

Mr. David Holland

20 January 2011

Dear Mr. Holland

ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION REQUEST (FOI_10-122; EIR_10-17)

Your request for information received on 8 November 2010 regarding IPCC guidance to lead authors regarding the confidentiality of communication and emails between lead authors, and the public distribution of preliminary versions of work, and information sent to Dr. Timothy Osborn in preparation for and resulting from the recent IPCC meeting in China from 8 to 11 November 2010, which pertains to the IPCC and the Assessment process under the Environmental Information Regulations 2004 has now been considered and some of the information requested is enclosed herewith. Please accept my apologies for the delay in forwarding this response to you.

For your convenience, we have reproduced your request in the attachment to this letter and provided our response in line with each question. Given the large amount of information involved, we have itemised the relevant material and provided a response for each document. Within each document, there may be a variety of responses ranging from release of a document to citation of a webpage to the invocation of an exception. We trust this will be to your satisfaction.

However, it is not possible to satisfy all elements of your request directly, 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 this information and the reasons for exemption are as stated below:

Exception	Reason
Reg. 6(1)(b), Information available to requester	Some information is available on IPCC Secretariat and WG1 webpages
Reg. 12(3) & 13(1), Personal information	Release of some of the requested information would contravene the first data protection principle
Reg. 12(4)(d), Unfinished documents	Some requested information are drafts and therefore are unfinished documents

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

Exception explanation

There is a significant amount of information that was provided to Dr. Osborn in advance of the meeting in China which is available to yourself via other means, specifically via the websites of both the IPCC WG1 and the IPCC Secretariat. Where this is the case, we have so indicated in the material released.

With regard to our use of Regulation 13(1), we would hold that, firstly, the some of the requested information contains information that meets the definition of 'personal information' as defined by section 1(1) of the UK Data Protection Act 1998 (DPA). It is our belief that disclosure of this information would be contrary, at the very least, to the first data protection principle under the DPA; namely that information be processed in a fair and lawful fashion that 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 this information, nor are there any conditions present that would allow us to release under any of the other provisions of Schedule 2 of the DPA.

We invoke Regulations 12(4)(d) in several instances where the information provided to Dr. Osborn has been subsequently superseded by more complete, or final versions or documents, such as with the Participants List. In other cases, the information is incomplete or an unfinished draft of a much larger work to be published in future such as Chapter outline development material that will eventually become the AR5 report itself. Wherea subsequent final version has been produced, we have provided a link, or reference to the updated information.

Turning to Regulation 12(5)(a), we base this on representations received from the IPCC itself in which it objected to the release of some of the requested information. Clearly the IPCC 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. Indeed, the IPCC has published guidelines, available on the web, that explicitly provide for, and demand, confidentiality of some information. 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. They have provided reasons for their position, and where cited, we have accepted those reasons and explanations as justifiable. To release such information would significantly damage the reputation of the IPCC and its ability to work with academics from all nations.

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.

Where draft versions of material in the public domain have been requested, there is little public interest in the disclosure of earlier, unapproved versions of the same material.

There is also a public interest in ensuring that the information available to the public has been properly reviewed and assessed as takes place in the academic publication process. This lessens the possibility that the public could be misled or confused by earlier, less well-examined versions of the information. Additionally, release of early drafts and preliminary information could inhibit the free and frank exchange of views required to produce such a work.

With specific reference to the material covered by this request, we certainly acknowledge the public interest in the work of the IPCC. However the IPCC will, in 2013, publish a final version of the AR5 report and interim material will be released prior to the publication of the final report. We feel that the publication of both the interim material and final report will meet the public interest in knowing of the work of the IPCC.

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

Additionally, there is a public interest in preserving some private space within which academics can communicate freely and openly, exchange frank and robust views and work towards an agreed consensus that will be reflected in the published output of the IPCC process. This also allows for the development of material without the pressure of external and public discussion of every exchange in the drafting process.

The IPCC, in various public announcements, and in conversation with the participants within the IPCC process, has made assurances to participants regarding the confidentiality of certain work and communication. It would not be in the public interest to act contrary to these assurances and thereby reduce not only the reputation of the IPCC, but also the ability of the organisation to attract, and work with, noted academics from around the world.

I 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

You must appeal our decision within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

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 (FOI_10-132; EIR_10-17)

Request for information on Guidance to IPCC Lead Authors

In Appendix E (page 4 para 4) to your letter of 23 November 2010 (FOI_10-112; EIR_10-14) you wrote:

“Additionally, recent guidance given to IPCC lead authors has clearly indicated that communication between lead authors is to remain confidential, and that emails and preliminary versions of work are not made public, cited, quoted nor distributed.”

Please send me a copy of this guidance.

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

This information is publicly available on the IPCC AR5 WG1 website as follows

Guidance notes to Holders of Functions and Offices in IPCC Working Group I

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

and guidance papers for the Lead Authors of the IPCC Assessment Reports are here:

<http://www.ipcc.unibe.ch/guidancepaper/guidancepaper.html>

I note that your Timothy Osborn is a lead author on the ongoing IPCC Fifth Assessment Report AR5 process and I presume recently attended the first Lead Author Meeting in China from 8 to 11 of this month.

Please send me copies of all the documents he received in preparation for and resulting from that meeting, pertaining to the IPCC and the Assessment process. I am not interested in domestic correspondence concerning travel and accommodation, although I do consider any reimbursements arrangements relevant.

1. Correspondence to and from Dr. Tim Osborn

There are twelve (12) separate pieces of correspondence to and from Dr. Osborn

See attached .zip file entitled Appendix A_Osborn correspondence

2. Attachments to correspondence to and from Dr. Tim Osborn

- 1) Climate Change Assessments: Review of the Processes and Procedures of the IPCC

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See the InterAcademy Council website:

<http://reviewipcc.interacademycouncil.net/report.html>

- 2) IPCC Press Release, 30 August 2010

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC website:

http://www.ipcc.ch/news_and_events/press_information.shtml

- 3) IPCC WGI AR5 First Lead Author Meeting: Programme

See .pdf file entitled 'LA1_Programme_Final' within attached .zip file, Appendix C_Meeting Material and Resources Booklet

- 4) Pachauri-CLA/LA/Editors letter, 5 July 2010
See .pdf file entitled " Pachauri-IPCC_WG1CLAsLAsREs_100705" within attached .zip file, Appendix B_Osborn correspondence attachments
- 5) Pachauri-CLA/LA/Editors letter, 15 July 2010
See .pdf file entitled " Pachauri-IPCC_WG1CLAsLAsREs_100715" within attached .zip file, Appendix B_Osborn correspondence attachments
- 6) Payment of Expenses for Participation in the Intergovernmental Panel on Climate Change (IPCC)
See .pdf file entitled 'Expenses advice_red' within attached .zip file, Appendix B_Osborn correspondence attachments
- 7) DECC-CLA/LA/Editors letter, 15 July 2010
See .pdf file entitled 'DECC-IPCC_WG1LA_100730_red' within attached .zip file, Appendix B_Osborn correspondence attachments

3. IPCC WG1 ART First Lead Author Meeting – Meeting Materials and Resources (scanned booklet)

- 1) Cover page and Introduction
See .pdf file entitled, 'Cover & introduction' within attached .zip file, Appendix C_Meeting Material and Resources Booklet
- 2) IPCC WGI AR5 First Lead Author Meeting: Programme
See .pdf file entitled, 'LA1_Programme_Final' within attached .zip file, Appendix C_Meeting Material and Resources Booklet
- 3) Expanded Timetable for Implementation of the Working Group I Contribution to the IPCC Fifth Assessment Report
See .pdf file entitled, 'Expanded timetable' within attached .zip file, Appendix C_Meeting Material and Resources Booklet
- 4) Chapter Outline Development
[Information excepted pursuant to Reg. 12(4)(d), 12(5)(a) & 12(5)(f), Environmental Information Regulations]
- 5) Guidance Notes for Lead Authors of the IPCC Fifth Assessment Report on Consistent Treatment of Uncertainties
[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]
See IPCC WG1 AR5 website:
<http://www.ipcc.unibe.ch/guidancepaper/guidancepaper.html>
- 6) Coordinating Lead Authors, Lead Authors and Review Editors
[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]
See IPCC 2G1 AR5 website: (<https://www.ipcc.unibe.ch/AR5/wg1authors.pdf>)
- 7) Participant List
See .pdf file entitled, 'Participants list_red' within attached .zip file, Appendix C_Meeting Material and Resources Booklet

4. Memory stick provided to all participants

1) Background information

- i) 01_Scoping Meeting (Venice_Jul10)
 - (a) Chairman's Vision Paper
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (b) Policy Relevant Scientific Technical Topics to be Addressed in IPCC AR5: Compilation of submissions from Governments and Organizations
[Information excepted pursuant to Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (c) Scoping Meeting for the Fifth Assessment Report (AR5) of the IPCC
Output from the Scoping meeting: Venice, Italy, 13-17 July 2009
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
- ii) 02_B40 (Geneva_May10)
 - (a) Scoping Meeting Report: Government Comments
[Information excepted pursuant to Reg. 12(5)(a) & (f), Environmental Information Regulations]
- iii) 03_WGI-11 (Bali_Oct09)
 - (a) Proposed Chapter Outlines of the Working Group I Contribution to the IPCC Fifth Assessment Report (AR5)
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (b) Working Group I Contribution to the IPCC Fifth Assessment Report (AR5): Implementation Plan
[Information excepted pursuant to Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (c) Working Group I Contribution to the IPCC Fifth Assessment Report (AR5): Background Information
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
- iv) 04_P-31 (Bali_Oct09)
 - (a) Scoping of the IPCC 5TH Assessment Report: Background, Cross cutting issues and AR5 Synthesis Report
[Information excepted pursuant to Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (b) Chapter Outline of the Working Group I Contribution to the IPCC Fifth Assessment Report (AR5): Revised version of WG-I: 11th /Doc.2 adopted by the Eleventh Session
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]
 - (c) Scoping of the IPCC 5TH Assessment Report: Summary of comments on the draft scoping document
[Information excepted pursuant to Reg. 12(4)(d), Reg. 12(5)(a) & Reg. 12(5)(f), Environmental Information Regulations]

2) Good Practice Guidance papers

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancepaper.html>

3) Guidance Notes

i) Working Group I Approach to the Use of Literature in IPCC Reports

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

ii) Guidance Notes for Lead Authors of the IPCC Fifth Assessment Report on Consistent Treatment of Uncertainties

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

iii) Conflict of Interest – Self-Declaration Form for Holders of Functions and Offices in IPCC Working Group 1

See .pdf file entitled 'COI_SelfDeclaration_form.pdf' within attached .zip file, Appendix D_Memory Stick

iv) Confidentiality: Guidance Note for Holders of Functions and Offices in IPCC Working Group I

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

v) Conflict of Interest: Guidance Note for Holders of Functions and Offices in IPCC Working Group I

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

vi) Communicating with the Media and Public: Guidance Note for Holders of Functions and Offices in IPCC Working Group I

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

vii) Working Group I Media Strategy for Lead Author Meetings

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website

<http://www.ipcc.unibe.ch/guidancepaper/guidancenotes.html>

4) Meeting Reports

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC WG1 AR5 website:

<http://www.ipcc-wg1.unibe.ch/publications/supportingmaterial/supportingmaterial.html>

5) Poster

[Information exempted pursuant to Reg. 12(4)(d), 12(5)(a) & 12(5)(f), Environmental Information Regulations]

6) Resources

i) Principles Governing IPCC Work

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC website:

<http://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf>

ii) WG1 AR5 Chapter template

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

iii) WGI AR5 Electronic Resources

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

iv) WGI AR5 Guide to Referencing with EndNote Web

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

v) Working Group I Contribution to the IPCC Fifth Assessment Report: Style Guide for Preparation of Chapter Drafts

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

7) WG1 AR4

This section contains thirty-six (36) separate .pdf files containing the individual components of the final WG1 AR4 Report

[Information exempted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See IPCC website:

http://www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html