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Our Ref: E0002970

25 March 2009

Mr Alex Skene
Email: request-6724-
xxxxxxxxx@xxxxxxxxxxxxxxxxxxx

Dear Mr Skene,

Thank you for your request for the information listed below, which was received on 27 January 2009. I wrote to you on 24 February informing you that your request had been extended for a further 20 days. Your request has been considered under the Environmental Information Regulations (EIR) 2004.

1. A "data dump" of the information stored in the Non-Domestic Energy Performance Certificate Register's underlying database.
2. A list of all data fields and their definitions for this database
3. Any advice and assistance the Department can provide about accessing Display Energy Certificate data. If this data is readily available to be combined with (1) and (2) above.

I am writing to advise you that the Department has decided not to disclose the information you requested on 27 January 2009.

The information you requested is being withheld as it falls under the exemption in Regulations 12(4)(b) and 12(5)(e) of the Environmental Information Regulations.

The attached annex A to this letter sets out the exemption, as well as the factors the Department for Communities & Local Government considered in applying the public interest test. It also sets out a more detailed explanation of why the information is being withheld. The attached annex also includes a schedule of the types of documents analysed by the Department for Communities & Local Government when considering your request. In applying these exceptions we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

Communities and Local Government as an organisation aims to be as helpful as possible in the way it deals with requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. If, however, you are not satisfied with the way in which your request has been handled or the

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outcome, you may request an internal review within two calendar months of the date of this letter. Information about the Department's review procedures and how to apply for an internal review of your case is contained on the Department's website at: <http://www.communities.gov.uk/corporate/about/freedom-of-information/foicomplaints/>. This also explains your right to apply directly to the Information Commissioner for a decision in the event that you remain dissatisfied following the Department's internal review

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Phil Beschizza

<i>Exemption in full</i>	
<p>12(4)(b) – the request for information is manifestly unreasonable 12(5)(e) – the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest</p>	
<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<ul style="list-style-type: none"> • Furthering the understanding of and participation in the public debate of issues of the day. • Promoting openness, accountability and transparency of public authorities and decisions taken by them. • Promoting openness, accountability and transparency in the spending of public money. • Allowing individuals and companies to understand decisions made by the Department. • If the public have information on environmental information that can influence decisions from a position of knowledge rather than mere speculation. 	<ul style="list-style-type: none"> • Request for information that places a substantial and unreasonable burden on the resources of the Department; • Extensive scans of historic files are necessary; • Significant searching of a large database or files of information is necessary; • Extensive redaction is necessary; • A request for information in a particular format may also be unreasonable if it imposes a significant and unnecessary burden on the Department • Although the provisions of the EIR take precedence over the provisions of The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 regulations 14 of the latter restricts the purposes for which certificates and recommendation reports may be disclosed. • Confidentiality of commercial information.

Reasons why public interest favours withholding information

The Register Operator, who holds the information on the central Non-Domestic Register on behalf of CLG, has confirmed the time and cost involved in providing a 'data dump' of all of the information held on the Non-domestic Register.

The costs and time effort estimates shown below are based upon the resources needed for the Register Operator to review the requirements, evaluate how the reports will be produced, design and write the relevant queries, extract the information from the input data in the central Register, carry out the analysis, compile the results, quality check the results and deliver the results. Providing the information in 'unreadable' form cannot be interpreted because the data would contain 'unrecognisable' values. The work involved in assessing whether the 'data dump' contains any personal information, and making the necessary redactions, would also be time consuming. There would be very little difference in the number of delivery days and cost in providing the information in this form.

Cost and Impact Statement: The data storage sizing and media storage requirements will be excessive to fulfil this request, likewise the cost. In addition there are hundreds of data fields which it would take a significant level of software development time to extract, simplify, and provide suitable definitions.

It will take several weeks to extract and provide this data in the format requested. The total number of day's effort to provide the information is 87 working days. Total estimated cost to deliver the data requested is £36,862.

A 'data dump' of all of the information in the Non-Domestic Register will have 'commercial' implications for the business of the Register Operator. The information held on the Register is not publicly available and would be likely to be used by competitors in a particular market to gain a competitive edge.

Type of Document	Applicable Exemption
The Environmental Information Regulations 2004	Section 12 – exceptions to the duty to disclose environmental information