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Press Release

For immediate release

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NDA right to withhold draft papers on radioactive waste storage methods

The Information Commissioner's Office (ICO) has ruled that the Nuclear Decommissioning Authority (NDA) was right to refuse a request, under the Environmental Information Regulations (EIR), for the draft report into potential areas of radioactive waste storage methods in the UK. The ICO agrees that the draft report represents a dated review and that the final report, already in the public domain, provides a more current guide to where the NDA intends to focus its future activities.

The NDA is involved in decommissioning a number of nuclear civil public sector sites safely and securely, whilst protecting the environment. This decision notice relates to a 2004 draft copy of the report 'Potential Areas of Future Geosphere Research' which was published in 2006.

The NDA maintained that the draft report should not be released as it constituted internal staff communication that was at an early stage of development and did not represent the NDA's settled view on radioactive waste storage methods. In his ruling, Assistant Information Commissioner, Gerrard Tracey agreed that the draft report was, in effect, internal communications.

The Assistant Information Commissioner believes there is a stronger public interest in maintaining the exception and therefore withholding the requested material than in disclosing it. The draft report represents a dated review of the

NDA's position and disclosure would be likely to lead to researchers being less willing to be open and honest in such papers, meaning that policy formulation in areas of scientific research other than radioactive waste storage may also be harmed which could undermine the effectiveness of future reports.

In the view of the Assistant Information Commissioner, the draft report contains personal views of the particular author, rather than the official position of the NDA, on the status of radioactive waste disposal and should not be released. In general, the ICO does not normally accept that civil servants would be easily deterred from offering candid opinions through fear of disclosure. The ICO ruling also noted the Information Tribunal's position that when considering the public interest test, it is also relevant to consider what specific harm would follow from the disclosure of the particular information.

During his investigation, the Assistant Information Commissioner found that in some cases disclosure of information which reveals draft or early versions of particular reports can be released without any significant prejudice or harm to the NDA's processes. He noted that the decision on disclosure of draft reports containing details of early research must be made on a case by case basis.

For a copy of the decision notice, go to www.ico.gov.uk

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580.

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk