



Mr Mike Post  
By email:  
[request-181364-  
f57fab24@whatdotheyknow.com](mailto:f57fab24@whatdotheyknow.com)

Our ref: WT/11994  
Your ref:  
Date: 14 November 2013

Dear Mr Post

RE: Request for information under the Freedom of Information Act 2000 (FOIA) / Environmental Information Regulations 2004 (EIR)

We refer to your request for information of 17 October, 2014.

Requests for information that is recorded are generally governed by the Freedom of Information Act 2000 (FOIA). The information you have requested is environmental and it is therefore exempted from the provisions of FOIA by FOIA s.39(1). We have therefore considered your request under the provisions of the Environmental Information Regulations 2004 (EIR). EIR regulation 12 allows a public authority to refuse to disclose environmental information if an exception to disclosure applies under paragraphs (4) or (5) and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. A public authority shall apply a presumption in favour of disclosure.

#### **Information enclosed and notice**

We now enclose the following :

#### **ROMNEY HYDRO ELECTRIC PROJECT – COMMISSIONING REPORT AMENDED TO REFLECT COMPLIANCE VISIT 20.6.2013**

Please see the Standard Notice for details of permitted use.

#### **Information withheld**

We have blanked out data hosted externally by SEPEL which are not for public use.

Environment Agency  
West Thames Area, South East Region  
Red Kite House, Howbery Park, Wallingford, OX10 8BD  
Customer services line: 08708 506 506

Email: [wtenquiries@environment-agency.gov.uk](mailto:wtenquiries@environment-agency.gov.uk)

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## **Relevant exceptions**

The exceptions that apply to this information are:

EIR Regulation 12(5)(e)) applies because disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. The adverse effect is that the web address is a privately registered address used for operational management of the hydropower scheme.

## **The Public Interest Test**

We have weighed the public interest factors in favour of maintaining the exceptions and find that they outweigh the public interest factors in disclosing the information. In carrying out the public interest test we have considered:

### **1. Factors in favour of releasing the information:**

**General presumption of openness.** The Environment Agency would only withhold information if it is sure that disclosure would cause substantial harm. Here the harm is that should the web address be made public, unauthorised visitors to the site could prevent those with legitimate needs the ability to access operational data. It could also provide a gateway for attempts to interfere with operational activity.

### **2. Factors in favour of withholding the information:**

In relation to commercially confidential information, the effect of disclosing such information will be that Southeast Power Engineering Ltd's competitors would receive an unfair commercial advantage.

Also, the small redactions in the commissioning report refer to operational activities that are essential to the safe operation of the hydropower scheme. There is a public interest in ensuring that companies operate without the release of information that harms their competitiveness or ability to operate safe from external interference.

Should the on-line details of control systems be made public, unauthorised visitors to the site could prevent those with a legitimate need to access operational data from doing so. It could also provide a gateway for cyber attacks that could affect operational activity or the safety of others.

There is a significant public interest in protecting the commercial interests of the private sector which plays an important role in the general health of the country's economy. This is particularly important in a small and specialised field and those companies providing power generation to the electrical grid.

Where there are contractual requirements of confidentiality, there is a public interest in allowing that such clauses be respected.

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As indicated, upon assessing the factors in the public interest test, we have assessed that in relation to the commercially confidential elements, we find that the factors in favour of withholding information outweigh the public interest factors in disclosing the information.

**Rights of appeal**

If you are not satisfied with our response to your request for information, you can contact us to ask for our decision to be reviewed. If you are still not satisfied following this, you can make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is: Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Tel: 01625 545700.

Fax: 01625 524 510.

E-mail: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk).

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely



**Melinda Crosfield**

**Customers and Engagement Officer**

**Environment Agency, Thames Region, West Area**

**Direct dial:** 01494 828511

**Direct e-mail:** [wtenquiries@environment-agency.gov.uk](mailto:wtenquiries@environment-agency.gov.uk)

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