

20 January 2006

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Our Reference – 493833



We refer to your request for information dated 15 December 2005. You have indicated that the requests you have made can be treated as separate requests but, having considered each in turn, I believe that the response contained in this letter is an appropriate reply to each and all of them.

In your request you have asked for "papers or briefings" that might have originated from 12 external consultancies in relation to 14 subject areas.

| | Company | Objective |
|----|---|--|
| 1 | Promise | To provide professional consultancy regarding a possible change in company name |
| 2 | Kingsmead Communications Limited | To provide professional consultancy and support in the area of corporate communications |
| 3 | Good Relations | To provide professional consultancy and support in the area of media relations and corporate communications |
| 4 | Self-employed consultant | To provide strategic communications advice |
| 5 | Self-employed consultant | To help draft corporate communications material |
| 6 | Fleishman Hillard (formerly GPC) | To provide corporate communications advice in relation to the Scottish Parliament To provide corporate communications advice in relation to the European Parliament |
| 7 | Connect | To provide corporate communications advice in relation to Westminster and the National Assembly for Wales |
| 8 | International Future Forum – Praxis Ltd | To provide corporate communications advice in relation to the Managing Radioactive Waste Safely (MRWS) consultation programme |
| 9 | The Future Foundation | To help facilitate external events and to help draft corporate communications materials |
| 10 | ERM | To undertake an assessment of stakeholder views of Nirex* |
| 11 | Self-employed consultant | To undertake a survey of parliamentarians' views |
| 12 | Women's Institute | To participate in a workshop to discuss radioactive waste management |

* work is due to be repeated in the 2005/06 financial year

Items 2, 3, 4, 5, 6, 7 and 9 - Various consultants: media relations/strategic and corporate communications

The request is taken to apply to any information received from 1 April 2003 onwards, a period of 2¾ years, because this is the period considered in the previous correspondence.

Whilst each request is separately stated, all bar numbers 1, 8, 10, 11 and 12 which are referred to separately below, share a common theme that they relate to media relations or corporate communications. These are very general descriptions, which although apt to identify the areas of expertise in which each consultant has been employed by Nirex, do not provide any specific criteria that would allow Nirex to identify material requested, short of producing all substantive communications from those sources, whenever received in that 2¾ year period.

An initial word search in the e-mail and document databases operated by Nirex has revealed in excess of 3,000 items that could be relevant to the request, which is certain to be an underestimate of the complete amount of data possibly relevant. Consideration of these search results and samples of the information revealed by them has demonstrated that a very substantial amount of work would be required to identify each such communication, then to consider the ability to release it, the applicability of any exceptions to release and the independent application of the public interest test to each potential exception case.

It is not possible to fix on what the likely time for research of all this material would be but it is clear that assessing all substantive incoming communications on media relations and corporate communication from 9 consultants over such a long period is likely to involve the full time occupation of one or more senior employees at Nirex for weeks.

Nirex does not believe that it is in the public interest that it should respond to requests that would require excessive resources. I believe the requests contained in your e-mail of 15 December 2005 would require such excessive resources to be employed in making a response that, under section 12 of FOIA, we shall not be replying in detail to it. Section 12 FOIA (and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004) indicate a threshold of 18 hours staff time above which public authorities are entitled not to respond to requests. Whilst Nirex does not apply that figure inflexibly, the anticipated staff time in your request is so in excess of that threshold figure as to support the conclusion I have reached.

In making this response Nirex has in mind its duty to provide advice and assistance under s16 FOIA. With a view to offering such assistance as it can in helping narrow down the scope of these requests to a manageable size, I do invite you to contact us in order that we can discuss any particular information you are interested in that we may be able to release to you.

Item 1 - Promise: possible change in company name

There have been a number of requests from stakeholders, including Greenpeace, that Nirex should change its name, and we ourselves are concerned that the Nirex name no longer reflects our new corporate governance structure and ownership. However, this is necessarily a highly sensitive area and Nirex has, to date, adopted a stance in addressing FOIA requests that equate it or a successor body's ability to carry out its functions efficiently and successfully with what might in other circumstances be considered to be "commercial interests".

For those reasons Nirex has concluded that the information requested under item 1 in respect of a possible change in the company name is exempt information under s43 (2) FOIA on the grounds that its disclosure would be likely to prejudice its commercial interests.

Moving then to our consideration of the public interest in disclosure, Nirex is satisfied that the public and other stakeholders' ability to identify without confusion the bodies involved in the management of radioactive waste as well as the responsibilities and objectives of those bodies is of great importance. Withholding the information sought will minimise that risk of confusion. That is a benefit to the public that outweighs the general benefit that Nirex recognises exists in allowing disclosure of information sought whenever possible.

For these reasons Nirex has concluded that the public interest in maintaining the exemption in this case outweighs the public interest in disclosing the information.

Item 8 – International Future Forum – Praxis Ltd: visual language

There are two potential outputs from this work, the first is a set of 'argumentation maps' that attempt to set out the logic tree behind the positions that Nirex has adopted. This 'visual language' technique requires further development by discussion with stakeholders, hopefully including yourself. The second output will be a picture, or mural, that tries to depict all aspects of managing radioactive waste in the UK. This also now requires wider stakeholder discussion. In both cases the work is incomplete and in abeyance due to the high workload associated with CoRWM, but we hope to come back to it in 2006.

It is intended that this work will be published when complete, but in the meantime, it would be confusing and potentially counter-productive to the effectiveness of the two projects as communication tools, for work in progress versions of them to be published. For these reasons, we believe that it is reasonable in all the circumstances to withhold disclosure of this information at the present time under section 22 FOIA. Our consideration of the public interest test took account of the same factors mentioned above and leads to the same conclusion that the public interest in producing effective communication tools that would be achieved by withholding this information outweighs the general public interest in being able to release information sought wherever possible.

In light of the above we are refusing your request at this time.

Item 10 – ERM: an assessment of stakeholder view of Nirex

Please find enclosed a copy of the "UK Nirex Ltd, 2004 Independent Stakeholder Review, Final Report, April 2004".

Item 11 - Self employed consultant: a survey of parliamentarians view

The report in question, commissioned in October 2004 from an independent consultant, sought to provide background material on the levels of general interest of members of parliament in a broad sphere described within the report as "matters nuclear". It was a largely statistical exercise that assessed numbers of parliamentary questions raised on such matters, and by whom, as well as considering which parliamentary constituencies (and therefore which MPs) contained what the report termed "nuclear sites".

The report also included opinions of the author about how Nirex should seek to communicate with the public and other stakeholders, including MPs. Nirex has not adopted those opinions, a number of which are at odds with the manner in which Nirex undertakes such communication.

Nirex does not believe that its interests would be adversely affected in any way by the disclosure of this report and to that extent would not look to any exemption protecting its interests to withhold release.

Nirex has also considered whether the compilation of names and political affiliations contained within the report, albeit those of MP's, results in a document that could comprise "personal data" contained within a "relevant filing system", the disclosure of which is therefore subject to the Data Protection Principles. Having considered that matter in detail, we are satisfied that even if such personal data is involved, it is not "sensitive personal data" as it does not disclose individual political opinions. In that case, disclosure of the information is in accordance with the Data Protection Principles as being justified as being necessary for the exercise of the functions of Nirex of a public nature, in the public interest.

A copy of the report is enclosed with this letter. For data protection reasons Nirex does not believe that it can disclose the name or contact details of that consultant without their consent. Within the timescale that Nirex intends to reply to this request it is not realistic to expect to have undertaken a consultation exercise with the consultant in question on the material supplied in it. Section 40 FOIA provides that personal data is exempt information, and Nirex is satisfied that adherence to the principles of protecting an individual's identity and personal contact information is a matter of sufficient importance to outweigh the general public interest in releasing information requested by the public whenever possible. For that reason the copy report that is enclosed has all references to the identity of the author removed.

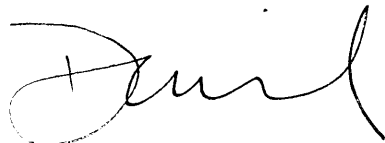
Item 12 - Women's Institute: workshop to discuss radioactive waste management

Please find enclosed a copy of the "Report of the workshop held with members of the Women's Institute, Friday 25 February 2005, Denham College, Oxfordshire".

If you are in any way dissatisfied with our response to your request for information, you can contact Andrew Puddephatt, Chair of the Independent Transparency Review Panel. The primary role of the panel is to review complaints related to Nirex's code of practice on access to information. You can contact Andrew at the following address:

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Yours sincerely



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