

To: Keith Avis[Keith.Avis@ofgem.gov.uk]
Cc: Mary Smith[Mary.Smith@ofgem.gov.uk]; Robert Hull[Robert.Hull@ofgem.gov.uk]
From: Matthew Harnack
Sent: 2013-01-17T13:05:55Z
Importance: Normal
Subject: RE: NIRHI: Administrative Arrangements
Received: 2013-01-17T13:05:58Z

Keith,

This approach was agreed internally at least 7 weeks ago so I too am surprised it's not and I can understand Fiona's annoyance. Can you please make sure it's in place ASAP (i.e. by the end of next week). Also in my view I don't see why a separate "privacy policy" is needed, it complicates things and blows it out of proportion. What we discussed 7 weeks ago was to insert a sentence into the declaration that all applicants already have to sign, to make clear that they understand that we will be sharing the info with DETI who are the named operator under legislation. Can you please bring me up to speed if there is a reason why this approach is not possible.

Let's discuss how to respond to Fiona separately.

Matthew

Matthew Harnack

Associate Director, Commercial
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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

Received from OFGEM on 11.05.2017

Annotated by RHI Inquiry

Fiona

Fiona Hepper

Head of Energy Division
Department of Enterprise, Trade & Investment
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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

Senior Manager
New Scheme Development
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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

Head of Energy Division
Received from OFGEM on 11.05.2017
Annotated by RHI Inquiry

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www.ni2012.com

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From: Keith Avis [<mailto:Keith.Avis@ofgem.gov.uk>]
Sent: 21 December 2012 15:31
To: Hepper, Fiona
Cc: Robert Hull; Matthew Harnack; Mary Smith; Luis Castro; McCutcheon, Joanne; Hutchinson, Peter
Subject: NIRHI: Administrative Arrangements

Fiona cc: As above

Following discussions with you and your team this week, please find attached pdf versions of the Administrative Arrangements and supporting cover letter signed by Bob Hull. Also attached is the file containing the baseline scope document. All three documents have been sent to you through the post, and I would be grateful if you could sign the Administrative Arrangements.

Many thanks

Keith

Keith Avis

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