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By Email: REDACTED REDACTED REDACTED

Department of Energy & Climate Change
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Our Ref: 12/0836

Your Ref: REDATED REDACTED

26 July 2012

Dear NAME REDACTED,

Further to my letter of 28 June, in which I confirmed that we hold information falling within the terms of your request, but needed more time to consider it, I am now able to reply.

In your email, dated 29 May, you made three requests for information regarding meetings with representatives of the nuclear, renewables and energy efficiency and energy conservation industries and a request for information relating to DECC secondments. I was asked to address your request regarding dates, attendee list and minutes, if prepared, of meetings held since 1 October 2011 between (1) departmental ministers and (2) officials in the DECC Office for Nuclear Development respectively and (a) representatives of member companies of the Nuclear Industry Association (b) lobbyists for nuclear industry companies and (c) investment banks to discuss new nuclear funding.

Under the Freedom of Information Act 2000 (FOIA), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the FOIA which may apply).

Regarding meetings involving departmental ministers, all meetings between external organisations and DECC ministers are published quarterly on the DECC website at this link:

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

The most recently published list covers the last quarter of 2011. Therefore the information on ministerial meetings up to the end of 2011 is exempt under Section 21 of the FOIA, because the information is accessible to you, as it is already in the public domain.

Information about ministerial meetings for 2012 will be published in due course on the Department's website at the above 'Transparency and Freedom of Information' web link. We have considered whether it is reasonable in all of the circumstances that this information should be withheld until publication as set out above. We consider that this would be in line with accepted practices, is a sensible use of public resources and is fair to all concerned. For these reasons we think that section 22 of the FOIA applies.

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 material. Having considered the public interest test, the Department's decision is to withhold the requested information on ministerial meetings for 2012.

With respect to meetings attended by officials in the DECC Office for Nuclear Development you ask for information relating to meetings "to discuss new nuclear funding". In considering this request we have taken the view that you are asking for information relating to new nuclear funding where it was discussed in any meetings (with the specified persons), rather than information relating to meetings which had the specific purpose of discussing new nuclear funding. In any event our broader interpretation should cover all information on new nuclear funding that would have been encompassed by the narrower interpretation. However, in taking this approach we have taken the view that you have not requested information relating to aspects of these meetings which do not relate to new nuclear funding. With that in mind some information is redacted as being not information which is the subject of your request.

I am able to confirm that 5 meetings took place in the period between 1 October 2011 and 1 June 2012, where new nuclear funding was discussed.

A list of these meetings is attached as Annex 1, and notes and minutes are attached as Annex 2. Please note that Annex 1 is not a complete list of meetings which have taken place, as it excludes those meetings where new nuclear funding was not discussed. Annex 2 only contains the information in the minutes relating to new nuclear funding.

Agendas, attendees and minutes of the Nuclear Development Forum are available via the DECC website at this link:

http://www.decc.gov.uk/en/content/cms/meeting_energy/nuclear/forums/develop_for/um/develop_forum.aspx

We have therefore not provided you with this information as it is already in the public domain and as such is exempt information under section 21 of FOIA.

Of the remaining minutes, some of the information contained in these minutes is personal data. We do not consider it is fair and reasonable to release the names of individuals from outside organisations or those who are not members of the Senior Civil Service taking part in three of these meetings. This information is exempt under section 40 (personal information) of the FOIA, as the information constitutes third party personal data, for which specific provision is made in section 40(2). This information has therefore been redacted from the minutes provided to you. The names of Senior Civil Servants have been published.

Some of the information contained in these minutes is commercially sensitive information. We consider that publication of this information would, or would be likely to, prejudice the commercial interests of third parties and as such it has been redacted under Section 43(2) of the FOIA.

The use of Section 43 of the FOIA is subject to a public interest test. In this context, we recognise that there is a general public interest in the disclosure of information as greater transparency makes Government more accountable. Against this there is a public interest in ensuring that the commercial interests of external interests are not damaged or undermined by disclosure of information which is not common knowledge and which could adversely impact on future business. In addition, by releasing such information, the confidence our customers have in us may be damaged, making them reluctant to provide us with commercially sensitive information in the future, leading to less informed policy making. In this case, we consider that the public interest in favour of disclosing such information is outweighed by the necessity to protect the commercial interests of third parties.

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 DECC 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,

NAME REDACTED
Office for Nuclear Development

Annex 1 - Meetings with representatives of member companies of the Nuclear Industry Association, lobbyists for nuclear industry companies and investment banks to discuss new nuclear funding held since 1 October 2011

Date	Organisation / Event	Attendees	Notes / Minutes
26 October	Horizon Challenge Meeting	(DECC) Mark Higson, Hergen Haye, NAME REDACTED, NAME REDACTED, NAME REDACTED (Horizon) NAME REDACTED, NAME REDACTED	Attached as Annex 2
27 October	Nuclear Development Forum	Available via DECC website	Available via DECC website
2 April	RWE and E.ON	(DECC)Mark Higson, Hergen Haye, Tim Stone, NAME REDACTED, NAME REDACTED, NAME REDACTED (RWE) NAME REDACTED, NAME REDACTED (E.ON) NAME REDACTED, NAME REDACTED, (Horizon) NAME REDACTED	Attached as Annex 2
9 May	Areva	(OND) Mark Higson, Stephen de Souza (Areva) NAME REDACTED, NAME REDACTED, NAME REDACTED	Attached as Annex 2
15 May	Nuclear Development Forum	Available via DECC website	Available via DECC website

Annex 2 – Notes and Minutes of Meetings

1. OND Challenge Meeting with Horizon Nuclear, 26 October 2011

Attendees

DECC: Mark Higson, Hergen Haye, NAME REDACTED, NAME REDACTED, NAME REDACTED

Horizon Nuclear: NAME REDACTED, NAME REDACTED

Summary

[TWO PARAGRAPHS OF MATERIAL NOT RELATED TO NEW NUCLEAR FUNDING REDACTED]

NAME REDACTED reported that he was due to meet NAME REDACTED of DECC's Commercial Team on 8th November to discuss the EMR project.

2. RWE/Eon/HMG meeting on sale process for Horizon Nuclear Power, 2 April 2012

[EIGHT PARAGRAPHS OF MATERIAL NOT RELATED TO NEW NUCLEAR FUNDING REDACTED]

RWE / E.ON reiterated that withdrawal from new nuclear in the UK was based on a number of strategic issues. However, they did emphasise the need to deliver on EMR in order to attract buyers and in particular to deliver a product / contract which was viewed as bankable by potential investors, and the difficulties in relation to construction risk and timescale before a CfD payment would be made.

Actions:

[THREE ACTIONS NOT RELATED TO NEW NUCLEAR FUNDING REDACTED]

3. Note of a meeting between OND and Areva, 9 May 2012

Mark Higson met senior representatives of Areva UK (NAME REDACTED, NAME REDACTED and NAME REDACTED) with Stephen de Souza on Wednesday 9 May.

[SIX PARAGRAPHS COVERING DETAILED COMMERCIAL INFORMATION REDACTED UNDER SECTION 43 OF THE FOIA]