

Appendix F – Request for Material that Meets the Terms of FOI_08-31

Please provide me with copies of any that meet the terms of FOI_08-23 or –31.

Your request for information received on 22 October 2010 has now been considered and it is, unfortunately, not possible to meet the portion of your request that relates to FOI_08-31.

In accordance with Regulation 14 of the Environmental Information Regulations 2004 this letter acts as a Refusal Notice, and I am not obliged to supply this information and the reasons for exemption are as stated below

Exemption	Reason
Reg. 12(4)(a)	Information not held at time of request
Reg. 12(5)(f)	Release of some of the information likely to adversely effect the interests of the person providing the information
Reg. 12(3), Reg. 13(1)	Release of some of the information would contravene one of the Data Protection Principles

Exceptions

We are unable to provide the information requested in questions (1) and (2) of your request as we simply do not have the requested information. In regards question 1, we have no idea of what suggestions the IPCC received and I have verified that if, indeed, they did receive any, they did not pass them on to any staff member within UEA. There is no question that a suggestion was received by Prof. Briffa from Eugene Wahl and this material is publicly available and has been widely commented upon.

This 'suggestion' was not provided to the IPCC, only to Prof. Briffa and therefore is outside the remit of question 1.

In regards question 2, we do not possess any copies of 'additional papers that are either in-press or published in 2006'. Prof. Briffa has confirmed that he did not respond to the 1 July 2006 statement of the IPCC and therefore has no material of his own that would fit within the ambit of question 2.

After consultation with colleagues, I would suggest that you contact the IPCC directly for this information.

In regards the correspondence from Mr. Ammann, we have been in communication with him and have been assured by him that he believes the requested information to be confidential and that disclosure would adversely affect his interests.

Further, to the extent that it is personal data within the definition under the Data Protection Act 1998, we do not have consent for the release of this information, and, therefore, to release it would be in contravention of the first data protection principle.

The public interest in withholding this information outweighs that of releasing it due to the need to protect the openness and confidentiality of academic intercourse

Public interest test

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.

Whilst we would agree that there is a general public interest in the publication of environmental information and in the openness, transparency and accountability of environmental decision making, we would contend that the release of this information would do little to enhance those aims, and indeed would harm the very environmental interests that the legislation is meant to protect.

The IPCC explicitly aims to provide an open and transparent process and publishes much material in pursuit of that aim. Draft documents are published and archived, meeting documentation is published, and the principles, rules and regulations under which the IPCC function are widely available. We would also argue that the information currently available clearly allows both public participation and understanding of the IPCC process and outputs. Formal comments on work undertaken are available so the public can see the evolution of the assessment of the work undertaken in addition to the draft and final outputs. In short, as much as is possible to publish is already in the public domain.

What is being asked for here is informal, personal correspondence passing between academics engaged in IPCC work. It is clear that the IPCC envisages that there must be a 'space' in which employees of public authorities can work, and exchange views that are excepted from public disclosure in order to provide an arena for views and discussions that would not be appropriate in a public venue but are essential to academic work, collegiality, the progress of science. To disclose the requested information would be to close off this space, reducing the opportunity for academics to exchange such views and discussions, and altering substantially the content of such exchanges.

Indeed, disclosure of such information could be misleading as clearly much is discussed in such communications that is never published, for very good scientific and academic reasons. Published drafts and final papers contain the most valid and most rigorously tested information available; to publish correspondence leading to such drafts and reports would be to insert information that has been considered and rejected for good reason.