an absolute exception for personal data, which then falls to be dealt with under the Data Protection Act (DPA). The reasons for the redactions are as set out above at **b**).

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 addressed to the Security & Information Rights Unit (foi@decc.gsi.gov.uk).

Security & 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