

Mr. David Holland

27 February 2012

Dear Mr. Holland

**ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION
REQUEST (FOI_12-019; EIR_12-001)**

Your request for information received on 8 February 2012 regarding information referred to in correspondence illegally obtained from a UEA server has now been considered and some of the information requested is enclosed herewith in the attached document entitled 'Appendix A_Question 1 response.zip'.

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 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 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(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 this information was not in existence and therefore not held at the time that the request was received. There is, and never was, any email to "Jonathan" to which the opinion was attached, nor were there ever any email or emails from "Jonathan" which resulted in the supply of the "opinion". The contents of the material received from the Met Office were supplied in summary fashion to "Jonathan" in the email that you quote and the actual opinion was never forwarded directly. The "opinion" was supplied

as a result of a verbal conversation between myself and staff within the Met Office and did not arise from any correspondence received from "Jonathan".

In regards Reg. 12(3) and 13(1), there is a small amount of data within two of the requested documents that falls within 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 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 some 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 have noted where we have invoked this exception within the attached documents.

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 climate change debate. However, it would be our contention that there is little public interest in the identity of persons either conducting, or mentioned in the requested correspondence between the Met Office and this institution regarding a request that occurred in 2008 and was dealt with by the Information Commissioner by way of Decision Notice in 2010. Indeed, whilst it is no doubt true that you have an interest in this correspondence, given that the options explored were never adopted by either the Met Office or this institution, the public interest in this material is limited at best. In regards the specific information requested, the requirement of transparency, openness and understanding of institutional processes and decision-making is satisfied by the release of the substance of the requested information. The identity of the individuals named adds little if anything in this regard.

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 Research Park
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_12-019; EIR_12-001)

On 22 November 2012 a file 2926.txt was released on the Internet, to which I assume you have access, although I note it was not one you chose to explain in your "Cherry-picked phrases explained" web page. For your convenience I reproduce below the first part of it:

[Quote begins]

cc: "Mcgarvie Michael Mr \ACAD\" <REDACTED>
date: Thu, 10 Jul 2008 16:02:37 +0100
from: "Palmer Dave Mr \LIB\" <REDACTED>
subject: FW: Freedom of Information request (FOI_08-23) - Appeal resolution
to: "Briffa Keith Prof \ENV\" <REDACTED>, "Osborn Timothy Dr\ENV\" <REDACTED>,
"Jones Philip Prof \ENV\" <REDACTED>

Gents,

A copy of what was sent to Jonathan. Please note that the opinion from the Met Office quoted below is subject to lawyer-client privilege and should not be shared outside the group that has now seen it.

Cheers, Dave

[Quote ends]

[1] Please send me a copy of the attached "opinion from the Met Office"

This information is within the attached document entitled 'Appendix A_Question 1 response.zip'

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

There are a few small bits of data within two of the documents provided whose release would contravene one of the data protection principles and they have been redacted from the document.

[2] Please send me a copy of the email to "Jonathan" to which the opinion was attached and any email or emails from "Jonathan" which resulted in the supply of the "opinion".

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

No such email exists as the information from the Met Office was never appended to any email to "Jonathan" nor are there any emails from "Jonathan" that resulted in the supply of the 'opinion'.