

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 18 December 2024

Public Authority: EDF Energy Limited
Address: 90 Whitfield Street
London W1T 4EZ

Decision (including any steps ordered)

1. The complainant has requested information relating to carbon credits held by EDF Energy Limited (EDF) and/or its relevant subsidiaries. EDF refused to comply with the request as it did not consider that it was subject to the EIR.
2. The Commissioner's decision is that EDF is not a public authority for the purposes of the EIR and therefore it was not under an obligation to respond to the request.
3. As EDF is not a public authority, the Commissioner is unable to compel it to take any steps.

Request and response

4. On 9 September 2024, the complainant wrote to EDF and requested information in the following terms:

“Please provide a list of all the carbon credits held by your company and/or relevant subsidiaries. For each carbon credit/offset please state:

- A. The date purchased
- B. The price paid
- C. The issuer of the carbon credit/offset

- D. The amount of carbon emissions which the credit is designed to offset
 - E. How the credit offsets emissions - e.g. avoided deforestation, tree planting
 - F. The full name of the carbon offsetting project
 - G. The location/address of the carbon offsetting project
 - H. Which standards the carbon offsetting project adheres to - e.g. International Carbon Reduction and Offset Alliance (ICROA), Gold Standard, Verified Carbon Standard (VCS)
 - I. Which policy or tariff the credit/offset is used in conjunction with
- I would prefer to receive all information in electronic format and in machine-readable formats (such xls) where applicable, and I would be grateful if you could acknowledge receipt of this request.”
- 5. EDF replied on 23 September 2024 stating that it was not a public authority for the purposes of the EIR and therefore was not required to respond to the request.
 - 6. This position was upheld by EDF following an internal review on 30 October 2024.

Scope of the case

- 7. The complainant’s legal representative contacted the Commissioner on 12 December 2024 to complain about the way the request for information had been handled.
- 8. The Commissioner considers that the question that he must consider is whether EDF is or is not subject to the EIR.

Reasons for decision

- 9. The Commissioner notes that the complainant’s legal representative disputes the conclusions reached in two previous decision notices in

which the question of whether EDF is subject to the EIR was considered in detail by the Commissioner¹.

10. The Commissioner does not accept the arguments made by the complainant's legal representative and maintains his view that EDF is not a public authority for the purposes of the EIR, as outlined in his prior decisions.

¹ [DNIC-314456-v8r5.pdf](#)
[DNIC-310605-Y1N5](#)

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF