

**Department of Energy & Climate Change**  
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[www.decc.gov.uk](http://www.decc.gov.uk)

28 March 2012

**Our ref: 12/0343**

Dear ,

**RE: Letter from Minister to Ofgem & Ofgem's response**

In response to our letter 1 March 2012 (Ref: 12/0157) to which you responded with a follow-up request stated below:

*Your request received on 2 March 2012 from :*

*".....I would like to ask you one follow-up question: the minutes of the Ofgem/DECC meeting of July 5th refer (on page 2, clause g) to a letter from the Minister to Ofgem, suggesting that the Minister is issuing some guidance to Ofgem. My FOI request/question is  
a) whether this letter was ever sent, and if so  
b) could you please publish the letter and the Ofgem response (if any)?"*

We have considered your request in accordance with the Environmental Information Regulations 2004 (EIRs) as the information you sought disclosure of, does in our view, fall within the definition of 'environmental information' as stated in EIRs.

We have now completed searching for the information you requested and copies of the correspondence are attached as listed in the Annex below.

However, in releasing this information some personal and company information has been withheld in line with our obligations under the Data Protection Act.

EIR regulation 12(3) (*and (13)*) apply to information whose disclosure would contravene any of the data protection principles in the Data Protection Act 1998 (or certain other provisions of the Data Protection Act 1998). This exempts information constituting the personal data of living individuals, the release of which would be in breach of the Department's obligations in respect of the Data Protection Principles as set out in the Data Protection Act. The definition

of personal information to which regulation 12(3) applies is wide and can include references to identifiable individuals.

In this case, the Department considers that some of the information you have requested fall within the ambit of the first Data Protection Principle, that the Personal data must be processed fairly and lawfully and, in particular, must not be processed unless at least one of the conditions in Schedule 2 to the DPA is met. In this case we do not think that it is fair to release third party personal details, and do not think that any of the relevant conditions of Schedule 2 apply.

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 DECC Information Rights Unit ([foi@decc.gsi.gov.uk](mailto: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,

Feed-in Tariffs Policy Development  
Office of Renewable Energy Deployment  
Department of Energy and Climate Change – [www.decc.gov.uk](http://www.decc.gov.uk)

Annex:

- Letter from DECC to Ofgem
- Response from Ofgem