

Department of Energy & Climate Change

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Our Ref: 12/1554

3rd December 2012

Dear NAME REDACTED,

Thank you for your email of 3rd November where you requested the following information:

Information regarding all contact between Hitachi Ltd and/or its consultants or representatives, and the following people:

- Mark Higson (OND)
- Hergen Hays (OND)
- Peter MacDonald (OND)
- Ed Davey
- John Hayes
- Charles Hendry

regarding Hitachi's purchase of Horizon Nuclear Power and its plans to generate nuclear power in the UK from 1 March 2012 to the present day.

Your request has been considered under the Freedom of Information Act 2000 (FOIA). We have interpreted your request, where you ask for 'contact', to refer to details of meetings and correspondence (letters and emails) between the above named officials and Hitachi Ltd and/or its consultants or representatives. We have also interpreted your request to include meetings and correspondence where the purchase of Horizon Nuclear Power and its plans to generate nuclear power in the UK were specifically discussed from 1st March 2012 until 3rd November 2012.

I have conducted a search of our records and can confirm that 3 meetings took place in the period from 1st March 2012 to 3rd November 2012 and 3 emails were located where the purchase of Horizon Nuclear Power and its plans to generate nuclear power in the UK were discussed between the named OND officials and Hitachi Ltd and/or its consultants or representatives. A list of the meetings is attached as Annex 1 and the email correspondence can be found in Annexes 2-4.

Regarding ministerial meetings, all meetings between external organisations and DECC ministers are published quarterly on the DECC website (under Transparency and Freedom of Information) at this link:

<http://www.decc.gov.uk/en/content/cms/accesstoinform/registers/registers.aspx>

The most recently published list goes up to June 2012. Information about ministerial meetings after June 2012 is exempt under Section 22 of the FOIA as the information is intended for publication at a future date on the Department's website at the above 'Transparency and Freedom of Information' web link.

Section 22 is a qualified exemption and we have therefore considered the public interest test. There is a public interest in knowing information about ministerial meetings as this leads to greater transparency in government. However, the best use of public resources would be applied in pulling this information together, ensuring the information is accurate and published in a consistent and comprehensive format, rather than issuing it in a piecemeal fashion. This information is still being checked prior to publication. Please be assured that the Department is committed to publishing this information. Having considered the public interest test, the Department's decision is to withhold the requested information on ministerial meetings

The presentation attached in Annex 3 has been redacted as this information falls under section 43(2) of the FOIA. Its disclosure would, or would be likely to, prejudice the commercial interests of Hitachi Ltd. Section 43 is subject to the public interest test. The public interest in disclosing the information enhances an open and transparent government and allows there to be proper scrutiny of the Department's actions in accordance with the UK's policy. We do however realise that by releasing this information it may make Hitachi and other companies less likely to provide the department with commercially sensitive information in the future. Given the potential impact on engagement between government and Hitachi in the future, we feel the public interest favours the non disclosure of this information.

Some personal information has been redacted from the information released. 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 from Hitachi Ltd and/or its consultants or representatives or those 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 published.

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 of Business, Innovation & Skills
Victoria 3, 5th Floor
1 Victoria Street
London SW1H 0ET
Email: 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,

NAME REDACTED
Office for Nuclear Development