

**FINAL NOLAN RESPONSE taking account of JR changes**

Timothy Johnston

Sent: 18 December 2016 21:51

To: Clive McFarland

Cc: Richard Bullick

Personal information redacted by the RHI

Simon Hamilton

Personal information redacted by the RHI

Inquiry

John Robinson; Andrew McCormick

Personal information redacted by the RHI  
Inquiry

## Nolan Response

“As has been apparent over recent days there is clearly some confusion over the precise details in relation to the emails.

The First Minister has no formal record of any emails from this period as her records do not go back this far.

The First Minister initially indicated to Spotlight that she had passed on an email in relation to RHI to her departmental officials.

Subsequently the First Minister was shown the email of 26 August 2013 from the person in question which was published last week. That email had been passed to officials, and the Minister had then replied to the person in question on 5 September 2013 offering a meeting with officials.

Before the email of the 26th August was published the person who had sent the email was contacted by an official in the Department of the Economy who confirmed that the 26th August email had been the only direct contact with Arlene Foster, and the official's understanding was that she was content to release that email subject to redactions.

We apologise if there was any misunderstanding, as we certainly would not have released the email had we thought that would be against her wishes.

However, we understand that another email has come to light dated September 3 which makes a reference to concerns about the RHI.

The First Minister's office has no record of this email, but equally no reason to believe that it was not sent or received.

In any event the person in question contacted officials two days later on 5 September 2013 (in immediate response to the letter from the Minister) in order to set up a meeting at which her plans and concerns were discussed.

We understand that at this meeting she also raised concerns about the RHI but, very unfortunately, these concerns were not taken sufficiently seriously. At all times Mrs Foster sought to follow the appropriate processes in relation to this issue.

In relation to the RIA issue the Minister had the right to expect that the **IND-32794** identified in the RIA would be managed by officials. As the Accounting Officer has explained at length to the Public Accounts Committee, there were several important commitments made at the time when the RHI was approved (not least in respect of risk management and review of the tariff) which were not followed through, and those omissions by officials contributed materially to the very serious problem we now face. That is already under investigation in the fact-finding work that has been discussed with the PAC.”