Department of Energy & Climate Change

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IR/13/1050

02 December 2013

INTERNAL REVIEW OF ENVIRONMENTAL INFORMATION REQUEST 13/1050

Dear Dr Moroney,

I am writing in response to your request for an internal review of the above case. You requested: (i) an internal review of DECC's decision to withhold information in response to your request; (ii) that DECC reviews the reasons for withholding the parent e-mails for several of the e-mails we released; and (iii) to reconsider what you perceive to be over-zealous redacting.

In compliance with the Environmental Information Regulations 2004 ('the EIRs') I have conducted an internal review of the original response. In performing this review I have considered whether the response to your request was processed following the EIRs. I have reviewed the information the Department holds and the exceptions used to withhold specific correspondence. I set out my decision below.

Having considered the exceptions used in withholding the information, I still consider that the public interest in maintaining these exceptions outweighs the public interest in disclosing the specific information in respect of the majority of the information and therefore uphold the decision in the main. However, I have identified one document which I consider can be released with fewer redactions than previously provided. I have enclosed that email with this letter.

Referring to the parent e-mails in your letter dated 8 October 2013, these were withheld as they related to material which is still in the course of completion to unfinished documents or to incomplete data and also involved the disclosure of internal communications (exception contained in regulations 12(4)(d) and (e) of the EIR). These parent emails were therefore withheld in their entirety. Having conducted a review of this material, I consider that it was correct for these parent emails to be withheld in their entirety under regulations 12(4)(d) and (e).

You state that the redacting appeared to be over –zealous. I can confirm that where redaction has been carried out in respect of personal data, the Department followed the requirements of Regulation 12(3) and the Department's usual practice, in order to redact information in the e-mails provided. Regulation 12(3) provides an absolute exception for personal data which then falls to be dealt with under the Data Protection Act 1998 (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 is fair to release the names and contact details of junior members of staff or third parties and we do not think that any of the relevant conditions apply. The names and contact details for senior officials were released, following redaction guidelines, therefore, my decision is that the correct process was followed.

As you point out, an email was attached by mistake at the foot of page 15 in our previous response, dated 2 September 2013. This was erroneously attached due to an administrative error and I apologise for this. I have enclosed a corrected copy of that email with this letter.

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,

Hugh McNeal
Chief Executive - Office for Renewable Energy Deployment

Reformatted e-mail

From: [redacted] (Office for Renewable Energy Deployment) [mailto:[redacted]@decc.gsi.gov.uk]

Sent: 10 May 2013 17:22

To: [redacted]

Cc: [redacted] (Office for Renewable Energy Deployment)

Subject: IoA good practice guidance

Dear [redacted]

I understand you met with [redacted] and [redacted] to discuss your concerns about the IoA noise good practice guidance – in particular sound power levels and cumulative impacts. I'm aware that [redacted] has spoken to [redacted], who has confirmed that the majority of R-UK's input has been reflected in the guidance and that the final document will be circulated next week, in advance of publication.

As you know, we are keen to uphold the independent nature of the guidance and it would not be appropriate for us to intervene on specific points. If you have any further concerns, I recommend that you contact [redacted] directly, who would be happy to discuss these with you.

Happy to discuss at our catch-up on Monday.

Have a good weekend,

[redacted]

[redacted]

[redacted]

Office for Renewable Energy Deployment – Industry and Investment Team

Department for Energy and Climate Change

3 Whitehall Place London – [redacted]@decc.gsi.gov.uk

From: [redacted] [mailto:[redacted]@RenewableUK.com]
Sent: 07 May 2013 18:32
To: [redacted] (Office for Renewable Energy Deployment)
Cc: [redacted] (Office for Renewable Energy Deployment)
Subject: Meeting on IOA Guidance - 9th May

Hi [redacted],

Please could we go with the meeting at 3.00pm on the 9th? [redacted] will be attending from Eversheds and I was wondering if it would be possible for [redacted], an acoustics specialist from RES, to call in. Would this be something that you'd be happy with?

Thanks,

[redacted]

[redacted] | **RenewableUK**

[redacted]

RenewableUK, Greencoat House, Francis Street, London SW1P 1DH