

**From:** [McCutcheon, Joanne](#)  
**To:** [Hepper, Fiona](#)  
**Cc:** [Hutchinson, Peter](#)  
**Subject:** FW: RHI - Administrative Arrangements  
**Date:** 22 November 2012 14:24:08

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Fiona

I had a very useful conversation with Pat Millen from DSO.h

He is of the view that Ofgem is 'in an agency relationship with us' – the statutory functions clearly rest with DETI - with Ofgem carrying out the 'rudimentary donkey work'. They are 'holding the data on our behalf' and we should 'expect to get the data back'. That said, he says the database belongs to Ofgem and we have no right to it unless there is a term to the contrary.

He advises that the issue is really about the relationship between us and this needs to be tackled head on. The Admin agreement or an Exchange of letters needs to state precisely the position re the data (particularly around termination)- it cannot be silent.

We should hear from Arthur Cox tomorrow.

Joanne

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**From:** Millen, Patrick  
**Sent:** 22 November 2012 11:51  
**To:** McCutcheon, Joanne  
**Subject:** RHI - Administrative Arrangements

**SOL 34916/2012/DETI**

Dear Joanne,

I refer to the above and to your e-mail dated 19th November addressed to Mr. McGinn. Mr McGinn has asked me to deal with this particular matter.

I understand there has previously been a process of negotiation relating to the administrative arrangements between DETI and Ofgem, the terms of which has been reduced to a written agreement.

It seems a question has arisen as to who own the "data", which I should indicate from the beginning is not a straightforward issue. I would need more information before I could be in a position to offer an opinion. For example, what "data" are we talking about, from whom does the data originate, have Ofgem indicated to the Department that they see themselves as eventually having ownership of this information.

What I would be particularly interested in is the ownership arrangements existing between DECC and Ofgem, given there scheme has been in existence for longer than the NI scheme - I would be extremely surprised if this issue has not already been dealt with by DECC. To cut through all of this I think it would be advisable for the Department to contact DECC to

see how they have dealt with this issue.

Happy to discuss.

Kind regards

Pat Millen

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