

**Department of Energy & Climate
Change**

3 Whitehall Place,
London SW1A 2AW
www.decc.gov.uk

Our ref: 12/0733

25 Sept 2012

Dear NAME REDACTED,

I am writing in response to your email of 31 July in which you requested an internal review of the Government's response to your information request ref. 12/0733.

You have asked for a review of the public interest test applied to material falling in scope of points 5 and 6 of your original request.

5. a copy of any and all comments submitted to DEFRA and / or its consultants in respect of the Energy sector report on behalf of DECC and its subsidiary agencies and departments;
6. all internal and external correspondence related to the Energy sector report, the modelling which informed it, and the DEFRA UK Climate Change Risk Assessment;

As you know, we only considered records relating to new and existing nuclear power plants. Your request was considered under the Environmental Information Regulations 2004.

We previously advised you that the information you requested was held by this Department but that following careful consideration we had decided not to disclose it. We have now conducted an internal review and this decision is overturned. Relevant records are now attached.

The information was previously withheld following the application of the public interest in relation to Regulation 12(4)(e) of the Environmental Information Regulation 2004. In applying this exception we balanced the public interest in withholding the information against the public interest in disclosure. Having considered the factors particular to your case we concluded that the public interest in withholding the information outweighed the public interest in disclosing it. Having revisited our decision we are no longer convinced that this is the case. Whilst the arguments we presented with regards to a "safe space" for officials to develop policy still remain true we do not believe that they are strong enough in this particular case to outweigh the general public interest in

the transparency of how government operates and in engaging the public in the policy making process.

The emails released here show the involvement my officials had with officials at DEFRA during the production of the Energy sector report and the CCRA. The emails span a wide period of time in the development of the Climate Change Risk Assessment, from November 2010 to November 2011 and so relate to evolving versions of the analysis and report. As part of the research process DECC provided a range of comments to help DEFRA's contractors develop a report which was both accurate and fit for purpose. I would like to take the opportunity to confirm that the CCRA report **does not** change the conclusions reached in the Nuclear National Policy Statement (NNPS). The conclusions reached in the CCRA reflect the position on risk if no mitigation or adaptation was undertaken, rather than reflecting any capacity to protect against these risks. The NNPS analysed the potential to protect against flood and coastal erosion at the new build sites themselves.

Some personal information has been redacted from the information released. Regulation 12(3) of the EIRs, with reference to regulation 13 provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data 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 consider it fair to release the names of junior members of staff and third parties and do not consider that any do the relevant conditions apply. The names of Senior Civil Servants have been published.

Please be aware that where information is outside the scope of your request it has been redacted or not included.

If you are not content with the outcome of this 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,

Mark Higson

CEO, Office for Nuclear Development
Department of Energy and Climate Change