

To: Sophie Jubb[Sophie.Jubb@ofgem.gov.uk]; Morag Drummond[Morag.Drummond@ofgem.gov.uk]
Cc: Lindsay Goater[Lindsay.Goater@ofgem.gov.uk]; Jacqueline Balian[Jacqueline.Balian@ofgem.gov.uk]; Irène Solomon[Irene.Solomon@ofgem.gov.uk]
From: Marcus Porter
Sent: 2013-01-16T12:44:33Z
Importance: Normal
Subject: RE: RHI-P2-CR0068 (Privacy Policy) - GB
Received: 2013-01-16T12:44:35Z

All

I don't see that the privacy policy is something we need to agree the content of with DETI any more than we needed to agree it with DECC in relation to the GB scheme. Each of these schemes is administered by us – by virtue of subordinate legislation in the case of the GB Regs and by virtue of the “arrangements” now applicable to the NI Regs as of the end of December. As such we will be receiving data from applicants and processing it. When we do so we have to do so fairly and lawfully. That is a data protection requirement in relation to both schemes and the privacy policy is a mechanism that should assist greatly in ensuring that we meet the requirement.

Indeed it goes further than that because, in the absence of a comprehensive privacy policy, applicants will not have a clear view as regards how we may use the data they supply to us and, as a result, that may impact on what use we can lawfully make of the data (including the extent to which we can share it with DETI) whilst still being able to argue robustly that we are acting “fairly”. For this reason, and because there will presumably be further applicants, it is important that the adjustments I have advised need to be made to the GB policy (in its own right) and separately for the purposes of NI are made sooner rather than later. I would therefore be concerned if the “next release” was not due soon and that were the only mechanism available for giving effect to these adjustments.

The policies should I guess be classed as “separate” given that, despite the fact that the wording of each will closely resemble that contained in the other, there are naturally a few differences.

Personally I am not unduly concerned (though others may be) at *how* precisely the policies are *displayed*, provided that the adjustments to the wording that I have advised are made and provided they clearly come to the attention of applicants in one way or another once they register for the schemes.

Marcus

From: Sophie Jubb
Sent: 16 January 2013 11:41
To: Morag Drummond; Marcus Porter; Cheryl Fox
Cc: Lindsay Goater; Jacqueline Balian; Irène Solomon; Thomas Baines
Subject: RE: RHI-P2-CR0068 (Privacy Policy) - GB

Hi

It would need to be done via the next release and we are waiting for the date of this. I can ask IT for the cost of just changing the privacy policy wording.

However I should point out (not having seen the changes for NI) that the privacy policy is currently displayed as a link at the bottom of every page in the Register. The Register (assuming it's approved for go live in the meeting with Bob and Matthew Mon 28th) will be the same access point for all external users, both GB and NI from the 30th so I would need to understand how you want this to work – 2 separate privacy policies to be shown?

Or is the NI one just something that would be an agreed document between Ofgem and DETI so no impact to the Register link? Apologies if I have got the wrong end of the stick here.

If you could advise (happy to meet for a chat to cover if that's easier) I can give IT the right info for them to cost it.

Thanks

From: Morag Drummond
Sent: 16 January 2013 10:27
To: Marcus Porter; Sophie Jubb; Cheryl Fox
Cc: Lindsay Goater; Jacqueline Balian; Irène Solomon
Subject: RE: RHI-P2-CR0068 (Privacy Policy) - GB

Marcus,

I'm happy with the changes.

Sophie, Cheryl,

What is the best and quickest way to get this uploaded to the Register and what would it cost?

Regards

Morag

From: Marcus Porter
Sent: 15 January 2013 17:20
To: Morag Drummond
Cc: Lindsay Goater; Jacqueline Balian; Irène Solomon
Subject: RE: RHI-P2-CR0068 (Privacy Policy) - GB

Morag
As per my email just now.
Marcus

From: Marcus Porter
Sent: 15 January 2013 17:06
To: Michelle Murdoch
Cc: Keith Avis; Lindsay Goater; Jacqueline Balian; Mary Smith; Morag Drummond
Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Michelle

Further to my email to Keith earlier today, I attach a revised version of our privacy policy showing what it seems to me are appropriate changes for DETI's purposes (NI privacy doc). The other document (NIprivacy2) is a clean copy.

Can you please discuss with Morag ASAP before going back to DETI with our proposed text and could she or you me know if she is content? Assuming she is, it is doc 2 that should be shared with DETI.

Morag: in the course of looking at this, I have come to conclusion that there are a couple of lines in our own privacy policy that need slight revision and I'll email separately about this.

Marcus

From: Michelle Murdoch
Sent: 14 January 2013 14:40
To: Marcus Porter
Cc: Keith Avis; Lindsay Goater; Jacqueline Balian; Gregor Stenhouse; Mary Smith
Subject: FW: RHI-P2-CR0068 (Privacy Policy)
Importance: High

Dear Marcus,

Hope you are well. I have a query regarding the NIRHI and Ofgem privacy policy. Joanne at DETI is looking for me to provide her with a list of those who have requested application forms for the NIRHI.

I have spoken to Morag who explained that unless they have a privacy policy with us like DECC do (attached), then we cannot furnish them with this information. Neither I nor Keith think we have. Could you please explain the situation re NIRHI in this respect? If at this point we cannot furnish this info – can we use the same privacy policy and replace DECC with DETI and if so, how long would it take to sort?

I look forward to your reply at your earliest convenience.

Kind Regards
Michelle

From: Morag Drummond
Sent: 14 January 2013 14:15
To: Michelle Murdoch
Subject: FW: RHI-P2-CR0068 (Privacy Policy)
Importance: High

From: Morag Drummond
Sent: 26 October 2012 14:01
To: Barbara Appleby; Keith Avis
Cc: Sophie Jubb; Cheryl Fox; Barbara Appleby; Samantha Richards; Ade Obaye
Subject: FW: RHI-P2-CR0068 (Privacy Policy)
Importance: High

Barbara,
Apologies for the delay, responses below in green.
Keith,
We need you to look at this for NI.
Regards
Morag

From: Ade Obaye
Sent: 19 October 2012 14:18
To: Morag Drummond
Cc: Sophie Jubb; Cheryl Fox; Barbara Appleby; Samantha Richards
Subject: FW: RHI-P2-CR0068 (Privacy Policy)
Importance: High

Hi Morag
Please see the questions below regarding the privacy policy.

Received from OFGEM on 18.10.2017
Annotated by RHI Inquiry

IT needs answers quite urgently and I'm not sure who is the best person to provide the information they're after (I only got involved to clear the re-worded document through legal)
Would you be able to help?

Ade Obaye

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Have you read the following documents which will assist you in submitting a properly made and high quality RHI application: The Renewable Heat Incentive Application Process – An Overview and Key Guidance: [Applicant Guidance Note 3](#); Ofgem E-Serve's Guide to the RHI Application Form: [Applicant Guidance Note 2](#). Further supporting information can be found on Ofgem's [How to Apply for Accreditation](#) webpage.

From: Barbara Appleby
Sent: 18 October 2012 16:12
To: Ade Obaye; Sophie Jubb
Cc: Cheryl Fox; Barbara Appleby
Subject: FW: RHI-P2-CR0068 (Privacy Policy)
Importance: High

Hi Ade

Regarding the email below and attached documents, can you answer the below questions and let us know as soon as possible so we can go back to the business analyst.

1. Does the headings in the highlighted 'new' section of the TPL7 doc need to be in capitals or the same as we have throughout the rest of the document? Same as rest of doc
2. At point 25 in the terms and conditions where it refers to 'Schedule two below' should this be changed to 'Schedule one below'? I would say yes as there does not appear to be a schedule 2.
3. Under the 'Contact' section of the privacy policy can you specify the contact address? RHI.enquiry@ofgem.gov.uk
4. Is the wording on the WHOLE document as you requested (according to the privacy policy final attached)? It is the version which Legal has given us so yes.
5. As these terms and conditions include references to DECC, do we need to do one of the following?: Leave as DECC for now, but I have copied in Keith as he will need to follow this up for the NI project.
 - a) Remove the specific word and replace with something generic?
 - b) Include DETI references too?
 - c) Create a new version for NI?
 - d) Stipulate that this is GB terms and conditions?
 - e) Do nothing as this will not be required for NI?

Apologies for bombarding you with questions.

Kind Regards

Barbara Appleby

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From: Tola Coker
Sent: 18 October 2012 14:35
To: Barbara Appleby
Cc: Cheryl Fox
Subject: RHI-P2-CR0068 (Privacy Policy)

Received from OFGEM on 18.10.2017
Annotated by RHI Inquiry

Hi Barbara,

Another, hopefully quick query.

Could you please advise if positioning of text highlighted yellow (in attached TPLT) is an accurate reflection of change to the Terms and Conditions? I've attached the word doc Cheryl added to the CR as per required change.

In addition, should headings in brown remain in capital or should they be adjusted to lower case –i.e. in line with other headings before the Privacy Policy sections?

Kind Regards,

Tola

Tola Coker

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