

Stephen Brimstone

Personal information redacted by the RHI Inquiry

By post and email

Stephen Brimstone email redacted by the RHI Inquiry

3 April 2017

Dear Sir

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme**  
**Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement (No 1)**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information; although I appreciate that you may already be familiar with these.

The RHI Inquiry is now conducting its investigations into the matters set out in its Terms of Reference. A key part of that process is gathering all of the relevant documentation from relevant departments, organisations and individuals.

In turn, an important part of that exercise involves seeking to ascertain the relevant means of communication used by those persons whose actions may

fall within the purview of the RHI Inquiry's investigation, in order that the Inquiry can seek to ensure that it has been provided with all documentation relevant to its work; and in order that it may take any necessary steps to identify, secure and retrieve such documentation.

In keeping with the approach we are taking with other individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters mentioned above.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

If it would assist you, I am happy to meet with you and/or your legal representative to discuss the requirements of the Section 21 Notice and what evidence you may be able to provide which is within the scope of the Section 21 Notice.

As you will see, part of the information sought by the Section 21 Notice is whether you have knowledge of any communications in relation the RHI Scheme, such as emails or text messages, that may have been deleted or otherwise rendered potentially unavailable or irretrievable. I wish to emphasise that you should not consider the making of this request to imply any form of wrongdoing on your part. Such a request is a standard request to be made to individuals who may have relevant communications relating to the RHI Scheme and who are in receipt of a Section 21 Notice requiring the production of such communications. It is simply designed to ensure that the RHI Inquiry is made aware at the earliest opportunity whether steps may have to be taken to recover any such communications.

You will also find attached to the Section 21 Notice a Guidance Note

explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to [Patrick.Butler@rhiinquiry.org](mailto:Patrick.Butler@rhiinquiry.org).

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

## SCHEDULE

[No 79 of 2017]

1. Identify all email addresses used by you (or used by others on your behalf) to send or receive communications in relation to any matter relating to, or touching upon, the RHI Scheme.
2. Identify all telephone numbers used by you (or used by others on your behalf) to send or receive text communications in relation to any matter relating to, or touching upon, the RHI Scheme.
3. Identify all social media accounts or platforms (if any) used by you to send or receive communications in relation to any matter relating to, or touching upon, the RHI Scheme.
4. Specify whether you are aware of any communications relevant to the RHI Inquiry, such as emails or text messages, that may have been deleted or otherwise rendered potentially unavailable or irretrievable.
5. If you are aware of any communications relevant to the RHI Inquiry, such as emails or text messages, that may have been deleted or otherwise rendered potentially unavailable or irretrievable, then please provide full details of any such communications.
6. Excluding Departments of Government (both at Westminster and devolved), civil servants employed within those Departments (although not including Special Advisers), GEMA/Ofgem and consultancy firms engaged by Departments of Government, please identify any individual or organisation that you consider may have, or may once have had, documentation or information relevant to the matters being investigated by the RHI Inquiry. In respect of any such individual or organisation please set out the basis for your belief.



## INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice of 2017

DATE:

Witness Statement of: Stephen Brimstone

I, **Stephen Brimstone**, will say as follows in response to the matters raised in the attached Schedule using similar numbering to that appearing therein :-

1. Stephen Brimstone email redacted by the RHI Inquiry
2. My only mobile telephone number is Personal information redacted by the RHI Inquiry I do not recall any specific communication of that nature using my mobile telephone.
3. I do not recall any specific communication of that nature using any social media platform.
4. From time to time I delete emails and text messages. Some deleted material may have related to or touched upon the RHI scheme however I do not recall any specific communication of that nature. It is possible that material that I have deleted may appear in the documents produced by my colleagues.
5. See reply to 4, above.
6. Aside from individuals or organisations that may be identified from the documents I have produced, I am unable to specifically identify any other individuals or organisations that are not already either in the public domain or excluded from the terms of this question.

### Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: 

Dated: 05/MAY/2017



Stephen Brimstone

Personal information redacted by the RHI  
Inquiry

By post and email (Stephen Brimstone email redacted  
by the RHI Inquiry)

14 August 2018

Dear Sir,

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat  
Incentive (RHI) Scheme**  
**Provision of a Section 21 Notice requiring the production of further  
documents**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme ('the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I know that you will be familiar, from my previous correspondence, with the RHI Inquiry's Terms of Reference, which remain available on the Inquiry's website. As you are no doubt aware the RHI Inquiry is continuing with its investigations into the matters set out in its Terms of Reference. A key part of that process remains the gathering all of the relevant documentation from relevant departments, organisations and individuals.

The Inquiry notes, and is grateful for, your compliance with Section 21 Notice Nos 78, 79 and 151 of 2017. However, the Inquiry has identified a further class of documents which it considers it necessary to obtain from you. Consequently, and in keeping with

the approach we are taking with other organisations and individuals, the Inquiry is now issuing to you a further Section 21 Notice pursuant to its powers to compel the production of relevant documentation within your custody or control.

If for any reason you consider that you are unable to comply with this Notice, whether in full or in part, then the RHI Inquiry would be grateful if you could communicate this by return, identifying the reasons for your inability to comply, and providing the name and contact details of any person whom you believe would be able to provide the Inquiry with the class of document identified in the Schedule to the Section 21 Notice.

It is hoped that this Section 21 Notice will alleviate any concerns that you may have in relation to data protection or confidentiality. As the text of the Section 21 Notice explains, you are required by law to comply with it.

It is possible that in due course you will be required by a further Section 21 Notice, pursuant to section 21(2)(a) of the Act, to provide evidence to the Inquiry Panel in the form of a written statement to the effect that you are satisfied that you have fully complied with the terms of the enclosed Notice.

If it would assist you, I am happy to meet with you and/or your legal representative (to whom I am also sending an electronic copy of this letter and Section 21 Notice) to discuss any issues relating to or arising from the Section 21 Notice.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice.


Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

If you do not hold documentation in respect of some of the categories of document specified in the Section 21 Notice, please state this in your response. If it is possible

to indicate by whom such information might be held, if it is not held by you, the Inquiry would find that of assistance.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', with a stylized flourish at the end.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928



**SCHEDULE**

**[No 157 of 2018]**

1. Itemised telephone bills, for the period 1 March 2015 to 1 March 2016 (inclusive), relating to United Kingdom mobile telephone numbers Personal information redacted by the RHI Inquiry (the mobile telephone number identified as having been used by you in respect of communications of potential relevance to the RHI Inquiry's Terms of Reference in your response to Section 21 Notice No. 79 of 2017) and Personal information redacted by the RHI Inquiry (the mobile telephone number provided by you in your RHI application to Ofgem and provided to the Inquiry in documents received from Ofgem).

**NOTE:**

By virtue of section 43(1) of the Inquiries Act 2005, "document" in this context has a very wide interpretation and includes information recorded in any form. This will include, for instance, correspondence, handwritten or typed notes, diary entries and minutes and memoranda. It will also include electronic documents such as emails, text communications and recordings. In turn, this will also include relevant email and text communications sent to or from personal email accounts or telephone numbers, as well as those sent from official or business accounts or numbers. By virtue of section 21(6) of the Inquiries Act 2005, a thing is under a person's control if it is in his possession or if he has a right to possession of it.



**INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME**

**RHI REF: Notice 157 of 2018**

**DATE: 23 August 2018**

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**Witness Statement of:   STEPHEN BRIMSTONE**

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I, Stephen Brimstone, will say as follows: -

1. With regard to the itemised bill request for UK mobile number Personal information redacted by the RHI, I moved my number from O2 to Vodafone in February 2017 and no longer have access to any account information pertaining to the period sought i.e. 1 March 2015 to 1 March 2016.

With regard to UK mobile number Personal information redacted by the RHI, please see my statement in response to Inquiry notice 158 of 2018.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:   Stephen Brimstone  

Dated:   23/August/2018



Stephen Brimstone

Personal information redacted by the RHI  
Inquiry

By post and email Stephen Brimstone email redacted  
by the RHI Inquiry

14 August 2018

Dear Sir,

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat  
Incentive (RHI) Scheme**  
**Provision of a Section 21 Notice requiring the production of further  
documents**

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The Inquiry notes, and is grateful for, your compliance with Section 21 Notice Nos 78, 79 and 151 of 2017. However, the Inquiry has identified a further class of documents which it considers it necessary to obtain from you. Consequently, and in keeping with

the approach we are taking with other organisations and individuals, the Inquiry is now issuing to you a further Section 21 Notice pursuant to its powers to compel the production of relevant documentation within your custody or control.

If for any reason you consider that you are unable to comply with this Notice, whether in full or in part, then the RHI Inquiry would be grateful if you could communicate this by return, identifying the reasons for your inability to comply, and providing the name and contact details of any person whom you believe would be able to provide the Inquiry with the class of document identified in the Schedule to the Section 21 Notice.

It is hoped that this Section 21 Notice will alleviate any concerns that you may have in relation to data protection or confidentiality. As the text of the Section 21 Notice explains, you are required by law to comply with it.

It is possible that in due course you will be required by a further Section 21 Notice, pursuant to section 21(2)(a) of the Act, to provide evidence to the Inquiry Panel in the form of a written statement to the effect that you are satisfied that you have fully complied with the terms of the enclosed Notice.

If it would assist you, I am happy to meet with you and/or your legal representative (to whom I am also sending an electronic copy of this letter and Section 21 Notice) to discuss any issues relating to or arising from the Section 21 Notice.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice.

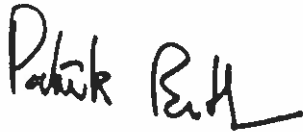
Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

If you do not hold documentation in respect of some of the categories of document specified in the Section 21 Notice, please state this in your response. If it is possible

to indicate by whom such information might be held, if it is not held by you, the Inquiry would find that of assistance.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', with a stylized flourish at the end.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE**

**[No 158 of 2018]**

1. From information provided to the Inquiry, it appears that you provided the mobile telephone number Personal information redacted by the RHI Inquiry to Ofgem as part of your RHI application process. As to the mobile number Personal information redacted by the RHI Inquiry
  - a. When did you first obtain this mobile number?
  - b. When was the mobile number in operation? Please provide dates.
  - c. For what purposes was this mobile number used?
  
2. Please explain why you did not disclose mobile telephone number Personal information redacted by the RHI Inquiry to the Inquiry in response to Notice No. 79 of 2017.
  
3. Provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

**NOTE:**

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



**INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME**

**RHI REF: Notice 158 of 2018**

**DATE: 23 August 2018**

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**Witness Statement of:   STEPHEN BRIMSTONE**

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I, Stephen Brimstone, will say as follows: -

1. From information provided to the Inquiry, it appears that you provided the mobile telephone number [Personal information redacted by the RHI] to Ofgem as part of your RHI application process. As to the mobile number [Personal information redacted by the RHI]:

- a. **I have never had this telephone number nor can I confirm to whom the number belongs.**
- b. **See reply to a, above.**
- c. **See reply to a, above.**

2. Please explain why you did not disclose mobile telephone number [Personal information redacted by the RHI] to the Inquiry in response to Notice No. 79 of 2017.

**As stated above at 1a., this is not my telephone number. It appears from a simple Google internet search the number once belonged to a 'TC Renewables – address in Limavady'. This may or may not have a connection with Terence Cassidy from 'C2 Energy' which carried out my installation. I can only surmise that if this were the case, that number may have been used at the initial stages of the application. I did not realise that this mobile number was on my application.**

3. Please provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.



**I have no further evidence.**

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Stephen Brimstone

Dated: 23/August/2018