

University of Oxford

University Offices, Wellington Square, Oxford OX1 2JD



10 January 2011

Reply to request for information under Freedom of Information of Act	
Your Ref:	E-mail dated 30 November 2010
Address:	WhatDoTheyKnow.com
Request	<p>Your Dr David Frame of the Smith School of Enterprise and the Environment has been appointed a Lead Author (LA) for Chapter 1 of the Intergovernmental Panel on Climate Change (IPCC) Working Group One (WGI) for the Fifth Assessment Report (AR5). The First meeting of WGI LAs was held at Kunming (China) between 8 and 11 November 2010.</p> <ol style="list-style-type: none">1. Please give me copies of any agreements entered into by the University with the IPCC itself or Working Group One or any other party limiting the disclosure of information regarding the assessment of climate change by the IPCC or WGI.2. Please give me copies of any correspondence received by Dr Frame from the IPCC, Working Group One or any source purporting to impose restrictions upon the disclosure of any information relating to the IPCC AR5.3. Please send me copies of any other correspondence to or from Dr Frame not covered in 1 or 2 above which is in relation to the IPCC AR5.4. Please let me know what plans the University has to comply with EIR r.4 in relation to the IPCC AR5.

On 22 December 2010, I sent you an interim reply that responded to parts 1, 2 and 4 of your request, as detailed above. As regards part 3, I informed you that I was not yet in a position to reply, but would endeavour to do so as soon as possible after the Christmas and New Year break. I am now able to respond to part 3. In your e-mail of 24 December 2010 you made a number of comments on the interim reply. I will respond to those separately.

Before addressing the specific content of your request, I would like to reiterate the point made in the University's interim reply that Dr Frame's contribution to the Fifth Assessment Report (AR5) does not form part of his official duties for the University. It is questionable therefore whether any information that he has received or created in his private role as a Lead Author for AR5 is held by the

Tel: 01865-270000

Fax: +44 (0)1865-270222 E-Mail: foi@admin.ox.ac.uk Web: www.ox.ac.uk

University for the purpose of either the Freedom of Information Act (FOIA) or the Environmental Information Regulations (EIR). However, in order to be as helpful as possible, but without prejudice to any future discussions that might arise with the Information Commissioner's Office, I have proceeded on the basis that the information requested is held by the University.

Part 3 of your requests asks for '*any other correspondence to or from Dr Frame not covered in 1 or 2 above which is in relation to the IPCC AR5*'. I confirm that up to the date of your request (30 November 2010) Dr Frame had received correspondence, in his capacity as a Lead Author, from the IPCC's Working Group One (WG1) on matters other than those mentioned in the interim reply. This other correspondence relates to:

- a) the development of the content of AR5, and
- b) the resources available to enable Lead Authors and others to communicate with each other during the assessment process e.g. mailing lists and arrangements for the exchange of draft documents.

The University has considered the disclosure of this information under the FOIA and the EIR. (It is appropriate to refer to both pieces of legislation, since it is unclear whether all the information covered by your request meets the definition of 'environmental information'.)

FOIA

Section 27(1)(b) of the FOIA exempts from disclosure information that would, or would be likely to, prejudice relations between the United Kingdom and any international organisation. In addition, Section 27(2) exempts the disclosure of confidential information obtained from an international organisation. Section 27(3) provides that information is confidential if the terms on which it was obtained require it to be held in confidence or if the circumstances in which it was held make it reasonable for the international organisation to expect that it will be so held.

The WG1 has written to the University in terms that indicate clearly that it regards the information under a) and b) above as confidential information that should not be disclosed. The exemption under Section 27(2) is therefore engaged. Given this, disclosure would be likely to prejudice relations between the UK and the IPCC. Consequently, the exemption in Section 27(1)(b) and 27(3) is also engaged.

Section 40(2) of the FOIA enables a public authority to withhold third party personal data where disclosure would breach one of the principles of the Data Protection Act 1998. This is an absolute exemption under FOIA. Some of the information under b) above comprises the contact details of Lead Authors and other participants. The individuals involved were assured by WG1 that these details would be shared only with other members of the author team. Disclosure would breach the requirement of the first data protection principle

that personal data shall be processed fairly, since the data subjects have a reasonable and legitimate expectation that their contact details, where not in the public domain already, will not be published.

EIR

Regulation 12(3) provides that personal data of which the applicant is not the data subject shall not be disclosed otherwise than in accordance with Regulation 13. Regulation 13 stipulates, amongst other things, that such data shall not be disclosed if it breaches any of the data protection principles.

Regulation 12(4)(d) enables a public authority to refuse a request if the request relates to material that is still in the course of completion or to unfinished documents.

Regulation 12(5)(a) enables a public authority to refuse a request if disclosure would adversely affect international relations.

Regulation 12(5)(f)(iii) enables a public authority to refuse a request if disclosure would adversely affect the interests of the person who provided the information, where that person has not consented to its disclosure. (A 'person' may be an individual, a company, the public authority itself or any other legal entity.)

As regards Regulation 12(3), some of the information under b) above (relating to the resources to enable Lead Authors to communicate with each other) comprises the contact details of Lead Authors and other participants. The individuals involved were assured by WG1 that these details would be shared only with other members of the author team. Disclosure would breach the requirement of the first data protection principle that personal data shall be processed fairly, since the data subjects have a reasonable and legitimate expectation that their contact details, where not in the public domain already, will not be published.

As regards Regulation 12(4)(d), the information under a) above (concerning the development of the content of the AR5) relates to material that is still in the course of completion and to a document (AR5) that is unfinished.

As regards Regulation 12(5)(a), disclosure of the information under either a) or b) would be a breach of confidence, and adversely affect the interests of the IPCC (see below). It would therefore prejudice the UK's relations with the IPCC.

As regards Regulation 12(5)(f)(iii), the WG1 has not given its consent to disclosure of the information under a) and (b) above, and has informed the University that disclosure would have an adverse effect on its interests. Apart from the outline approved by the IPCC Plenary, which is available on the WG1 and IPCC websites, existing material relating to the development of the content of AR5 is incomplete, and in the nature of a draft, which is subject to further

development. The conduct of an independent and unbiased assessment without external interference would be impaired if such information were to be released prematurely and outside the procedures instituted by the IPCC Panel.

In addition, disclosure of the personal data included under b) above would have an adverse effect on the reputation and integrity of the WG1, since it would breach the specific undertaking that it gave to Lead Authors and other participants.

Public interest

The exemptions in Sections 27(1) and (2) of the FOIA and the exceptions in Regulation 12 of the EIR are subject to a public interest test that requires the public authority to weigh the public interest in favour of disclosure, which is presumed under FOIA and EIR, against the public interest in withholding the information.

As regards the information under a) above, relating to the development of the content of AR5, the University recognises that there is a public interest that the results of the AR5 should be available for public scrutiny. However, it considers that this need will be met largely through the future publication of the final AR5, together with the comments of the Expert Reviewers and the responses of the Lead Authors to those comments. It sees little or no public interest in the release of information relating to what is very much work in progress. Indeed, disclosure could harm the quality of the drafting process by inhibiting the free and frank expression of opinion. The scientists involved in AR5 need to feel that they can develop and refine their views without the pressure of public discussion at each and every step of the process. Disclosure of the information requested, and any consequent publicity, would be likely to inhibit the frankness of their views and deliberations, and to make them more cautious and less candid than they would otherwise be. This would not be in the public interest. Nor would it be in the public interest to deter scientists from participating in this type of work or to reduce the breadth of scientific expertise available to the IPCC or other international organisations involved in climate change.

It is in the public interest that UK scientists should be able to contribute their expertise to AR5. However, disclosure would be likely to harm their ability to do so, because of the strain that would be caused to the UK's relations with the IPCC.

As regards the information under b) above, relating to the resources available to enable Lead Authors and other participants to communicate with each other, the University considers that the considerations set out above in relation to free and frank discussion also apply here, since the resources are intended to protect the private working space of the author teams.

For these reasons, the University considers that the public interest in disclosure is outweighed by the public interest in maintaining the exemptions/exceptions.

INTERNAL REVIEW

If you are dissatisfied with this reply, you may ask the University to review it, by writing to the Registrar at the following address:

University Offices
Wellington Square
Oxford
OX1 2JD

Alternatively, you may request a review by e-mailing foi@admin.ox.ac.uk.

THE INFORMATION COMMISSIONER

If, after the internal review, you are still dissatisfied, you have the right under FOIA/EIR to apply to the Information Commissioner for a decision as to whether your request have been dealt with in accordance with the Act. The Information Commissioner's address is:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Tel: 0303 123113

Further information for submitting complaints to the Information Commissioner is available at <http://www.ico.gov.uk/complaints.aspx>

FOI OXFORD