

Northampton, UK
10 December 2008

The Secretary to the Council
The University of Reading
Whiteknights House
PO Box 217, Reading RG6 6AH

By email imps@reading.ac.uk

Dear Sir,

**IMPS#00200, 00207, 00217, 00222 and 00230
Request for Information concerning
the IPCC, 2007 WGI Chapter 3 Assessment Process**

I am writing to you on the above matters to ask you to refer them to your Complaints Panel, as I am not satisfied with the disclosures I have received, or that the University has a satisfactory environmental information "publication scheme" as is required by law. I am also not satisfied that your Information Services Directorate was permitted to carry out the searches of information necessary to fulfil my requests.

In considering this matter it is important to understand what the Intergovernmental Panel on Climate Change is. The Panel is made up of representatives of its member governments plus the World Meteorological Organisation and the United Nations Environment Programme. It neither employs nor pays the scientists and experts that undertake its assessments. Nor does the IPCC provide or pay for any of the computer and other resources used. In volunteering to participate in the assessment work of the IPCC scientists such as Professor Hoskins and the six other staff of the University of Reading must have, or certainly should have, known the IPCC rules and procedures under which they were agreeing to work. They have no right to vary or ignore them.

The Panel in plenary session, alone, determines the rules under which assessments of the science of climate change is undertaken. It is essential that you take into account the Principles Governing IPCC Work¹ and Appendix A² to them, which have been agreed by the Panel and which state that the work is to be undertaken on an open and transparent basis and that review is an "essential part of the process". As importantly the IPCC rules make no provision whatever for confidentiality or non-disclosure and on this matter I would draw your attention to the Internet statement of David Miliband concerning the IPCC process, repeated by Lord Rooker³ in the House of Lords:

Objectivity is ensured by the broad and open review process

Accordingly before you consider the legislation on this matter you should accept there is a legitimate expectation that everything to do with the IPCC assessment of the science should be open and transparent, and I am frankly shocked to learn that Professor Hoskins should be "urging" your Information Services Directorate *"to contact him [UEA's ISD] so that we can get our act together"*. In his email to Lee Shailer on 15 August 08, the Professor said, *"I have made enquiries and found that both the MetOffice/MOD and UEA are resisting the FOI requests made by Holland. The latter are very relevant to us as UK*

¹ <http://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf>

² <http://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles-appendix-a.pdf>

³ <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70328w0001.htm>

universities should speak with the same voice on this. I gather that they are using academic freedom as their reason. I have been given the name of the person who is dealing with this matter at UEA."

The above was part of the disclosures to me as a data subject under the Data Protection Act and I would ask that you review these to assess whether the University has adequately examined its records in the light of Mr Shailer's final response to me on 29 October 08 in which he confirmed that no one other than the Professor has actually examined his files to establish if he has relevant information. It is clear to me that Professor Hoskins and other scientists that participated in the IPCC assessment at the public's expense and presumably on the public's behalf are unwilling to make full disclosure of the decision-making process within the assessment of the science they undertook for the IPCC.

To be able to use "*academic freedom as their reason*", the Professor and his colleagues had to insist that most information on the IPCC assessment process was not "environmental information", within the meaning of the Environmental Information Regulations 2004 (EIR), in order to avoid the presumption of disclosure which the Regulations contain and on the other hand to avail themselves of the better opportunities for refusal afforded by the Freedom of Information Act 2000. Accordingly the fundamental matter for Complaints Panel to address is that of "classification". I have pointed out to Mr Shailer various ICO Decision Notices and the fact that a Defra internal review of their handling of an information request concluded that information requested on the IPCC assessment process is indeed environmental information.

The EIR may not be explicit on the definition of environmental information but if the Complaints Panel takes into account the Aarhus Convention, which the EIR were enacted to give effect to, the matter is clear. The first Article of the Convention states the objectives, which must be taken into account in considering conflicting interpretations of the Acts and Regulations. Article 1 requires the Parties to it to guarantee three important rights:

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention."

I cannot imagine that the Complaints Panel would dissent from the view that climate change is self-evidently an environmental matter and that the IPCC assessment is a key part of the decision-making process for public policy on it. It follows therefore that for the EIR to give effect to the Aarhus Convention rights of participation and access to justice on the IPCC assessment, the EIR must be interpreted to treat all information, which might reasonably be expected to be needed to exercise these rights, as environmental. If the Complaints Panel follows this line of reasoning you will classify the information I seek, as covered by EIR Regulation 2(1)(c), as indeed did Defra's independent review.

Assuming, as I believe the Complaints Panel must, that a substantial part of, if not all of, the information held on the IPCC assessment is environmental, the University of Reading has been in breach of EIR Regulation 4 since 1 January 05 when, in respect of environmental information, it became a legal obligation for public authorities to:

progressively make the information available to the public by electronic means which are easily accessible; and take reasonable steps to organize the information relevant to its functions with a view to the active and systematic dissemination to the public of the information.

I understand the consequences and costs for the University in complying with Regulation 4 both retrospectively and on future environmental matters, but the Complaints Panel must acknowledge the breach or I will be obliged to press this matter with the ICO.

My enquiries to your University are primarily concerned with the process of the IPCC assessment, and to assist you I am happy to explain why. In what I find a remarkably frank admission, one of the longest serving and most respected IPCC insiders wrote⁴,

There is as yet [] no authoritative assessment of its performance of the role assigned to it by its joint sponsors

Professor Zillman goes on to say (p 877),

With the burgeoning volume of review comments and by way of response to concerns that the IPCC practice of leaving final decisions on response to review comments with Lead Authors rather than, as in the case of peer review journals, with editors, the IPCC introduced the concept of Review Editors

The IPCC procedures in Appendix A, Annex 1 Clause 5, require that,

Review Editors will assist the Working Group/Task Force Bureaux in identifying reviewers for the expert review process, ensure that all substantive expert and government review comments are afforded appropriate consideration, advise lead authors on how to handle contentious/controversial issues and ensure genuine controversies are reflected adequately in the text of the Report.

Review Editors must submit a written report to the Working Group Sessions or the Panel

Professor Zillman was a Review Editor of the Working Group II Chapter 19 and in addition to a “sign off” sheet sent out by the WGII Technical Support Unit, which specifically invited further comments, provided two pages of detailed comments and caveats. Other Review Editors for WGII provided up to four pages of detailed comments.

Clearly the Review Editors’ Reports are crucial pieces of environmental information, being the only certification that the IPCC assessment is carried out properly, and those held by UK public authorities should have been made public under the EIR as soon as practicable and in any case before the assessment reports were accepted by the IPCC in plenary session if Aarhus Article 1 was being observed. In fact it was almost a year after the plenary session before the reports were released and then only after FOIA/EIR requests.

My Information request to Professor Hoskins on 8 March 08 arose because I was astonished at the brevity of his ‘report’ and the fact that it appeared to be signed only a

⁴ Zillman, John (2007): Some Observation on the IPCC Assessment Process 1988-2007, Energy and Environment, 18 (7 & 8), 869-891.

few weeks earlier. As my request was clearly subject to the EIR or at the very least the FOIA, and was never acknowledged or replied to before I approached your Information Services Directorate on 5 May 2008, the University is in breach of the 20 working day rules in the EIR and FOIA. I trust that upon this point the Complaints Panel will uphold my complaint.

In addition to the fact that Professor Hoskins made no reply whatever to my requests for information in my letter of 8 March 08, he would appear not to have mentioned it to the University's Information Services Directorate. However, he forwarded my letter on 12 March 08 to the Program Administrator for IPCC WGI TSU in the USA who in turn forwarded it to the Director of the TSU, Martin Manning in New Zealand and the American Co Chair of WGI, Susan Solomon. In his correspondence with both colleagues and the University's Information Services Directorate the Professor does not disguise his intention to avoid any disclosure. It follows that the Professor's purpose in sending my personal information around the world was not for the purpose the University obtained it for, and was therefore in breach of Principles 2 and 8 of Schedule 1 of the Data Protection Act 1998.

In the last email I received from Mr Shailer on 29 October 08, he confirmed to me that no one other than Professor Hoskins had examined the Professor's files to look for relevant information. I would ask the Complaints Panel to make arrangements for a proper review of the files of the Professor and the other Expert Reviewers at the University for any environmental information not already in the public domain in respect of the IPCC Fourth Assessment Report. In the public domain are the final reports of Working Group One together with the first and second order drafts, but not the "zero order" drafts. Also now in the public domain are the Government and Expert Reviewers' Comments up to 2 June 06 and the Lead Authors' responses.

I am particularly interested in information within the dates 2 June 06 to 30 September 06. I am also particularly interested in any information relating to the document sent by Dr Manning to all Expert Reviewers on 3 July 06 which was the first working day after the Bergen meeting attended by Lead Authors and Review Editors. This document⁵, which was only revealed on 8 May 08, completely circumvented all forms of external review, and all requirements of transparency. It obviously breaks the IPCC rules but was not known to Defra, or so far as I am aware, anyone outside the scientists undertaking the assessment. It limits the confidence anyone can place in the IPCC process.

Professor Hoskins has confirmed that he did receive the Manning document but has not given me a copy of the email to which it was attached or any other documents in which it was discussed. He claims to "no longer hold" such information but also that he has not deleted any. He did release an unrelated email that he received on 3 July 06 – the same date as the Manning document, and I have difficulty in believing that the Professor has no documentary information on so important, fundamental and unapproved a change in the IPCC process.

Yours faithfully,

David Holland MIET
d.holland@theiet.org

⁵ http://ipcc-wg1.ucar.edu/wg1/docs/PublicationDeadlines_2006-07-01.pdf