

**To:** Mary Smith[Mary.Smith@ofgem.gov.uk]  
**From:** Keith Avis  
**Sent:** 2013-01-18T11:51:55Z  
**Importance:** Normal  
**Subject:** FW: NIRHI: Administrative Arrangements  
**Received:** 2013-01-18T11:51:55Z  
[NI Renewable Heat Incentive - Application Form v1 1.docx](#)

Mary

You will see that Matthew Irrelevant information redacted by the RHI Inquiry but will be logging on at 1pm. I have spoken to Jane, she is not sure whether he will want to pick this up then. If not the options are to hold this over until Monday or for you to give Fiona a call today I guess. If it is decided to go with the latter, then hopefully the brief below will help.

Keith

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**From:** Keith Avis  
**Sent:** 18 January 2013 09:18  
**To:** Matthew Harnack  
**Cc:** Mary Smith  
**Subject:** FW: NIRHI: Administrative Arrangements

Matthew cc: Mary

As requested, you will see that I have responded to Fiona and have suggested that a telephone call is arranged with yourself. I have also emailed Jane separately to ask that she speaks to Fiona's secretary to find a convenient time. As regards some points that you may wish to consider for the call they are as follows:

**What we agreed on data ownership in signing the Admin Arrangements**

Through the Admin Arrangements (6.4) we will provide all details on termination of the Arrangements to allow the scheme to continue to function.

We will report on scheme progress – the first monthly report (approved by Bob) was sent to DETI last week.

**Why the need for a Privacy Policy Statement**

In short it needs to be in place to protect ourselves and indeed DETI from information sharing law, particularly the Data Protection Act. Legal say that non-compliance may result in severe criticism and financial penalties, so it is important from both our perspectives that we ensure that we take appropriate action here.

**Why was this not agreed before the Admin Arrangements?**

Discussions were only about sharing data on termination, reporting and access to information for audit purposes. Now that DETI have made this request we are seeing how we can accommodate this request for the first applicant and future applicants.

**Why can DETI have information on termination of the Arrangements and not while the Arrangements are in place.**

This is because we have agreed that if we stop administrative functions (i.e the Arrangements are terminated), the scheme will need to continue, so it is right that all details are provided to allow this to happen.

**Relationship with DETI.**

DETI continue to believe that we are carrying out work on their behalf and so feel that information should be sent to them as a matter of course. Marcus strongly disagrees. His view is that the legislation is right in naming DETI rather than Ofgem, but in signing the Admin Arrangements the functions to which Fiona refers are now carried out by Ofgem, so it is not a customer/supplier relationship.

In signing the Arrangements we agreed to disagree on this point, but if DETI do want to finally bottom this out then it will involve a detailed legal exchange I think.

I hope that this helps. Of course happy to discuss this further as you need. As requested, attached is the NIRHI application form. You will see that through signing the declaration, agreement is given to the privacy wording which includes:

“In addition, we may use your information, or disclose it to our agents, representatives or successors, or to other public bodies or third parties, for the following purposes:

- to carry out Ofgem's administrative functions in relation to the Renewable Heat Incentive Scheme;”

While this wording provides for information to be passed on should our administrative functions end, it is likely that we will need to revisit this following the outcome of discussions with DETI.

Rgds

Keith

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**From:** Keith Avis  
**Sent:** 17 January 2013 17:37  
**To:** 'Hepper, Fiona'  
**Cc:** Robert Hull; Matthew Harnack; Mary Smith; Luis Castro; McCutcheon, Joanne; Hutchinson, Peter  
**Subject:** RE: NIRHI: Administrative Arrangements

Fiona

Thank you for your email. I have spoken to Matthew who would like to give you a call tomorrow to give you some comfort around this issue. I will ask Matthew's secretary to talk to your secretary to see if a mutually convenient slot in your diaries can be found.

Received from Matthew's secretary  
Annotated by RHI Inquiry