

**Department of Energy
& Climate Change**

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

10 September 2012
Our ref. 12/1124
Your ref. 01DEC615-653

Dear

Partial provision of requested information

Thank you for your information request dated 27 July 2012 which was received on the same day by the Department. Your request was for the following information:

"In the Internal Review IR/12/0495 you supplied a list of DECC records that contained keywords specified in the FOI request preceding the internal review (your ref:12/0495/our ref:00BIS489). I am now requesting 39 specific documents and emails from that list. Please treat the request for each document as a separate request."

We are treating your request for each document as part of a single request rather than a series of separate requests.

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs) as the information you have sought disclosure of, does in our view, fall within the definition of 'environmental information' as stated in the EIRs. Of the 39 documents and emails requested we are providing 21 (with some personal data redacted), withholding 16 and two documents are already in the public domain. A summary table of the information released/withheld is given below.

Summary of Information Released

	XX Reference	Status
1	01DEC615	<i>Released – some personal data withheld under 12(3)</i>
2	01DEC616	<i>Released – some personal data withheld under 12(3)</i>
3	01DEC617	<i>Released – some personal data withheld under 12(3)</i>
4	01DEC618	<i>Released</i>
5	01DEC619	<i>Released – some personal data withheld under 12(3)</i>
6	01DEC620	Withheld under 12.4(e)
7	01DEC621	Withheld under 12.4(e)
8	01DEC622	<i>Released – some personal data withheld under 12(3)</i>
9	01DEC623	<i>Released – some personal data withheld under 12(3)</i>
10	01DEC624	<i>Released – some personal data withheld under 12(3)</i>
11	01DEC625	<i>Released – some personal data withheld under 12(3)</i>
12	01DEC626	Withheld under 12.4(e)
13	01DEC627	Withheld under 12.4(e)
14	01DEC628	In public domain (link provided)
15	01DEC629	Withheld under 12.4(e)
16	01DEC630	Withheld under 12.4(e)
17	01DEC631	Withheld under 12.5(e) and 12.5(f)
18	01DEC632	<i>Released – some personal data withheld under 12(3)</i>
19	01DEC633	Withheld under 12.4(e)
20	01DEC634	<i>Released – some personal data withheld under 12(3)</i>
21	01DEC635	In the public domain (link provided)
22	01DEC636	Withheld under 12.4(e)
23	01DEC637	<i>Released</i>
24	01DEC638	Withheld under 12.4(e)
25	01DEC639	<i>Released – some personal data withheld under 12(3)</i>
26	01DEC640	Withheld under 12.4(e)
27	01DEC641	Withheld under 12.5(a) & 12.4(e)
28	01DEC642	Withheld under 12.4(e)
29	01DEC643	<i>Released – some personal data withheld under 12(3)</i>
30	01DEC644	<i>Released – some personal data withheld under 12(3)</i>
31	01DEC645	<i>Released – some personal data withheld under 12(3)</i>
32	01DEC646	Withheld under 12.4(e)
33	01DEC647	<i>Released – some personal data withheld under 12(3)</i>
34	01DEC648	<i>Released – some personal data withheld under 12(3)</i>
35	01DEC649	<i>Released – some personal data withheld under 12(3)</i>
36	01DEC650	Withheld under 12.4(e)
37	01DEC651	Withheld under 12.5(a) & 12.4(e)
38	01DEC652	<i>Released – some personal data withheld under 12(3)</i>
39	01DEC653	<i>Released – some personal data withheld under 12(3)</i>

Although we have applied a presumption in favour of disclosure of all requested documents, as required by regulation 12(2) of the EIRs, this was not possible for all documents as is explained in detail below.

A. The 11 documents listed below (XX reference numbers) are withheld as they are restricted or related to cabinet/cabinet committee information.

01DEC620, 01DEC621, 01DEC626, 01DEC627, 01DEC629, 01DEC630, 01DEC633, 01DEC636, 01DEC638, 01DEC640, 01DEC642

They are withheld in accordance with the exception pursuant to EIR 12.4(e) relevant to internal communications. As this is a qualified exception, a public interest test was undertaken by DECC to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.4(e) in relation to the above 11 documents

While we recognise that greater transparency makes Government more open and accountable, any public interest in the disclosure of the information contained in these 11 documents must be balanced with the need to ensure that Ministers can exchange information in a manner which allows for the frank exchange of views and opinions.

The doctrine of collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained.

Collective responsibility is a central tenet of the UK constitution. Protecting collective responsibility is in the public interest as it allows for the maintenance of space to formulate, develop and refine policy. This space also allows for all options to be considered.

If Ministers felt inhibited from corresponding with one another because of the risk of public disclosure, the quality of debate lying behind collective decision making will be diminished. This would have a detrimental effect on both the process of collective government and the quality of the decisions made at the highest level, undermining good government.

It is therefore our view that the public interest is in favour of non-disclosure of these 11 documents.

B. The document **XX 01DEC631** is a PowerPoint slide presentation delivered to DECC by a market research company on consumer attitudes towards climate change. Of the over 40 slides in the presentation only one actually contains the word 'climategate'. This document is withheld in accordance with the exception

pursuant to the EIR 12.5(e) relevant to confidentiality of commercial information, and 12.5(f) relevant to the voluntary provision of information.

As the above exception is a qualified exception, a public interest test was undertaken by DECC to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.5(e) and 12.5(f) in relation to XX 01DEC631

The company came to DECC to present their own research findings voluntarily, on a commercial and confidential basis. The research was not commissioned by DECC but was privately funded and has not been published. The presentation contains commercially sensitive information.

To release this information without permission from the owner would be a serious breach of trust and could inhibit other organisations from communicating confidential research to Government Departments. It could also leave the Department open to legal action. DECC works closely with commercial organisations as part of the business of government and we strive to maintain good working relationships with these organisations. Therefore it is our view that the public interest is in favour of non-disclosure.

C. The document **XX 01DEC641** on Saudi Arabia and climate change is withheld in accordance with the following exceptions pursuant to the EIR: 12.5(a) relevant to harming international relations, and 12.4(e) relevant to internal communications.

As the above exceptions are qualified exceptions, a public interest test was undertaken by DECC to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.5(a) and 12.4(e) in relation to XX 01DEC641

Disclosure of this document would compromise bilateral relations between the UK and Saudi Arabia at a time when the UK is seriously engaged in international efforts to secure a global agreement on reducing greenhouse gas emissions, which the science says is necessary to limit the worst effects of climate change. The public interest would thus not be served if this effort were to be undermined by the UK possibly losing any influence over Saudi climate change policy following release of this document. Damage to UK-Saudi relations could also spill over into other areas of UK-Saudi cooperation, which again would not be in the public interest.

Furthermore, it is important that policy officials have a space for free and frank discussions about all available possibilities in relation to any given policy or idea. If policy officials thought that these discussions could ultimately be disclosed this would have a detrimental effect on both the process of policy development and the quality of the advice given to Ministers by civil servants,

thus undermining good government. Disclosure of this document would therefore send a message that civil servants do not have a space for free and frank discussions which we consider would not be in the public interest.

D. Document **XX 01DEC646** is a letter from the Chief Government Adviser Sir John Beddington to the Prime Minister. It is being withheld in accordance with the exception pursuant to the EIR 12.4(e) relevant to internal communications.

As the above exception is a qualified exception, a public interest test was undertaken on behalf of DECC by the Government Chief Scientist's office to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.4(e) in relation to XX 01DEC646

This internal government communication is being withheld because of the harm that could be caused by its release. Were such letters to be released Sir John Beddington's advisory role to the Prime Minister could be compromised and our view therefore is that the public interest is in favour of non-disclosure.

E. The document **XX 01DEC650** entitled 'Paper D Climategatecomms (2)' is withheld in accordance with the exception pursuant to the EIR 12.4(e) relevant to internal communications.

As the above exception is a qualified exception, a public interest test was undertaken by DECC to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.4(e) in relation to XX 01DEC650

This is essentially a media submission to DECC Ministers and Directors and such documents are generally not released to the public. To be effective, communications advice and handling strategies in such submissions need to contain frank discussion and comment about a particular policy or likely sources of attack. Releasing such information could inhibit officials' willingness to make candid assessments of government policy, to the overall detriment of the policy formulation process. Therefore it is our view that the public interest is in favour of non-disclosure.

F. The document **XX 01DEC651** entitled 'Whither the IPCC' is withheld in accordance with the following exceptions pursuant to the EIR: 12.5(a) relevant to harming international relations and 12.4(e) relevant to internal communications.

As the above exceptions are qualified exceptions a public interest test was undertaken by DECC to consider whether there are overriding reasons why disclosure of this information would not be in the public interest.

Consideration of 12.4(e) and 12.5(a) in relation to XX 01DEC651

- a) This document was intended as an internal document for policy development and that for all the issues to be fully aired officials need protected space to do this.
- b) It deals with issues which if made public could harm the UK's relationship with other countries and international organisations with a detrimental effect on its future dealings with them. The UK is just one member Government of The Intergovernmental Panel on Climate Change (IPCC).

If this material was released it would adversely affect the ability of the UK to work with other governments on IPCC matters as it would involve a breakdown in trust. This is not in the public interest.

It is also worth noting that the main point of the paper is on the management of the IPCC issues and not the subject raised in the request.

G. Documents **01DEC628** and **01DEC635** are not included in the documents provided for this response as they are already in the public domain. The first can be found on the IPCC website http://www.ipcc.ch/scripts/session_template.php?page=34ipcc.htm where it is listed as document 20.

The second document is a paper by Chandler et al (including K Willett as a co-author) on 'Building trust in climate science'. Further information is at this website:

<http://www.scopus.com/record/display.url?eid=2-s2.0-84858178297&origin=inward&txGid=9AV4zhK8yirtqRijuSmw9Fw%3a2>

Note on redactions

In the documents that are released personal data concerning certain government officials and some other third party individuals have been redacted in accordance with Regulations 12(3) and 13 of the EIRs and Section 40 of the Freedom of Information Act (to the extent that the information requested is not environmental). These EIR regulations and section 40 provide an exemption for personal data which then falls to be dealt with under the Data Protection Act (DPA) 1998. 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 DPA. We consider that to disclose the names and contact details of certain officials and third party individuals within the released documents would contravene one or more of those data protection principles.

The definition of personal information to which regulation 12(3) & 13 and section 40 applies is wide and can include references to identifiable individuals. Our

view is that the release of the names and contact details would not be fair and none of the conditions of Schedule 2 are met.

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 Information Rights Unit (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