



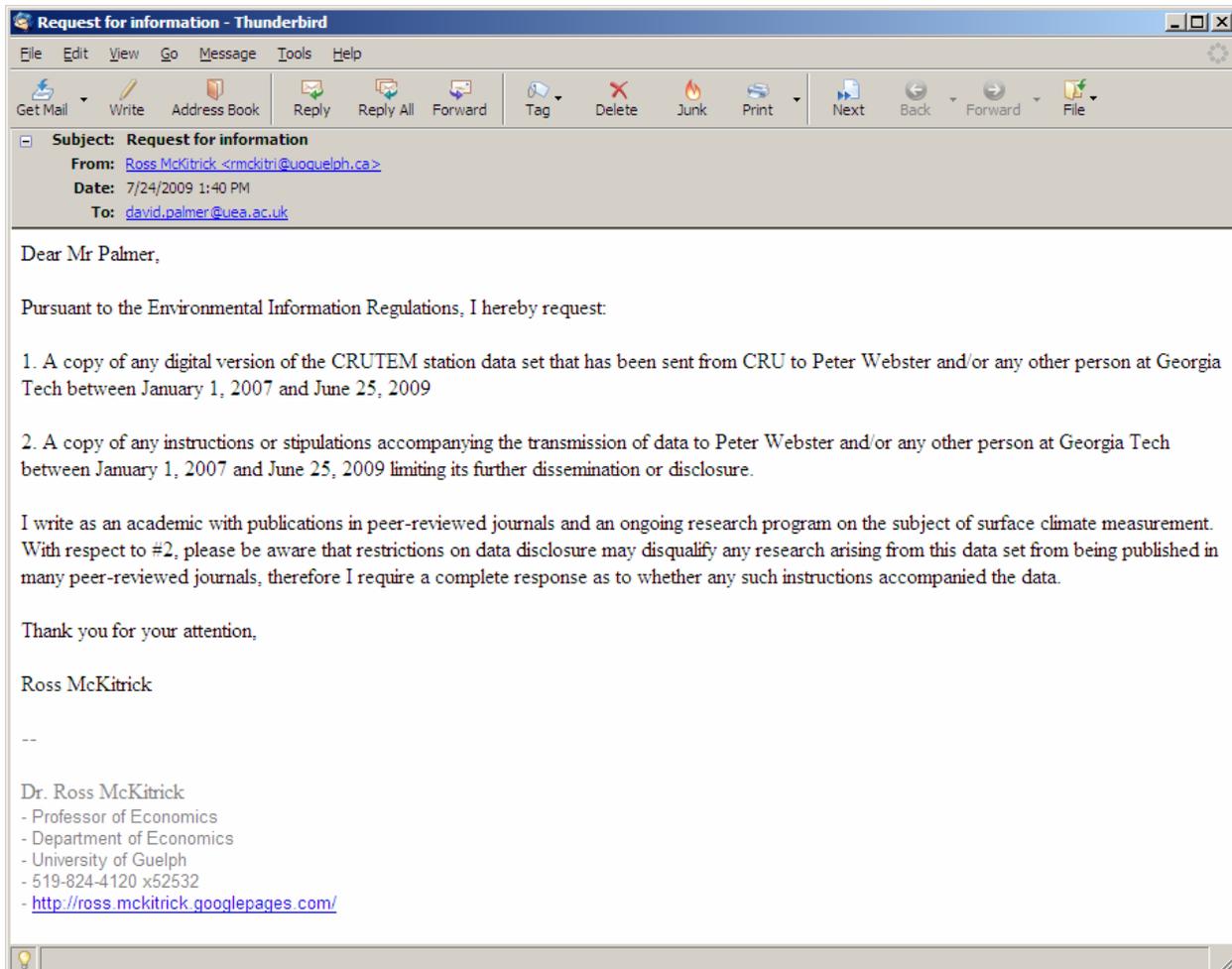
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Ross McKittrick, Ph.D.
Professor

September 26, 2009

Re: My correspondence with the Cru regarding their temperature data.

1. ClimateAudit thread in which Peter Webster says Jones freely gave him data.
<http://www.climateaudit.org/?p=6346>
See comment #100. Also note comment #107, wherein Steve McIntyre submitted a data request.
2. CRU refusal to give Steve the same data, and Steve's request for reconsideration.
<http://www.climateaudit.org/?p=6618>
3. CRU 2nd refusal, on the grounds that Steve is not an academic.
<http://www.climateaudit.org/?p=6623>
On this thread he recruited CA readers to make the FOI requests for the alleged confidentiality agreements on a country-by-country basis.
4. My request for the information made on July 24, 2009.



The reply as received from David Palmer begins on the next page. It is discussed at Climate Audit at <http://www.climateaudit.org/?p=6825>.

The explanatory page created by the CRU to explain that they no longer hold copies of the original data is at <http://www.cru.uea.ac.uk/cru/data/availability/>.



Information Services Directorate

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13 August 2009

Dear Dr. McKittrick

**ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION REQUEST
(FOI_09-64; EIR_09-10)**

Your request for information received on 24 July 2009 for a “A copy of any digital version of the CRUTEM station data set that has been sent from CRU to Peter Webster and/or any other person at Georgia Tech between January 1, 2007 and June 25, 2009” and “a copy of any instructions or stipulations accompanying the transmission of data to Peter Webster and/or any other person at Georgia Tech between January 1, 2007 and June 25, 2009 limiting its further dissemination or disclosure” has now been considered and it is, unfortunately, not possible to meet your request.

In accordance with Regulation 14 of the Environmental Information Regulations 2004 this letter acts as a Refusal Notice, and I am not obliged to supply this information and the reasons for exemption are as stated below:

Exception	Reason
Reg. 12(4)(b) – Request is manifestly unreasonable	Information is available elsewhere
Reg. 12(5)(a) – Adverse effect on international relations	Release would damage relations with scientists & institutions from other nations
Reg. 12(5)(f) – Adverse effect on the person providing information	Information is covered by a confidentiality agreement

We believe that Regulation 12(4)(b) applies to your request for the data because the requested data is a subset of data already available from other sources; namely the Global Historical

Climatology Network (GHCN)¹, and the Climatic Research Unit² already makes requested information available on its website in a gridded format. We believe, following DEFRA guidance, that it is unreasonable for the University to spend public resources on providing information in a different format to that which is already available.

In regards Regulation 12(5)(a), much of the requested data comes from both individual scientists and institutions from countries around the world. If this information were to be released contrary to the conditions under which this institution received it, it would damage the trust that other national scientists and institutions have in UK-based public sector organisations and would likely result in them becoming reluctant to share information and participate in scientific projects in future. This would damage the ability of the University and other UK institutions to co-operate with meteorological organisations and governments of other countries.

Regulation 12(5)(f) applies to the data requested because the data was received by the University on terms that limits further transmission. We believe that there would be an adverse effect on the institutions that supplied data under those agreements as it would undermine the conditions under which they supplied the data to the Climate Research Unit.

In regards your request for any stipulations accompanying the transmission of the data to academics at Georgia Tech, no such instructions or stipulations are held by the University.

All the agreements that we do hold in relation to the requested data are available on the Climate Research Unit website at: <http://www.cru.uea.ac.uk/cru/data/availability/>

Regulation 12(1)(b) mandates that we consider the public interest in any decision to release or refuse information under Regulation 12(4). In this case, we feel that there is a strong public interest in upholding contract terms governing the use of received information. To not do so would be to potentially risk the loss of access to such data in future as noted above. In regards Regulation 12(4)(b), we believe it is not in the public interest to divert public resources away from other work to provide information that is available elsewhere. Finally in regards Regulation 12(5)(a), we feel that there is a clear public interest in neither damaging nor restricting scientific collaboration between UK-based scientists and institutions with international colleagues.

I should note, however, that the University is commencing work, in concert with the Met Office Hadley Centre, to seek permission from data suppliers in advance of the next update of the CRUTEM database in 2010 in order to provide public access to this data. This work has been announced on the CRU website and further updates on its progress will be available there.

I apologise that your request will be met but if you have any further information needs in the future then please contact me.

If you have any queries or concerns, or, if you are dissatisfied with the handling of your request please contact me at:

University of East Anglia
Norwich
NR4 7TJ
Telephone: 0160 393 523
E-mail: foi@uea.ac.uk

You also have the right of appeal against the decision. If you wish to appeal please set out in writing your grounds of appeal and send to me at the same address as noted above.

¹ <http://www.ncdc.noaa.gov/oa/climate/ghcn-monthly/index.php>

² <http://www.cru.uea.ac.uk/cru/data/>

Subsequent to our determination of your appeal, you also have a further right of appeal to the Information Commissioner at:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
www.ico.gov.uk

Yours sincerely

David Palmer
Information Policy and Compliance Manager
University of East Anglia