

To: Marcus Porter[Marcus.Porter@ofgem.gov.uk]
Cc: Keith Avis[Keith.Avis@ofgem.gov.uk]
From: Mary Smith
Sent: 2013-01-17T12:50:32Z
Importance: High
Subject: FW: NIRHI: Administrative Arrangements
Received: 2013-01-17T12:50:34Z

Hi Marcus,

We've received the following email from DETI regarding the provision of details of those who've applied to the scheme and I would appreciate your thoughts on their points. Apologies if you've already covered these areas with Keith, he's interviewing much of this afternoon and we need to go back to DETI as soon as we can. For my understanding, I'd also be grateful if you could briefly explain the following:

- Given the wording of the Regs and that they refer to applications going to DETI, why are we unable to share details of applications received with DETI/ why do we need applicants to sign a privacy policy to do so?
- As the Regs only refer to applications for accreditation going to DETI, is this why we would be unable to share details of any simply requesting application forms with them?

Also, you mentioned you'd be able to provide some further advice in your email yesterday about the privacy issue – would you be able to send this through?

Thanks
Mary

From: Hepper, Fiona [mailto:Fiona.Hepper@detini.gov.uk]
Sent: 17 January 2013 11:56
To: Keith Avis
Cc: Robert Hull; Matthew Harnack; Mary Smith; Luis Castro; McCutcheon, Joanne; Hutchinson, Peter
Subject: RE: NIRHI: Administrative Arrangements

Keith

I understand from Joanne that Ofgem is not going to provide us with the names of applicants until a privacy policy (currently being drafted) is signed by applicants. I thought we had found a pragmatic way to progress the 'Who owns the data?' issue before Christmas and I am disappointed that the very first time we seek some information (and it is only a name and address) there appears to be an obstacle.

The regulations governing the NI scheme clearly state that 'all applications for accreditation must be made in writing to the Department' where the Department is defined as 'the Department of Enterprise, Trade and Investment' and accreditation is defined as ' accreditation of an eligible installation by the Department following an application'

There is no mention of Ofgem in the Regs – it is clear that the application is to be to DETI and that it is DETI that accredits; so, legally the power and responsibility resides with DETI .

We are of the view that Ofgem is carrying out this work on our behalf in which case I cannot understand how there could be any issue in providing us any information provided by an applicant. If you do not consider that you are doing this work on our behalf I would be grateful for your view on how you think your position sits with the Regulations as drafted – in layman's terms how is DETI's legal responsibilities under the Regs, transferred to Ofgem?

Furthermore, it seems completely bizarre that if we were to terminate the Agreement you would provide us with the information (as previously agreed) but you will not share it while the arrangement is in place (without a signed privacy policy).

This current issue does not bode well moving forward as I am sure we will be seeking further information in the future. If we cannot reach a workable solution then I think the best way forward is for DETI to amend our processes to ensure that applicants approach DETI in the first instance – applications could then be passed on to Ofgem.

Grateful for a quick response

Regards
Fiona

Fiona Hepper

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The new website for the European Sustainable Competitiveness Programme for NI is now available - visit www.eucompni.gov.uk

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

From: Keith Avis [<mailto:Keith.Avis@ofgem.gov.uk>]

Sent: 16 January 2013 12:12

To: Hepper, Fiona

Cc: Robert Hull; Matthew Harnack; Mary Smith; Luis Castro; McCutcheon, Joanne; Hutchinson, Peter

Subject: RE: NIRHI: Administrative Arrangements

Fiona

For clarity I thought I should pick up on the fact that in signing off the Administrative Arrangements I am assuming that you were also content with the baseline scope document that accompanied them in my email of 21 December. Suffice to say, the document is as discussed and agreed between DETI and Ofgem, but for completeness, if you could confirm that you are content by way of a reply that would be much appreciated.

Kind regards

Keith

Keith Avis

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From: Hepper, Fiona [<mailto:Fiona.Hepper@detini.gov.uk>]

Sent: 31 December 2012 10:59

To: Keith Avis

Cc: Robert Hull; Matthew Harnack; Mary Smith; Luis Castro; McCutcheon, Joanne; Hutchinson, Peter; Hepper, Fiona

Subject: RE: NIRHI: Administrative Arrangements

Importance: High

Keith

I have signed the e-copy of the Admin Arrangements, scanned and returned as requested (see attached). The hard copy has not yet arrived in the post - if required I can sign this and return separately.

Many thanks and happy new year to all

Regards

Fiona

Fiona Hepper

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