



Our ref: EIR 2014/17657

8 October 2014

Dear

Thank you for your e-mail of 5 August, in which you asked:

- 1. Please provide all information on/in correspondence over the last 6 months, between OUGO and: UKOOG, Cuadrilla, EA and DEFRA relating to the government consultation on underground drilling access.**

Please ensure that your search for correspondence includes:

- a. Briefing documents or the equivalent**
 - b. Email correspondence (including attachments)**
 - c. Memos**
 - d. Reports**
 - e. Letters**
 - f. Telephone records and any notes made during and after telephone calls**
 - g. Correspondence includes any other type of correspondence frequently used by the department, including text messages and private emails**
 - h. Correspondence that is stored on cloud services such as Dropbox**
- 2. Please also provide all information generated in or around meetings again over the last 6 months relating to the government consultation on underground drilling access between OUGO and the same 4 agencies/companies listed above.**

Please ensure your searches include the following types of document:

- a. Notes**
- b. Minutes**
- c. Reports or draft reports**
- d. Letters**
- e. Email correspondence**
- f. Memos**
- g. Telephone records and any notes made during and after telephone calls**

We have considered your request in accordance with the Environmental Information Regulation 2004 (EIRs) because the information you sought falls within the definition of "environmental information" as stated in the EIRs.

We searched our paper and electronic records for information dated between 5 February 2014 and 5 August 2014 inclusive. I have established that the Department holds information/correspondence falling within the scope of your request under point 1, between OUGO and: UKOOG, Cuadrilla, EA and DEFRA relating to the government consultation on underground drilling access.

The Department does not hold information on any meetings over the last 6 months with the parties mentioned in your request relating to the government consultation on underground drilling access.

DECC considers some of the material – the information relating to Cuadrilla, UKOOG, EA and DEFRA – is exempt from disclosure under regulation 12(4)(d), 12(4)(e), 12(5)(f) and 13(1) of the EIRs. 12(4)(d) relates to material which is still in the course of completion, unfinished documents or incomplete data. 12(4)(e) relates to the disclosure of the internal communications, 12(5)(f) relates to disclosure would adversely affect the interests of the person who provided the information and 13(1) relates to personal data.

The rest of the material – some of the communication between OUGO and UKOOG – is attached in **annex A** of this letter, with redactions under regulation 13(1) of the EIRs. These are qualified exceptions and are subject to the public interest test, for which we have applied a presumption in favour of disclosure, as required by regulation 12(2) of the EIRs.

Regulation 12(4)(d) of the EIRs has been applied because some of the material are unfinished documents containing incomplete data. There is a public interest in disclosure for greater transparency, but in some places a greater public interest in withholding the requested information: releasing draft versions of these documents is likely to mislead the public. The government response to the consultation is in the public domain and can be accessed via the www.gov.uk website.

Regulation 12(4)(e) of the EIRs relates to internal communications between central government departments. Releasing internal communications may assist the public's understanding of the workings of government. However, there is a contravening public interest in providing a 'safe space' in which officials may communicate confidentially. Disclosing the information would undermine the department's ability to have open and frank discussions with government departments and stakeholders.

Regulation 12(5)(f) of the EIRs provides protection of the interests of the person who provided the information to the public authority. Some of the information in this request was sent to the Department voluntarily, and the organisations were under no obligation to provide it. Making such information public could adversely affect the interests of these organisations and inhibit communications with them and other stakeholders in the future. Such communications are essential to policy formulation. We have considered the public interest in favour of disclosing this information to support greater transparency in Government decision making, and concluded that it is in the public interest to maintain the exception.

Some information constitutes personal data and has been withheld. Regulation 13(1) of the EIRs provides an absolute exception from disclosure for personal data, which falls under the Data Protection Act (DPA). Personal data of third parties can only be disclosed under 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 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 your copy of this information.

The government response to the consultation on underground drilling access will shortly be published, and will be accessible via the www.gov.uk website.

Appeals procedure

If you are unhappy 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,
Department of Business, Innovation and Skills,
1 Victoria Street,
London,
SW1H 0ET

Email foi@bis.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, and Water Lane, Cheshire, SK9 5AF.

Yours sincerely

Office for Unconventional Gas and Oil (OUGO)

Annex A

From: REDACTION (Energy Development)
Sent: 30 April 2014 16:28
To: Ken Cronin
Subject: Shale consultation update
Importance: High

Ken,

It is now looking highly unlikely that we will publish the consultation tomorrow – there are concerns that this is too close in practice to the local elections, regardless of whether the formal restrictions on announcements apply. Unless I hear otherwise, we would therefore expect instead to publish shortly after the elections, probably in the week commencing 26th May.

Therefore please stand down at your end and alert your members accordingly as relevant.

I will get back in touch before then to discuss the payment proposal, once Ministers have considered this, and to explore further the issue of payment being non-compulsory where access can be negotiated individually.

Regards,

REDACTION



REDACTION, Office of Unconventional Gas and Oil
3 Whitehall Place, London SW1A 2AW
E: REDACTION@decc.gsi.gov.uk T: 0300 068 REDACTION
Follow us on [Twitter.com/DECCgovuk](https://twitter.com/DECCgovuk)

From: Ken Cronin; REDACTION
Sent: 30 April 2014 16:51
To: REDACTION (Energy Development)
Subject: Re: Shale consultation update

REDACTION

Obvious concern from our side on what this does for longer term timing if we delay further

REDACTION

Sent from my iPhone

From: REDACTION (Energy Development)
Sent: 31 July 2014 10:07
To: Ken Cronin
Cc: Figueira Duarte (Energy Development); REDACTION (Energy Development)
Subject: Update on regulation

Dear Ken,

Would it be possible to arrange a time to meet next week for a discussion on regulation, in particular, a few points on underground access? Looking at diaries, Thursday or Friday look best. Please let me know.

Kind regards,

REDACTION

REDACTION REDACTION | REDACTION REDACTION REDACTION | Office of Unconventional Gas and Oil |
Department of Energy and Climate Change (DECC) | Area 3A, 3 Whitehall Place, London SW1A 2AW | 0300 068
REDACTION | REDACTION@decc.gsi.gov.