

**To:** Marcus Porter[Marcus.Porter@ofgem.gov.uk]  
**Cc:** Mary Smith[Mary.Smith@ofgem.gov.uk]  
**From:** Keith Avis  
**Sent:** 2012-11-26T14:24:25Z  
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Marcus cc: Mary

I understand that you spoke to Mary last week with regards progress on signing off the NIRHI Administrative Arrangements. The latest is that the final sticking point is around the ownership of data. Key issues around this are DETI's need to have access to data upon termination. They have our previous line that all that we are legally able to let them have we will provide. However, they have asked for some extra wording in the relevant para, making clear reference to installer data and the type of thing that this could include. We are, therefore, minded to add something to the existing text along the following lines:

On termination of these Arrangements, the Parties intend that GEMA should (subject to obtaining any necessary approvals from the scheme participants) provide DETI with all information reasonably requested by DETI and held by GEMA on DETI's behalf at GEMA's premises in connection with the carrying out of the Conferred Functions and the Ancillary Activities. This would include all data that the installer had provided, such as application forms, meter readings and original drawings on condition that at least one week's notice is provided in advance to GEMA by DETI.

Equally DETI would like to include something that ensures that they are aware when we share information to third parties. Again we suggest a small change to accommodate this:

GEMA may disclose Confidential Information to any relevant governmental or other authority or regulatory body, and to any employees or contractors of GEMA or of any of the above, provided that before any such disclosure GEMA will make those persons aware that the information is confidential and of these Arrangements. Where GEMA discloses such Confidential Information to another body under this paragraph, it will have notified DETI prior to doing so, subject to any legal constraints on its ability to do so.

If you are able to let me have your view on the suggested text changes here that would be much appreciated. Suffice to say, the pressure is on to sign off the arrangements so if you are able to turn this around quickly that would be great. Of course, I should say I am aware of your views on Ofgem's position while the sign-off of the arrangements remains outstanding. If you wish to discuss any of this, more than happy to do so.

Regards

Keith

**Keith Avis**

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