



Department
of Energy &
Climate Change

Department of Energy & Climate Change

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DECC Ref: Fol Request 12/1642

22nd January 2013

Dear [REDACTED]

RE: Freedom of Information Request

Thank you for your email of 23rd November where you requested information about 'details of meetings held between the SoS for Energy and Oil & Gas UK in March and April 2011'.

We have considered your request in accordance with the Freedom of Information Act (FOIA) I am writing to advise you that following a search of our paper and electronic records I have established that the Department holds information falling within the scope of your request. We hold briefing material, a note of a PILOT meeting held within the dates you request which had members of Oil and Gas UK in attendance.

A copy of the information held is attached.

Some personal information has been redacted from the information released. Section 40 of the FOIA provides an absolute exemption for personal data, which then falls to be dealt with under the Data Protection Act (DPA). 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 do not think that it is fair to release the names of junior members of staff or third parties and do not think that any of the relevant conditions apply.

Some information has been redacted as it falls under the exception in Section 35(1)(a) of the FOIA, which relates to the formulation or development of government policy. In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. The factors we considered in deciding where the public interest lay are considered below.

We recognise the public interest arguments in favour of disclosing this information. In particular, we recognise that greater transparency makes Government more open and accountable. However, any public interest in the disclosure of such information must be balanced with the need to ensure that Ministers and advisers can discuss policy, and advisers can brief Ministers in a manner which allows for frank exchanges of views and opinions about important issues. If this information were made public, we believe frankness and policy development would be inhibited and the Department would be prevented from taking decisions based on the fullest understanding of the issues involved.

In considering the arguments against disclosure, we have considered that the requested information relates to the development of policy. It would not be appropriate for the disclosure of this information as this could prejudice the outcomes of ongoing work and impact the successful conclusion to a number of ongoing policy areas in development.

Some information has been redacted as it has been provided by companies and falls under the exception in Section 43(2), which relates to the disclosure of information that would, or would be likely to, prejudice the commercial interests of any person. In applying this exception we have again had to balance the public interest in withholding the information against the public interest in disclosure.

While there is a general public interest in the disclosure of information, as greater transparency makes Government more accountable, there are public interest considerations in favour of withholding the information in order to ensure that commercial confidentiality is not prejudiced or undermined by disclosure of information which is not common knowledge, as this could adversely impact on future business discussions. We are satisfied that disclosure of this information could prejudice future discussions with the companies concerned and adversely affect the ability of the UK Government to undertake detailed policy discussions with commercial stakeholders. It is also a matter of public interest that the commercial interests of external businesses should not be damaged or undermined by disclosure of information which is not common knowledge.

We therefore consider that the public interest arguments in favour of withholding the redacted information outweigh the public interest arguments in favour of its disclosure.

Appeal Procedure

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 Department.

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,

[Redacted signature]

[Redacted name]