

Mr. David Holland

6 June 2011

Dear Mr. Holland

**ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION
REQUEST (FOI_11-097; EIR_11-009)**

Your request for information received on 7 May 2011 regarding information contained within a response to a prior request to this institution made under the Environmental Information Regulations 2004 has now been considered and some of the information requested is enclosed herewith.

For your convenience, we have reproduced your request in the attachment to this letter and provided our response in line with each question. I trust this will be to your satisfaction.

However, it is not possible to satisfy all elements of your request, and, in accordance with Regulation 14 of the Environmental Information Regulations 2004 this letter acts as a partial Refusal Notice. We are not obliged to supply certain information and the reasons for exemption are as stated below:

Exception	Reason
Reg. 12(4)(a), Information not held	Requested information was not held at the time of the request
Reg. 12(5)(a), Adverse effect on international relations	Release of some information would adversely affect relations with the IPCC
Reg. 12(5)(f), Adverse effects on person providing information	Release of the requested information, would have an adverse effect on the persons providing the information
Reg. 12(3) & 13(1), Personal information	Release of personal information would contravene the data protection principles

For your convenience, I have reproduced your request in the attachment to this letter and provided our response thereunder. I trust this will be to your satisfaction.

Exceptions explanation

Regulation 12(4)(a) is cited in relation to some of the information requested, for the reason that some of this information was not in existence and therefore not held at the time that the request was received.

We base our citation of Regulation 12(5)(a) on representations received from the IPCC WG1 Secretariat in which it objects to the release of some of the requested information. Clearly the IPCC WG1 is an international body as defined by the EIR and a number of UK-based academics are involved in the IPCC process. Release of some information in the face of the objections and representations provided to us by the IPCC would, we believe, damage the ability of UK-based academics to fully participate in this significant global initiative. To release information intended to be confidential would have a significant negative impact on relations with the IPCC generally, not just for UEA-based academics, but for all UK-based academics as well.

Regulation 12(5)(f) is cited on the basis that the IPCC WG1 Secretariat has made representations to our institution regarding the release of some the requested information, claiming that the release of the information would adversely affect their interests, insofar as it would lead them to reconsider their working arrangements with UK-based academics. Additionally, release of material intended solely for the participants in the IPCC WG1 would adversely affect the ability of the IPCC to preserve a confidential working space for IPCC authors which is a necessary part of the assessment process.. . To release such information would significantly damage the reputation of the IPCC and its ability to work with academics from all nations.

In regards Reg. 12(3) and 13(1), to answer your question as posed would effectively reveal the identity of the individual in question. It is our belief that disclosure of this information would be contrary to the first data protection principle under the DPA; namely that information be processed in a fair and lawful fashion and that the processing also meets at least one of the conditions set out in Schedule 2 of the Act. We do not have consent for the release of the identity of this individual, nor are there any conditions present that would allow us to release under any of the other provisions of Schedule 2 of the DPA.

Public interest

Pursuant to Regulation 12(1)(b), we must also apply a public interest test to any and all information excepted under Regulation 12 and this test must be applied as a whole to the entire request rather than exception by exception. It is our opinion that, in relation to the excepted material, the public interest lies in non-disclosure.

With specific reference to the material covered by this request, we certainly acknowledge the public interest in the work of the IPCC. However, it would be our contention that there is much less public interest in the correspondence between the IPCC WG1 Secretariat and this institution in regards the response to a request for information under the Regulations. Requests received by this institution and our responses are made publicly available via our Disclosure Log on the institutional website and provide the official record of any request received by the University.

In relation to material excepted by virtue of the adverse affect on the persons providing the information, in this case the IPCC WG1, there is a public interest in preserving the ongoing good relationship between the UK academic sector and the IPCC WG1 in that it is to the public benefit that UK-based academics participate fully in such a global initiative of value. There is also value to the greater non-UK public in the full participation and contribution of UK-based academics in the IPCC assessment process.

Additionally, there is a public interest in preserving some private space within which institutions can communicate freely and openly, exchange frank and robust views that lead to a fully considered response to any request for information. This also allows for the development of material without the pressure of external and public discussion of every exchange in the drafting process.

We would also add that any material released over which UEA has copyright is released subject to the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information released.

You have the right of appeal against this decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at:

University of East Anglia
Norwich
NR4 7TJ
Telephone: 01603 593 523
E-mail: foi@uea.ac.uk

Pursuant to Regulation 11(2) of the EIR, you must appeal our decision in writing within 40 working days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged.

You also have a subsequent right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF
Telephone: 0303 123 1113
www.ico.gov.uk

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia

Response to Environmental Information Regulations request
(Our ref: FOI_11-097; EIR_11-009)

On 30 March 2011, in response to FOI_11-048 you released in Appendix A Correspondence.zip, an undated email from Prof Briffa to Profs Overpeck and Jansen with the subject "urgent request". It included the text:

"The attached file documents one of a series of allegations/questions that we have been asked to answer. We are forwarding it in confidence (thus please do not circulate further nor retain it unnecessarily) because we would value your input in responding to this allegation."

[1] Please tell me the date of the email

We hold information that indicates that the date of the email noted above was 13 May 2010.

[2] Please give me a copy of "the attached file"

The information is attached as a .pdf file entitled:
'Appendix A_Briffa-Overpeck&Jansen_100513_attachment'

*In the same Appendix A you also released an email dated 26 February 2010 from the IPCC WGI TSU to which had been attached a files referred to as
"c:\Eudora\attach\Letter_WG1AR4Authors_2602210.pdf*

[3] Please give me a copy of the attached file.

[Information excepted pursuant to Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]

As noted in our response to your prior request (FOI_11-048; EIR_11-005,) the attachment to this piece of correspondence from the IPCC to Professor Jones is excepted on the basis that release would adversely affect the interests of the IPCC and international relations between the IPCC WG1 and the United Kingdom

[4] Please indicate the status of individual whose name you redacted, if it is one of the individuals who appears at <https://www.ipcc-wg1.unibe.ch/organization/organization.html>

[Information excepted pursuant to Reg. 12(3) & Reg. 13(1), Environmental Information Regulations]

Any response to this question would reveal the identity of individual and, as we do not have consent for release of that individual's name, such release would contravene the first data protection principle.

On 30 December 2009 I sent by email two files to the Information Commissioner's Office, "DH Exhibits.zip" and "ICO Statement.doc". I subsequently received a request from the the ICO to permit it to give UEA a copy.

[5] Please let me know if you did receive either or both files and if so on what date and who at UEA were given access to it.

[Information not held – Reg. 12(4)(a), Environmental Information Regulations]

No such files are held by UEA nor, according to the ICO, were they ever sent to UEA.