

xxxxx
By email

xxxxx
Biofuels Regulation Branch
Department for Transport
Zone 1/32
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Direct Line: xxxxx
xxxxx

Web Site: www.dft.gov.uk

Our Ref: E0008744

22 May 2012

Dear xxxxx,

EIR Request E0008744

Thank you for your information request of 21 March 2012. You requested the following information:

“Details of correspondence (emails, letters) and meetings (agendas and minutes) between Ministers, and senior civil servants and

**** Canadian government ministers and senior civil servants, including the Canadian Ambassador to the UK;***

**** Albertan ministers and senior civil servants;***

**** Senior executives from BP, Shell, Eni, Total, Suncor and Syncrude;***

**** Senior executives from Europa (European Petroleum Industry Association) and / or OGP (International Association of Oil and Gas Producers).***

concerning tar sands / oil sands and the Fuel Quality Directive since 24 September 2011.”

Since the information we hold falls within the definition of ‘environmental information’ as set out in Regulation 2 of the Environmental Information Regulations 2004 (“the EIRs”), your request has been considered under the EIRs. We have considered the information we hold relevant to your request as of the date of receipt of your request for information.

Further to my letter of 19 April extending the deadline for reply because the case was both complex and voluminous, I am writing to confirm that the Department for Transport has now completed its search for the information.

The table below details the information which is being disclosed with this reply.

These documents have had personal data and/or signatures redacted under Regulation 13 of the EIRs:

Originator	Documents for Release
Shell	Letter from the Chairman of Shell UK Ltd to the Rt Hon Justine Greening MP dated 18 October requesting an introductory meeting.
Canadian Government	Note on the global range of crude oils provided at a meeting with Department for Transport officials on 19 October.
DfT	Partial release of an internal note summarising a meeting between Norman Baker and the Canadian High Commissioner - 2 November.*
Dept. for Transport	Norman Baker MP's response of 8 November 2011 to the Vice President of BP further to his letter of 18 October 2011.
Dept. for Transport	Rt Hon Justine Greening MP's response of 24 November 2011 to the Chairman of Shell UK Ltd further to his letter of 18 October 2011.
Govt. of Alberta	A letter of 14 December 2011 from the Govt. of Alberta's Minister for Environment and Water to Caroline Spelman MP
Dept. for Transport	A letter of 2 February 2012 from Norman Baker MP to the Govt. of Alberta's Minister for Environment and Water.

* We are withholding some information from this document under the exceptions at Regulations 12(4)(e) & 12(5)(a) of the EIRs. Please see our public interest test reasons below.

The names of some external stakeholders and Departmental junior staff, that is staff below the Senior Civil Service, are being withheld from the documents in accordance with Regulation 13(1)&(2)(a)(i) – 'Personal Data', of the Environmental Information Regulations 2004.

In accordance with the Data Protection Act 1998 all personal signatures have been redacted in order to safeguard against identity theft.

We also hold a letter from the Vice President of BP p.l.c. to Norman Baker MP. I understand this has been provided to you by colleagues at the Department for Energy and Climate Change and I am not proposing to supply a duplicate.

We are withholding one document in its entirety under the exceptions in Regulations 12(4)(e) – internal communications and 12(5)(a) – international relations, of the Environmental Information Regulations 2004. The full text of the exceptions is detailed in Annex A to this letter.

The details of the information we are withholding can be seen in the table below:

Originator	Document to be withheld
DfT	An internal note summarising a meeting between a DfT official and a Canadian official

In applying the above exceptions we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors we have considered for and against disclosure are set out below.

In weighing the public interest for and against disclosure of both the internal note between officials, and the text redacted from the internal note summarising a meeting between Norman Baker and the Canadian High Commissioner on 2 November, we assessed the value of the public being made aware of a junior official's assessment of the Canadian position following these meetings against the need to disseminate confidential information internally and the risk of adversely affecting international relationships.

Regulation 12(4)(e): Would involve disclosure of internal communications.

In both cases the information was prepared by a junior official for internal circulation and its release may affect our ability to effectively share information of this kind internally. There is a clear need to be able to share potentially sensitive information with colleagues engaged in a given policy area but whose attendance in person at a given meeting may not be possible or is deemed unnecessary. If officials feel restricted in their ability to deliver this kind of feedback due to concerns that it may be disclosed under a future EIR request, it may affect our ability to delegate both meeting attendance and preparation of these kinds of notes, which in turn would impact on our efficiency, with no clear benefit to the public good.

Regulation 12(5)(a): Disclosure would adversely affect international relations

In both cases the Department recognises the public interest argument in the release of information about a junior official's assessment of the Canadian position on the European Fuel Quality Directive. However, making a junior official's interpretation of volunteered information available to the public would inhibit open and constructive discussions between Governments. It is recognised therefore that the supply of volunteered information would diminish if such information is later published in response to EIR requests. Disclosure of this document would also adversely affect the relationship between the Governments of Canada and the UK, damaging their ability to discuss these and other important issues. We do not believe that on balance, it would be in the public interest to release this information.

For the reasons set out above, we consider that on balance the public interest arguments for withholding the information outweigh the public interest arguments for disclosure.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission

for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents supplied by the DfT will have been produced by government officials and will be Crown Copyright. Most Crown Copyright information can be re-used under the Open Government Licence (<http://www.nationalarchives.gov.uk/doc/open-government-licence/>). For information about OGL and about re-using Crown Copyright information please see The National Archives website - <http://www.nationalarchives.gov.uk/information-management/uk-gov-licensing-framework.htm>.

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website at www.ipo.gov.uk.

The information provided may now be published on our website together with any related information that will provide a key to its wider context.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within 40 working days of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/01
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter please contact xxxxx in our press office on xxxxx or xxxxx. Please remember to quote the reference number above in any future communications.

Yours faithfully

xxxxx
Low Carbon Fuels
Department for Transport
Great Minster House
33 Horseferry Road
London, SW1P 4DR
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Your right to complain to DfT and the Information Commissioner

You have the right to complain within 40 working days of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

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

Annex A

Exceptions to the duty to disclose environmental information

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(e) the request involves the disclosure of internal communications.

12(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(a) international relations, defence, national security or public safety;