



Department for the
Economy

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Mr Paul McGinn
Departmental Solicitor's Office
Victoria Hall
12 May Street
BELFAST
BT1 4NL

Dear Paul

RENEWABLE HEAT INCENTIVE SCHEME SITE VISITS AND AUDITS

The Department is intending to procure through open competition an independent assurance provider to conduct site visit audit/checks on installations funded under the Northern Ireland Renewable Heat Incentive Scheme, (RHI), domestic and non domestic.

The proposal would be to have an initial one year contract with the provider with an option for further extension by agreement. However, before progressing with this we want to be assured that the current legislation provides for a contracted third party organisation to undertake such checks on the Department's behalf and report its findings for follow up action to the Department as may be required. Our two primary concerns are around powers of entry and data protection.

In terms of powers of entry, we want to ensure we have necessary legislative cover for the contracted party to enter both commercial and domestic premises to inspect RHI installations. Regulation 49 of the Renewable Heat Incentive Scheme (Northern Ireland) Regulations 2012 and Regulation 47 of the Domestic Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2014 would appear to provide the Department with the necessary powers. It is also our understanding that allowing the Department or its authorised agent access for the purposes of regulations 49 and 47 are 'ongoing obligations' on scheme participants (see regulation 35(j) of the 2014 Regs and 33(i) of the 2012 Regs) which brings failure to comply within the scope of the enforcement provisions of Part 7 of the 2012 Regs and Part 10 of the 2014 Regulations. The "Administrative Agreement" we have in place with Ofgem would be amended to reflect any changes to conferred and retained functions.

In terms of data protection, we want to ensure that there are no legal impediments to the Department sharing customer data (e.g. addresses of RHI installations) with the appointed organisation to enable it to develop and complete an annual inspection programme. Our initial thoughts are that since this customer information is still being used for the same purpose(s) that it was collected for, there should be no data protection issues. It would also

be our intention to put in place a data sharing protocol with the independent assurance provider similar to what we currently have in place with Ofgem for the sharing of application data.

I would welcome your consideration and advice please and for your convenience am providing links to the relevant legislation.

<http://www.legislation.gov.uk/nisr/2012/396/contents/made>

<http://www.legislation.gov.uk/nisr/2014/301/contents/made>

Yours sincerely,

A handwritten signature in black ink that reads "S. Wightman". The signature is written in a cursive style.

STUART WIGHTMAN
Energy Efficiency Branch

cc Alison Clydesdale
Seamus Hughes
Adele Willis
Peter Briggs