

Andrew Miller MP  
Chair  
Science and Technology Committee  
House of Commons  
LONDON SW1P 3JA

By email to millera@parliament.uk

27 July 2011

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Dear Mr Miller

Thank you for your letter of 20 July concerning the findings of the Information Commissioner in the recent decision notice FER0282488:  
([http://www.ico.gov.uk/~media/documents/decisionnotices/2011/fer\\_0282488.ashx](http://www.ico.gov.uk/~media/documents/decisionnotices/2011/fer_0282488.ashx))

The case began before "Climategate" with a data request made on 24 July 2009. A helpful and concise description of the case is contained in the Information Commissioner's notice:

"The complainant requested a copy of any digital version of a weather station dataset sent from the Climatic Research Unit ("CRU") at the University of East Anglia ("UEA") to Georgia Tech between certain specified dates.

UEA withheld the datasets under regulation 6 (information already publicly available and easily accessible) and the exemptions contained in regulation 12(5)(a) (adverse affect on international relations), 12 (5)(c) (adverse affect on intellectual property rights) and 12(5)(f) (adverse affect on the interests of the information provider) of the Environmental Information regulations ("EIR")."

The detailed arguments that UEA put forward in elaboration of the approach it had taken before "Climategate" concerned CRUTEM3, the station temperature data that produce a gridded dataset of global historical land surface temperature anomalies produced by CRU at UEA and the Met Office Hadley Centre. Gridded data are available for each month since January 1850 on a 5 degree grid. What was sent to Georgia Tech (dataset A) was a part of a station database used to develop CRUTEM3 (latitude zones 30°N to 40°S) and the names of the weather stations used in dataset A and related information (dataset B).

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The detail of the case is set out in the decision notice of the Information Commissioner. The arguments turned upon questions of whether most of the data was already publicly available, and if so what level of technical manipulation would have been required to obtain it from those sources. They also focused upon the licences to use some of the station data and the conditions of release placed upon the data by National Meteorological Services in other countries, the justifications for non-disclosure and considerations of copyright in the data. UEA also argued that release of the data might risk compromising the terms imposed by its providers on the use of the information included in the datasets. These concerns prompted CRU to work with the UK Met Office from December 2009 in order to seek to secure the appropriate consents.

The Commissioner found against UEA and, on 23 June 2011, ordered the datasets be disclosed within 35 days.

UEA will be writing to the Information Commissioner to say that we will be complying this week with his request to release the datasets concerned.

I should add that the temperature data in question includes observations from Trinidad and Tobago. We were asked explicitly by Trinidad and Tobago not to release these data and its release remains something about which we are deeply uncomfortable.

In addition to the data sets that are the subject of the Decision, the Met Office has agreed to our request that all station data regardless of latitude zone should also be released, with the exception of 19 stations in Poland because that country has stated explicitly that it does not wish those data to be released.

Some of the extra-tropical station data to be released come from other countries from which explicit permission to release has not yet been obtained. However most of the data that have been used to compile the CRUTEM3 database are accessible from other databases. As a result, the Met Office and CRU have now agreed that they should also be released. This will mean that data from only 19, out of approximately 5113 stations globally, will not be released.

Our further understanding is that the Met Office will continue to make contact with Poland in order to obtain eventual permission to release all of the data. We would like to place on record our deep appreciation of the assistance of the Met Office in this matter.

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We are very pleased to be in a position to release these data. We do, however, remain concerned that an instruction to release data against the explicit wishes of its original owner could have damaging consequences for future international collaborations of UK research organisations.

I do hope that this information is helpful to your Committee.

Yours sincerely

A handwritten signature in black ink that reads 'Edward Acton'. The signature is written in a cursive style with a large initial 'E'.

Edward Acton

# Science and Technology Committee

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From Andrew Miller MP, Chair

Professor Edward Acton  
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20 July 2011

Thank you for your letter of 13 July 2011 providing the Committee with a progress report on handling FoI requests.

One matter, which arose after I wrote, concerns press reports that on 28 June the Information Commissioner found against UEA requiring CRU to release CRUTEM station data. The appeal was, I understand, made by Professor Jonathan Jones from Oxford and UEA was given a month to comply. Can you please provide a note for the Committee on the background, UEA's refusal and indicate whether UEA has now complied? The Committee may publish the note.

**Andrew Miller MP**  
*Chair*