



Department for Business, Energy & Industrial Strategy

Oil and Gas Exploration and Production
Department for Business, Energy &
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Our ref : EIR2021/16934

04 August 2021

Dear Mr Peter Geoghegan,

Thank you for your email of 3rd July 2021 where you requested the following information:

This is a request under Freedom of Information legislation. In December 2020, Minister Kwasi Kwarteng met with Oil and Gas UK, according to transparency data.

I would like to request the following information in relation to this meeting:

- 1. Details of each meeting between the minister and Oil and Gas UK including where each meetings took place, who was in attendance, and how each meeting lasted.*
- 2. All documents created in connection with meetings between the minister and Oil and Gas UK. This could include, but not be limited to, any minutes or notes taken or afterwards, or any presentations prepared as part of these meetings.*
- 3. Email correspondence between Oil and Gas UK and the Department/the minister in advance of, and after these meetings.*

We have considered your request in accordance with the Environmental Information Regulations 2004 ('the EIRs') as the information you request falls within the definition of 'environmental information' in the EIRs.

The then Energy Minister, Rt Hon Kwasi Kwarteng MP, met with Oil and Gas UK (OGUK) three times during December 2020. This includes:

- The North Sea Transition Forum on 07.12.20
- A call on 14.12.20 to discuss the Energy White Paper
- A call on 29.12.20 to discuss the UK-EU Trade and Cooperation Agreement

The then Energy Minister attended the North Sea Transition Forum on 07.12.20. The meeting was held virtually and lasted approximately two hours. In response to your request for the

documentation/attendance relating to this meeting, please see a summary below with the relevant justifications:

- Readout of the meeting – releasing. Minutes of the meeting are published online and can be found here: <https://www.ogauthority.co.uk/about-us/north-sea-transition-forum-task-forces/>.
- Briefing for the meeting – we are withholding this information and have therefore applied Regulation 12(4)(e) which provides an exception to the duty to make environmental information available when the request relates to the disclosure of internal communications.
- Attendance of meeting - We can release two names of officials at Senior Civil Servant grades who attended the North Sea Transition Forum who are Emily Bourne and Helena Charlton. We are withholding the names of all other attendees except those publicly available from the minutes we have shared. We have therefore applied Regulation 13(1) of EIRs, which provides an absolute exemption for personal data which falls under the Data Protection Act (DPA) 2018.

The then Energy Minister called OGUK as part of a ring-round on the Energy White Paper on 14.12.20. The call to OGUK lasted approximately 5-10 minutes and focused on the decision by the Prime Minister to end the direct support for the fossil fuel energy sector overseas. In response to your request for the documentation/attendance relating to this meeting, please see a summary below with the relevant justifications:

- Readout of the meeting – releasing. However, we have redacted part of the information and therefore applied Regulation 12(5)(e) which exempts information where the disclosure of the information would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. This exception is subject to a public interest test. The key public interest considerations we have taken into account are set out below.
- Briefing for the meeting – we are withholding this information and have therefore applied Regulation 12(4)(e) which provides an exception to the duty to make environmental information available when the request relates to the disclosure of internal communications.
- Attendance – we are withholding this information and have therefore applied Regulation 13(1) of EIRs, which provides an absolute exemption for personal data which falls under the Data Protection Act (DPA) 2018.

The then Energy Minister called OGUK as part of a ring-round on 29.12.20 to discuss the UK-EU Trade and Cooperation Agreement. The call lasted approximately 5-10 minutes. In response to your request for the documentation/attendance relating to this meeting, please see a summary below with the relevant justifications:

- Readout of the meeting – releasing.
- Briefing for the meeting – we are withholding this information and have therefore applied Regulation 12(4)(e) which provides an exception to the duty to make environmental information available when the request relates to the disclosure of internal communications.
- Attendance – we are withholding this information and have therefore applied Regulation 13(1) of EIRs, which provides an absolute exemption for personal data which falls under the Data Protection Act (DPA) 2018.

We are not able to provide you with some of the information you requested as it is subject to exception under the following Regulations of the EIRs.

Regulation 12(5)(e) exempts information where the disclosure of the information would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. This exception is subject to a public interest test. The key public interest considerations we have taken into account are set out below. In considering the public interest we have applied a presumption in favour of disclosure as required by regulation 12(2) of the EIRs.

We recognise the general public interest in the disclosure of information which can help lead to greater transparency in Government decision making. However, against this there is a strong public interest in ensuring that the commercial interests of external businesses are not damaged or undermined by disclosure of information which is not common knowledge and which would adversely impact their economic interests and future business. The confidentiality of the information is provided by law under common law confidentiality as the information is not publicly available.

It is important that companies are able to share commercially sensitive information with Government in the confidence that that information will not then enter the public domain and damage their wider commercial interests and opportunities. Disclosure of the requested information in this case would be contrary to legitimate expectations of confidentiality and would damage the commercial interests of the company.

The commercial sensitivities mean that on this occasion we consider that the public interest would not be served by its release. The Department's decision is therefore to withhold the information.

Regulation 12(4)(e) provides an exception to the duty to make environmental information available when the request relates to the disclosure of internal communications. The purpose of engaging this exception is to allow public authorities a safe space to reach decisions in private and to avoid disclosing information which could lead to a misleading or inaccurate impression of the decision-making process being formed by members of the public.

We acknowledge that there is a public interest in greater transparency to assist the public's understanding of how Government is developing policy and taking decisions, and more broadly the working of Government, thus making Government more accountable to the electorate. As necessary when considering a request in accordance with the EIRs, we have also applied a presumption in favour of disclosure as required by Regulation 12(2).

However, we do not consider that the public interest would be served by disclosing this information. We also consider that it is particularly important for the integrity of that decision-making process that officials and Ministers are able to engage in free, frank and robust discussions absent external interference or distraction. The ability of officials to engage effectively in these discussions and to reach their conclusions on a fully informed and properly considered basis would be hindered if the information in question was to be released at this stage.

We therefore consider that in this instance, the public interest in maintaining the exception in regulation 12(4)(e) outweighs the public interest in disclosing the remainder of the information you have requested.

We have withheld some information you have requested as it constitutes personal data. 13(1) of the EIRs provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act (DPA) 2018. Personal data of third parties can only be disclosed

in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be lawful, fair and transparent and must comply with one of the conditions at Article 6(1) the UK General Data Protection Regulation (GDPR). We do not think that it is lawful, fair and transparent to release the contact details of staff or third parties and do not think that any of the relevant conditions apply.

Appeals Procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights & Records Unit. It would be helpful if you can tell us why you are dissatisfied with the response to your request so we may address this during the internal review.

Information Rights & Records Unit
Department for Business, Energy and Industrial Strategy
1 Victoria Street
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Email: FOI.Requests@beis.gov.uk

Please remember to quote the reference number above in any future communications.

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. Complaints can be made to the Information Commissioner via their website at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>.

Yours sincerely,

Oil and Gas Exploration and Production