



Department for  
Business, Energy  
& Industrial Strategy

Department for Business, Energy &  
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Our ref: IR2019/07146

Original case ref: FOI2019/02110

02 May 2019

Dear Mr Bales,

**Internal Review of response to Freedom of Information Request**

I am writing following your email of 10 April 2019 asking for an internal review of the response to your Freedom of Information (FOI) request. I am the Director of the Energy Development and Resilience Directorate in the Department for Business, Energy and Industrial Strategy (BEIS) and I undertook the review. When I carried out the review, I considered the information which was withheld, and whether the original response to your request was correct. My decision is explained below.

Your original request was made on 6 February 2019 and asked for the following information:

- 1. Were BEIS, or the Shale Gas Commissioner, or the responsible Government Ministers given prior notice by INEOS (or any third party on their behalf) that this statement was to be issued? Please give details and copies of any relevant correspondence, details and minutes of relevant meetings that took place between the parties, and any records of any other related discussions that were held in advance of the press release.*
- 2. What approaches had INEOS (or any third party on their behalf) previously made to BEIS, the Shale Gas Commissioner, or the responsible Government Ministers to lobby for changes to the Traffic Light System? Please give relevant details of all such occasions.*
- 3. Have any of the recognised Regulatory Agencies passed details to BEIS of approaches received from INEOS (or any third party on their behalf) in order to argue for changes to the Traffic Light System? Please supply details and copies of any such communications.*
- 4. In the last three months, what statements or other communications has BEIS given to INEOS (or any third party on their behalf), either before or after the press statement on*

*February 4th, relating either to the Traffic light System or more generally to the future development of the Shale Gas Industry in the UK?*

The Department answered your request on 3 April 2019. This provided you with the in-scope information, subject to exemptions, and explained that the Commissioner for Shale Gas is separate from BEIS and may hold relevant information. The response also directed you to the Commissioner's email address, so you were able to get in touch personally.

The outgoing Commissioner for Shale Gas is not an employee of BEIS and her shortened email address (Engel, Natascha (BEIS)) should not be misconstrued to indicate otherwise. The reference to BEIS is simply a generic identifier on the BEIS system used by the Commissioner. The terms of appointment for the Commissioner for Shale Gas, which was developed in conjunction with the Cabinet Office and Government Legal Department, state clearly that the Commissioner is not an employee of the Department and that the appointment is to be treated as a Public Office Holder. I also note that as per a previous FOI request you made, responded to by the Department on 11 December 2018, we have supplied extensive information on the selection process utilised to make the appointment and the Application Pack, which also set out that the role would be independent, and have no regulatory role or powers of enforcement.

The Department is in contact with the Cabinet Office which is considering making secondary legislation under Section 4 of the FOI Act to add new bodies and roles to Schedule 1 of the FOI Act. This is a standard process and as part of this it will consider whether the Commissioner for Shale Gas should be included.

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,

Emily Bourne  
Energy Development and Resilience Directorate