

To: Teri Clifton[teri.clifton@ofgem.gov.uk]
From: Jacqueline Balian
Sent: 2014-01-21T10:49:16Z
Importance: Normal
Subject: FW: FOR CONSIDERATION: Relationship management following data request from DETI
Received: 2014-01-21T10:49:00Z

Teri
 Is this still needed?
 J

From: Simon King
Sent: 21 January 2014 10:03
To: Karen Wood; Jacqueline Balian; Gareth John; Edmund Ward
Cc: Teri Clifton
Subject: RE: FOR CONSIDERATION: Relationship management following data request from DETI

Hi all
 As per the message below, Karen has drafted a follow-up to Teri's email about next steps for moving the data sharing issue with DETI forwards.
 I have made some small changes to the email but as I have not been part of the conversations around legal costs I would appreciate any comments on the section I have highlighted to ensure we get the tone right.
 Karen has kindly agreed to help drive this forward but given the sensitivities I would like to confirm that we are all on the same page before we respond.
 Thanks
 Simon

From: Karen Wood
Sent: 15 January 2014 17:08
To: Jacqueline Balian; Gareth John; Edmund Ward; Simon King
Cc: Teri Clifton
Subject: FOR CONSIDERATION: Relationship management following data request from DETI
Importance: High

All
 Teri has today received an email from DETI requesting personal data – names and addresses – of participants on the NI RHI scheme. DETI's minister has requested this information by tomorrow. Teri and I have already spoken about this and I have attached Teri's email confirming the position in terms of providing this information in the absence of formal arrangements for sharing this data. There will I suspect be (some) fallout from this and to manage our relationship with DETI suggest that a further email is sent (by a senior management colleague) to explain that we will be happy to consider and progress the request for the required data and to assist this process as much as possible by explaining how they can do this.
 There is already a precedent following the data sharing protocol which was agreed with DECC before Christmas. DETI need only follow the principles of this to confirm their request, the powers for requesting this and address the security arrangements for the transfer and holding of what is personal data. I suggest that with the email we sent a copy of this agreed protocol, highlighting the key requirements DETI need to address. I have attached a copy of this if you consider this would be helpful.
 One further consideration, which Teri has raised in her email, is the moratorium on requesting any further legal advice. Any data sharing protocol will need to be reviewed by legal so we will need an acknowledgement from DETI that they are happy to proceed on this basis. I would be grateful if you could review the proposed draft, make any changes or amendments, and let me know who will be sending this or who you think should send this. As Teri has already been in contact with DETI I think it would be wise to follow up with this further email (unless a different approach is considered more appropriate) before the end of this week.

Karen

Proposed draft for DETI email

Thank you for request for contact information about NI RHI scheme participants. However, given that your request is for personal data, unfortunately we are unable to provide this data before ensuring that the proper Data Protection Act principles have been fully considered.

We consider that the appropriate way of dealing with your request is as part of a formal data sharing protocol. This means that although we will not be able to provide you with this data in the timeframe of your current request, we can consider your data request and progress to conclude this to an outcome that is satisfactory to DETI. For your information and reference I am attaching a copy of a recent data sharing protocol agreed with DECC which considered a similar data request. The key information that is required should cover:

- The detail of the personal data required
- The justification and purpose for requiring the personal data
- The legal basis on which the data is requested which should include reference to any relevant regulations, primary

legislation and application of the Data Protection Act 1998 and its associated provisions and principles. (This should also cover
 Received by RHI Inquiry
 Annotated by RHI Inquiry

any provisions set out in the Administrative Arrangements relating to sharing of data.)

- Security of the data including transfer and how this will be held by DETI. (This should cover where this information will be stored within DETI and procedure for transferring the data. Our procedure for transferring this data to DECC uses a secure portal and we will need to be satisfied of the security arrangements for transfer of any similar data to DETI.)
- Assurance and accuracy of the data
- Ownership of the personal data and procedure if there is a data loss or breach notification

Any data sharing protocol agreed with yourselves will need to be reviewed by our designated lawyer. Given there is a current moratorium on provision of legal advice we would be grateful for your views on whether you would be happy for us to obtain legal advice to progress your request.

In terms of providing you with a timetable to progress a data sharing protocol we would be grateful if you could confirm you are content with this approach. We will then make the necessary arrangements and provide you with a point of contact within Ofgem who will help co-ordinate and progress this work.