

Christopher Osborne

From: Rodney Corrigan <Rodney.Corrigan@uup.org>
Sent: 24 November 2015 12:13
To: Christopher Osborne
Subject: RE: FOI 2015-0117 Response to UFU

Chris,

Thanks for this. Strange enough way to wriggle out of it.

R

From: Christopher Osborne [mailto:christopher@ufuhq.com]
Sent: 24 November 2015 08:03
To: Rodney Corrigan
Subject: FW: FOI 2015-0117 Response to UFU

Disappointing but not unexpected.

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From: Clydesdale, Alison [mailto:Alison.Clydesdale@detini.gov.uk]
Sent: 23 November 2015 14:21
To: Christopher Osborne
Cc: FOI (DETINI); Harris, Michael; Thompson, Sandra
Subject: FOI 2015-0117 Response to UFU

Dear Mr Osborne

Please find attached response to the Freedom of Information Request reference number FOI 2015-0117.

Best Regards

Alison

Alison Clydesdale

Renewable Electricity Branch
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9248 (ext: 29248)
Mob: [Personal information redacted by the RHI Inquiry]
TextRelay: 18001 028 9052 9248

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Web: www.detini.gov.uk



NI Year of Food & Drink 2016

Please consider the environment - do you really need to print this e-mail?



Department of

**Enterprise, Trade
and Investment**

www.deti.ni.gov.uk

Mr Gary Hawkes
Chairman
UFU Rural Enterprise
475 Antrim Road
Belfast
BT15 3DA

Netherleigh
Massey Avenue
Belfast BT4 2JP
Telephone: 028 9052 9248
Text Relay: 18001 028 9052 9900
Fax: 028 9052 9273
DETI Ref No FOI 2015-0117

23 November 2015

Dear Mr Hawkes

Freedom of Information Request

I refer to your email of 27th October 2015 requesting copies of all correspondence between the Department of Enterprise, Trade and Investment and the Department of Energy and Climate Change on closure of the Northern Ireland Renewables obligation to onshore wind.

The information which you requested is being withheld under Section 35(1)(a) of the FOI Act as it relates to the formulation of government policy. This exemption is a 'qualified' exemption requiring us to consider the public interest for and against disclosure.

The factors in favour of disclosure are that release would allow a better understanding of the decision-making process; and citizens being confident that decisions are taken on the basis of the best available information.

The factors against disclosure are that Ministers and their officials need to be able to think through all the implications of particular options, they need to be able to undertake rigorous and candid assessments of the risks to particular sectors or projects; Ministers and their officials need space in which to develop their thinking and explore options in communications and discussions with other Ministers and officials; and release would be likely to inhibit the ability of public officials and others to express themselves openly, honestly and completely, when giving their views as part of the process of discussion and deliberation.

Following consideration of the above factors it has been determined that it would not be in the public interest to disclose the information.

I have enclosed an Access to Information Factsheet which provides information on FOI procedures, including what to do if you are not happy with our response, and some useful contact points.

In the meantime you may wish to refer to the freely available Hansard records that cover this issue.

Yours sincerely

Alison Clydesdale

Alison Clydesdale
Renewable Electricity Branch

Access to Information Fact Sheet

Note: This leaflet gives an overview of some of the main provisions of the Freedom of Information Act and Environmental Information Regulations and should not be regarded as a legal interpretation.

1. What is the Freedom of Information Act? The Freedom of Information (FOI) Act 2000 was fully implemented on 1st January 2005, giving you the right to request information from public authorities. This allows you to access information about how the Department works, spends public money, reaches decisions, etc.

2. Information may also be obtained under:

- **The Data Protection Act 1998 (DPA)** - this allows you access to information held *about you* by both public and private organisations, and gives you the right to make sure it is correct.
- **The Environmental Information Regulations 2004 (EIRs)** - This legislation gives you access to any environmental information held by organisations that perform public functions.

3. How do I get information about DETI under these Acts? You can find information on the Department's website: <http://www.detini.gov.uk>. If you can't see what you're looking for you can contact us by email at foi@detini.gov.uk or write to us at:

**Information Management Unit
Department of Enterprise, Trade and Investment
Netherleigh, Massey Avenue
Belfast BT4 2JP**

Please state your name, address, telephone number and specific details of the information you require.

4. How long does it take to get information under the FOI Act? Once a written request for information is received, we will respond promptly, and at any rate, within 20 working days. In certain circumstances a final response may be made outside this period where additional time is needed to determine whether or not disclosure would be in the public interest.

5. Is there a cost? This depends on a number of factors including the volume and complexity of material requested. Responses to enquiries that cost the department less than £600 to processⁱ will be provided free of charge, although there may be a small charge for disbursementsⁱⁱ. The Department has a right to refuse an FOI request if the cost of locating and retrieving the information exceeds £600. We will not refuse a request for environmental information on the grounds of cost alone; however we have the right to charge a reasonable amount to cover processing costs. In all cases, we will notify you of any estimated costs before proceeding with the request.

6. What happens if the information I want is not available? The Department is not obliged to create or acquire information it does not already hold, but we will try to assist where possible. We may contact you about what relevant information we do hold, or may offer to transfer your request to another public authority that might help.

7. Can I have any information at all? The FOI Act and Environmental Information Regulations allow you access to much of the information held by public bodies. But some types of information are exempted, for example personal details about others, or where disclosure might prejudice a company's commercial interests.

8. What if I am refused information? We will tell you if information is being withheld and why. If you are unhappy with how we have handled your request you have the right to request an internal review. To request an internal review send an email or letter within 40 working days, to our **Head of Corporate Services** – see contact details at point 3 above.

We will reply to you within 20 working days. If you are not satisfied with the result of the internal review you may appeal to the Information Commissioner (details provided below at point 9). The Commissioner will normally expect an internal review to have been carried out prior to appeal.

9. How do I find out more? More information is available from office of the Information Commissioner at:

Website:	www.informationcommissioner.gov.uk	Phone:	01625 545 700
Post:	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF	Email:	ni@ico.org.uk
		Fax	01625 524 510

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ⁱ Includes the cost of locating, retrieving and extracting the information

ⁱⁱ Disbursements may include costs of photocopying, printing, postage etc

Updated June 2014