

To: Keith Avis[Keith.Avis@ofgem.gov.uk]
From: Marcus Porter
Sent: 2013-01-16T12:47:44Z
Importance: Normal
Subject: RE: RHI-P2-CR0068 (Privacy Policy)
Received: 2013-01-16T12:47:46Z

Keith

That's my goal but, as I think you know, I have to advise in relation to the whole range of issues, legislative and advisory, that arise in relation to both the NI and the GB schemes and I am currently also closely involved with ongoing developments in relation to DECC's forthcoming amendments to the GB scheme. There are thus various competing demands on my time.

Marcus

From: Keith Avis
Sent: 16 January 2013 12:41
To: Marcus Porter
Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Marcus
Thanks. You mentioned that you will be advising today in relation to the wider issue of what information we can disclose to DETI once someone has applied to join the scheme. I'll await that advice.
Keith

From: Marcus Porter
Sent: 16 January 2013 12:14
To: Keith Avis
Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Keith
I confess I'm not that familiar with the internal protocols that determine whether and when things have to be cleared with Matthew and must leave that to you. In the meantime I ought to point out that DETI's query concerning individuals who have done no more than ask for application forms is conceptually distinct from, albeit related to the issue concerning what information may be supplied later once they have become applicants and, as such I'm not sure I grasp why there should any fundamental impediment to DETI being provided with an answer to the former issue sooner rather than later. Certainly the legal advice remains as I said yesterday. However, again, I must leave you to decide how to play it with DETI.
As to sharing the privacy policy with DETI – as opposed to discussing with them when it is applicable, see my advice sent earlier today. As to whether adjustments need to be made to the privacy policy for NI- again, I have advised that a few do and would emphasise that it ought to be done as soon as possible, given that we can presumably expect further applications. As explained yesterday, it has a bearing on the question of what we can and cannot disclose in line with data protection requirements and the less informative it is the more impact that may have as regards the extent of what we can lawfully provide to DETI. These are my views irrespective of what internal clearances may be thought necessary and whether or when those are obtained.
Marcus

From: Keith Avis
Sent: 16 January 2013 11:12
To: Marcus Porter
Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Marcus
Thanks. I am not able to clear this with Matthew or indeed send this to DETI until I have your view on the extent of the information that can be sent to DETI as a result so I'll await your further email. As mentioned earlier, the key question I need answered is whether this provides for applicant details (not those who have just enquired) to be sent to DETI.
Thanks
Keith

From: Marcus Porter
Sent: 16 January 2013 10:56
To: Keith Avis; Michelle Murdoch
Cc: Lindsay Goater; Jacqueline Balian; Mary Smith; Morag Drummond
Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Keith
We spoke.
Just to reiterate, for reasons provided in my advice yesterday i don't believe we can lawfully acceded to the request for details of those who have simply asked for forms

I would add, and see no reason why you shouldn't repeat this to DETI should they be insistent, that were DECC to make the same request my advice would be just the same.

As to details of those who actually apply, as mentioned, the picture here is somewhat more complex (as Morag is aware) and needs to be considered in the light of our wider obligation to provide information, but I hope to come back to you later today with advice as regards the extent to which advice that we in Legal gave last year in connection with the GB Scheme is applicable to NI, having regard to the fact that our obligations to supply information are set out in the arrangements rather than, as in the case of GB, in the Regulations and are less detailed.

I take your point in your second para below re sharing details of the privacy policy with DETI and think you may well be correct. I guess though that it will be difficult for you to avoid *all* further reference to the privacy policy, given that it has already been mentioned in discussion and that Joanne has suggested that the policy, such as it is, already included in the DETI application form may suffice for the purposes of their request. As I've suggested, that needs some revision in my view, but perhaps that's not a discussion we need to have with DETI and we can instead confine ourselves to making the point I made yesterday, namely that the policy has no impact in relation to those who have merely requested forms and only does so at the point when they apply. Mary and Jacqueline may also wish to comment but, subject to that, this is my view.

I shall leave it to you and the Ops team to discuss to what extent you need to involve Matthew in this process.

Marcus

From: Keith Avis

Sent: 16 January 2013 08:56

To: Marcus Porter; Michelle Murdoch

Cc: Lindsay Goater; Jacqueline Balian; Mary Smith; Morag Drummond

Subject: RE: RHI-P2-CR0068 (Privacy Policy)

Marcus and as above

Key thing is that this provides us with the ability to provide applicant details to DETI, as this is what they will be asking from us moving forward. I am not sure if this would set an unhelpful precedent for Morag in supplying GB details to DECC, but DETI will certainly be pushing to see this.

There is a danger that in sharing the text with DETI we will get involved in protracted discussions on data ownership, but I think so long as we can be clear with some short supplementary commentary in the covering email then we should be able to move this forward quickly. The other question is one of clearance within Ofgem, and grateful for a steer from Mary and Jacqueline as to whether they would be happy for this to be sent to DETI or whether we need to go through Matthew first.

Rgds

Keith

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

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

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.
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

RHI Fraud and Compliance Manager
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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) or 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.
- Remove the specific word and replace with something generic?
 - Include DETI references too?
 - Create a new version for NI?
 - Stipulate that this is GB terms and conditions?
 - Do nothing as this will not be required for NI?

Apologies for bombarding you with questions.

Kind Regards

Barbara Appleby

RHI IT Liaison Assistant Manager
New Scheme Development
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SW1P 3GE
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www.ofgem.gov.uk

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

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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