

3 April 2012

**RE: Freedom of Information request – 12/0364**

Thank you for your correspondence of 29 February 2012. You have requested the following information:

*a list of all individuals in the 1) Department of Energy and Climate Change, 2) in the non-departmental public bodies for which the Department is responsible and 3) individuals nominated by the Department of Energy and Climate Change or ministers in that department who hold posts remunerated on the basis of at least 100 days' work per year and who are paid through a company for their services, with the pay band in each case.*

Freedom of Information Act 2000

Your request has been handled under the Freedom of Information Act 2000. Under the Freedom of Information Act 2000 ('the Act'), in which you have the right to:

- know whether we hold the information you have requested and;
- be provided with that information (subject to any exemptions under the Act which may apply).

There are 69 individuals in Department for Energy and Climate Change (DECC) and less than 5 in the NDPBs for which the Department is responsible that are remunerated on the basis of at least 100 days per year that are paid through a company for their services rather than through the Department's or NDPBs payroll. The details of these are shown in Annex A.

Personal data concerning individuals paid through a company for their services is being withheld in accordance with Section 40(2) of the Freedom of Information Act.

**Section 40(2)** provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act 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 Data Protection Act. We consider that to disclose of the names of these junior officials would be a breach of one or more of those principles. We do not think that it is fair to release

the personal details of these junior officials, and do not think that any of the relevant conditions apply.

Individuals are contracted through approved procurement frameworks and all appropriate procurement and recruitment processes are followed.

The Treasury is expected to produce guidance for Departments shortly where payments are made without PAYE and employer and employee national insurance contributions being deducted by the Department, and we will review each case in line with the guidance when it is available.

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 email. If you wish to request an internal review, please contact us.

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 Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF.

Please do not hesitate to contact me if I can be of further assistance.

## Annex A

### People working In DECC and Non Departmental Public Bodies for over 100 days

<b>Grade</b>	<b>Number of Individuals</b>
Administrative Officer	6
Executive Officer	16
Higher Executive Officer	10
Senior Executive Officer	5
Grade 7	17
Grade 6	Less than 5
Deputy Director	10

The details of all people at Director level or above are published at <http://data.gov.uk/organogram/department-of-energy-and-climate-change> This data is updated on a 6 monthly basis.