



# Information Sharing Protocol

Updated by Legal:  
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# Information Sharing Protocol

## 1. Introduction

- 1.1. This document is an Information Sharing Protocol. The aim of this document is to set out the way we look after Generator Confidential Information shared with Low Carbon Contracts Company Limited (“LCCC”) and our approach to dealing with requests under the Freedom of Information Act 2000 (“FOIA”) or Environmental Information Regulations 2004 (“EIR”).
- 1.2. Unless otherwise defined in this Protocol, terms and expressions defined in the Contract for Difference (“CFD”) shall have the same meanings when used in this Protocol.
- 1.3. The free flow of information between Generators and LCCC is essential for the development of an effective business relationship over the lifetime of the CFD. The CFD recognises the importance of the need for Generators to provide information. The main requirements relating to information provision are set out in Condition 32 of the CFD.
- 1.4. Generator need to comply with requests for information made by the LCCC in connection with their Project within time limits prescribed by the CFD or such longer period as may be agreed with us.
- 1.5. This Protocol is not intended to override the parties’ contractual obligations.

## 2. How we look after your information

- 2.1. Information you provide to us is securely stored in accordance with our internal procedures. It is viewed by members of our organisation on a “need to know” basis for the purposes of the performance of their duties and responsibilities. Certain information may also be provided to or viewed on occasion by our professional advisers. Such advisers are bound by duties of confidentiality to us.
- 2.2. We use the information for the performance of our CFD management responsibilities and, as permitted by the CFD, to carry out our other duties and functions (or “CFD Counterparty Permitted Purposes”) as required. The carrying out of our other duties and functions and the performance of our CFD Counterparty Permitted Purposes may require us on occasion to disclose information.
- 2.3. We remind Generators of the provisions set out in Condition 72 relating to confidentiality and disclosure. We confirm that we would in the circumstances referred to in Condition 72.5 use reasonable endeavours to give Generators notice where we need to disclose information falling within Condition 72.5.

## 3. FOIA or EIR

- 3.1. The principle behind the FOIA and EIR is that people have a right to know about the activities of public authorities and about matters concerning the environment. LCCC is a public authority for the purposes of FOIA and EIR and therefore may be obliged to disclose information. This is recognised in Condition 74 of the CFD.
- 3.2. The FOIA and EIR basically require all recorded information held by public authorities to be disclosed upon request (“Request for Information”), unless it falls within a specified exemption. In the case of most exemptions there is also an additional requirement that, in order for the information to be withheld, the public interest in the information being withheld must outweigh the public interest in its disclosure.

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3.3. Recorded information for the purposes of FOIA and EIR includes: printed documents, computer files, letters, emails, drafts, photographs and sound or video recordings. It is only existing recorded information that needs to be considered when we receive a request for information.

### **4. If we Receive an Information Request under FOIA and EIR**

4.1. We are fully mindful of our duty of confidentiality and contractual rights and obligations under the CFD, as well as mindful of our obligations under the FOIA and EIR. We understand the sensitivity around Generator Information and the importance of maintaining Generator and investor confidence in the CFD regime. We are conscious of the concerns of Generators in this regard. We will give due consideration to these and all other relevant matters when we weigh the balance in relation to the public interest when considering the application of any exemption.

4.2. There are various exemptions which might potentially apply to Generator Confidential Information, the most obvious of which relates to commercially sensitive information. It would accordingly assist us in considering any Request for Information if Generators could mark documents which are commercial sensitive with some form of marking or wording which so indicates. Such a categorisation cannot, of course, be determinative of the question of the public interest, but we would give due weight to it, noting the matters referred to in paragraph 4.1 above.

4.3. In addition, in accordance with Condition 74.1(B) we would endeavour to give Generators notice and discuss the matter prior to any necessary disclosure of Generator Confidential Information in response to a Request for Information, unless the circumstances were such that we needed to disclose the information without consulting or obtaining consent from the Generator. However, even if this was the case, we would draw to the matter to the attention of the Generator prior to disclosure.

4.4. We would expect to redact personal data (such as names, email addresses and telephone numbers) from any information released.

If you wish to discuss any matter which has not been addressed by this Protocol, please contact the Head of Commercial.