

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

22 June 2011

Dear XXXXXXXXXXXX

ENVIRONMENTAL INFORMATION REGULATIONS 2004 – INFORMATION REQUEST (FOI_11-113; EIR_11-010)

Your request for information received on 27 May 2011 regarding a data set held by the Climatic Research Unit has now been considered and we have determined that we are not obliged to supply the information you have requested under the Regulations.

For your convenience, we have reproduced your request in the attachment to this letter and provided our response in line with each question. I trust this will be to your satisfaction.

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

Exception	Reason
Reg. 6(1)(b), Information available to requester	Some of the requested information is available on various websites
Reg. 12(4)(d), Material in course of completion	Some of the requested information is incomplete and is subject to further work
Reg.12(5)(c), Adverse effect on intellectual property rights	Release of some of the requested information would adversely affect the intellectual property rights of CRU staff

Exceptions Explanation

Regulation 6(1)(b) is cited in relation to items 2 and 3 of your request. Although the specific lists of sites are not being released, we are providing the general coordinates to identify the "URALS" study region from which data were selected. All of the data that we have used within this area are publicly available (including their ITRDB identifiers or equivalent) on several websites. In the attachment to this letter we provide the general regional parameters for this study and the data (including ITRDB identifiers where they exist) from which the selection was made can be found on the ITRDB website: (<http://web.utk.edu/~grissino/itrdp.htm>). Additional data are available at other websites: (<http://www.ncdc.noaa.gov/paleo/treering.html>) and

(<http://www.cru.uea.ac.uk/cru/people/briffa/yamal2009/data/>). There are some Russian sites not within the ITRDB database and the identifiers for those can be found on a Russian website <http://lib.ipae.uran.ru/dchrono> (in Russian).

Regulation 12(4)(d) is cited because the 1,001 composite data sets and the lists of sites from which the data is drawn was created in 2006 as an early 'draft' of work that is being carried forward and refined with a view to future publication. These composites were series obtained from the 'group of trees' you refer to in your request.

Whilst there has been the passage of some time since the creation of the first set of 1,001 composite records, staff at the CRU have returned to this data recently as part of a project funded by NERC, which commenced in May 2010, that encapsulates this NW Eurasian tree-ring study, and which will be completed no later than October 2012. The data will be revised in the near future as the project moves towards publication of papers based on the work in constructing the composites.

In regards to Regulation 12(5)(c), it is our contention that there are intellectual property rights in the form of both copyright and database right in the series for the 'group of trees' cited in your request. Creative work went into the selection of the site locations to include, and the arrangement of the data within the data sets, thus leading to a database right. Additionally, the data itself within the composite data sets represents the intellectual effort of developing the processing of the 'raw' data obtained from the site datasets themselves and therefore attracts copyright. The 'adverse affect' to intellectual property rights is based upon the fact that release of these data sets and the methodology used in their construction would, effectively, be publication of the creative work of the CRU staff. This would seriously reduce the likelihood that any high impact journal would publish the results pertaining to this work, thus effectively causing the University financial harm via adverse impact upon reputation, ability to attract research funding, and funding arising from the citation of the publications within the REF process by which universities in the United Kingdom receive funding based on the quality of research undertaken.

Public interest argument

Pursuant to Regulation 12(1)(b), we must also apply a public interest test to any and all information excepted under Regulation 12 and this test must be applied as a whole to the entire request rather than exception by exception. It is our opinion that, in relation to the excepted material, the public interest lies in non-disclosure.

There is little public interest in the release of unfinished or incomplete data – i.e. which does not contain a description of how it was created or why the "selected" methods were chosen – and so does not reflect the full breadth of academic rigour and thought applied to it. The information may well be incorrect, untested, unreviewed and may not accurately reflect the proper outcome of the research. Any assessment of the merit of the work should be based upon a final version of the data. The requested information will be made available in finished form at the time of publication of the results, which is expected to be no later than October 2012, and that should stand as the output of record of this research process.

It should also be noted that the raw measurement data are available for anyone to download already. We concede that there is a clear public interest in the public being able to undertake such research for themselves. The public availability of the raw measurement data enables such research to take place and for the undertaking of alternative analyses (such as to investigate the construction of alternative composites). A refusal to release incomplete and unpublished analyses based on these raw measurement data does not in any way restrict the ability of the requester or anyone else from accessing the raw measurement data, and thus meeting the public interest in this regard.

Additionally, the intellectual property rights of the copyright holder in the final version are protected by ensuring that earlier, non-published versions of copyrighted work are not

made available 'in competition' with the copyrighted version that the copyright holder has an expectation of making financial gain from.

There is also clearly a public interest in the maintenance of intellectual property rights so that creative work is protected, fostered and encouraged via protection against exploitation of the work by persons who have not invested the time or intellectual effort in the creation of the work. Premature release of material that has both copyright and a database right attached to it would harm the interests of the CRU and University by denying them the economic and professional benefits arising from their work. The requested material will be published in due course, thereby satisfying the public interest in the release of the data and the advance in knowledge represented by the research output. Were premature release of such material to become common, the willingness and ability of academics to engage in published research would be harmed and this cannot be in the public interest.

I would finally also add that any material released over which UEA has copyright is released subject to the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information released.

You have the right of appeal against this decision. If you wish to appeal, please set out in writing your grounds of appeal and send to me at:

University of East Anglia
Norwich
NR4 7TJ
Telephone: 0160 359 3523
E-mail: foi@uea.ac.uk

You must appeal our decision within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF
Telephone: 0303 123 1113
www.ico.gov.uk

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

David Palmer
Information Policy & Compliance Manager
University of East Anglia

Response to Freedom of Information request (FOI_11-113; EIR_11-010)

Re – Freedom of Information / Environmental Information Regulations request

Please accept this letter as a request under the above legislation/regulations.

My request arises from the following email of 28.4.2006:

Date: Fri, 28 Apr 2006

To: philip.brohan

From: Tim Osborn

Subject: Re: Standardisation uncertainty for tree-ring series

Cc: Keith Briffa, simon.tett

Hi Philip,

we have three “groups” of trees:

“SCAND” (which includes the Tornetrask and Finland multi-millennial chronologies, but also some shorter chronologies from the same region). These trees fall mainly within the 3 boxes centred at: 17.5E, 67.5N; 22.5E, 67.5N; 27.5E, 67.5N

“URALS” (which includes the Yamal and Polar Urals long chronologies, plus other shorter ones). These fall mainly within these 3 boxes: 52.5E, 67.5N; 62.5E, 62.5N (note this is the only one not at 67.5N); 67.5E, 67.5N

“TAIMYR” (which includes the Taimyr long chronology, plus other shorter ones). These fall mainly within these 4 boxes: 87.5E, 67.5N; 102.5E, 67.5N; 112.5E, 67.5N; 122.5E, 67.5N

We do some analysis at the group scale, and for this we take the JJA temperatures from each box and average to the group scale to obtain a single series from each of SCAND, URALS and TAIMY.

We do some analysis at the overall scale, and for this we take these three group temperature series and average them to get an overall NW Eurasia temperature for boxes with tree chronologies in them.

We did also try using a wider average for the region, including all LAND temperatures from grid boxes within a rectangular region from 12.5E to 127.5E and from 57.5N to 72.5N, but I don't think it correlated so well against the tree-ring width data (I can't remember the exact correlations), so we didn't pursue that.

Does that give you enough information to be going on with? I'd recommend using CRUTEM3 rather than HadCRUT3, because the correlations seem to deteriorate with the inclusion of SST data in some cases — though of course you can look into this yourself.

Cheers

Tim

I would be grateful to receive from you:

1) A digital version of the series for the “group of trees” described in the email as “URALS” (which includes the Yamal and Polar Urals long chronologies, plus other shorter ones)”

A digital version of “the series” for the “group of trees” identified as “URALS” was neither attached to nor identified by the 2006 email. However, 1001 composites were generated from these groups of trees, and we interpret your request to be for those 1001 composites.

[Information exempted pursuant to Reg. 12(4)(d), & 12(5)(c), Environmental Information Regulations]

The 1,001 composite data sets and the list of sites used to construct the data sets are incomplete and subject to further work and modification. Additionally, release at this time of the 1,001 composite data sets and the selection of sites used to construct them would also adversely affect the intellectual property rights of the University.

2) *A list of all the measurement data sets used to compile this series "URALS", including the Yamal and Polar Urals long chronologies and the shorter ones, with each data set denoted by ITRDB identification or equivalent;*

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

Although the specific lists of sites used at the time of the 2006 email (and as modified in subsequent work) are not being released, the primary data from which the selections were made, including the site identifiers, are available publicly on a variety of websites as noted in the above text. In addition we can release the general parameters for the sites from which the data for the URALS group were drawn: we used only ring-width data, and the sites were from within the domain bounded by 45°E and 75°E and north of 60°N

3) *A digital version of the measurement data used in this series*

[Information excepted pursuant to Reg. 6(1)(b), Environmental Information Regulations]

See response to question 2 above