

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 9 December 2021

Public Authority: The Department for Business, Energy and Industrial Strategy

Address: 1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information from the Department for Business, Energy and Industrial Strategy (BEIS) relating to several meetings regarding energy, industrial decarbonisation and the Green Industrial Revolution. By the date of this notice BEIS had not issued a substantive response to this request.
2. The Commissioner's decision is that BEIS has breached regulation 5(2) of the EIR in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires BEIS to take the following step to ensure compliance with the legislation.
 - BEIS must provide a substantive response to the request in accordance with its obligations under the EIR.
4. BEIS must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 12 October 2021, the complainant wrote to BEIS and requested information in the following terms:

"Minutes relating to the following meeting:

26/10/2017 Between [name redacted] and [company name redacted] (and others) to discuss "energy"

19/04/2018 Between [name redacted] and [company name redacted] (and others) to discuss "interconnectors, Capacity Market and Industrial Strategy"

26/11/2020 Between [name redacted] and several energy sector industry representatives to discuss "industrial decarbonisation"

02/11/2020 Between Kwasi Kwarteng and [company name redacted] to discuss "industrial decarbonisation"

20/11/2020 Between Kwasi Kwarteng and [company name redacted] to discuss "the Ten Point Plan for a Green Industrial Revolution"

10/03/2021 Between [name redacted] and several energy sector industry representatives to discuss "energy and Net Zero"

6. BEIS wrote to the complainant on 18 October 2021 to acknowledge the request. By the date of this notice, BEIS has not provided the complainant with a substantive response to the request.

Scope of the case

7. The complainant contacted the Commissioner on 16 November 2021 to complain about BEIS' failure to respond to their request.
8. The Commissioner has considered whether BEIS has complied with its obligations in relation to the time for compliance at regulation 5(2) of the EIR.

Reasons for decision

9. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

10. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

11. On 23 November 2021 the Commissioner wrote to BEIS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention BEIS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with the EIR. The Commissioner finds that BEIS has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
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