

# THE NORTHERN IRELAND AUTHORITY FOR ENERGY REGULATION

## FREEDOM OF INFORMATION ACT

### PUBLICATION SCHEME

#### 1 Background

The **Freedom of Information Act 2000** ('the Act') received Royal Assent on 30 November 2000. It gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. The Act will be enforced by the Information Commissioner, a new post which came into being on 30 January 2001 and which combines Freedom of Information and Data Protection. Elizabeth France, previously the Data Protection Commissioner, became the first Information Commissioner (the 'Commissioner') and has now been succeeded by Richard Thomas.

Individuals already have the right of access to information about themselves under the Data Protection Act 1998. As far as public authorities are concerned, the Freedom of Information Act will extend this right to allow public access to all types of information held.

The Act applies to all public authorities and is intended to foster a culture of openness in government.

Public authorities have two main responsibilities under the Act:

- the production of a 'publication scheme' which will set out the classes of information they hold and serve as a guide to the information which is publicly available without the need for a specific request. This Scheme produced by the Northern Ireland Energy Authority for Energy Regulation (the Authority) was approved by the Commissioner on 12 November 2002 and became effective from 30 November 2002.
- handling individual requests for information from 1 January 2005. Until that date individual requests for information not covered by the Scheme will be dealt with under the existing *Code of Practice on Access to Government Information*. Persons making requests for information must be informed

whether the public authority holds the information and, subject to exemptions, supplied with it.

## **2 About the Authority**

The Authority, formerly known as the Office for the Regulation of Electricity and Gas (Ofreg), is an independent public body set up to regulate the electricity and natural gas industries in Northern Ireland. The Authority is headed by the Chairman, Mr Douglas McIlldoon who previously held the titles of Director General of Electricity Supply for Northern Ireland (DGES) and the Director General of Gas for Northern Ireland (DGG). The Authority is staffed by some 26 Civil Servants on loan from other Northern Ireland Departments.

## **3 Purpose of the Authority's Publication Scheme**

The purpose of this Scheme is to set out in compliance with Section 19 of the Act:

### **(a) the classes of information which the Authority publishes or intends to publish as a matter of course**

The classes of information which the Authority makes available pro-actively are described in Paragraphs 7.1 and 7.2 below. Paragraph 7.1 identifies information relating to the operation of the Authority as an organisation and covers areas such as management planning, staff guidelines, communications and the Authority's Registers. In Paragraph 7.1 Class (c) refers to the Authority's Publication List which serves as a master-list of all items published and their cost. Paragraph 7.2 focuses on the Authority's regulatory functions as they relate to licensees and the services provided for electricity and gas consumers. In some cases a class may contain only a single item such as a consultation paper, whereas others may describe a range of documents.

### **(a) how information can be accessed**

The methods by which available information may be accessed or obtained are listed against each information class. Much of the information is available on the Authority's website at <http://ofreg.nics.gov.uk> or by following a more specific **hypertext** link supplied. Published information may also be obtained in hard copy and, in keeping with the Authority's commitment to promoting

equality of opportunity, can also be made available in braille, disk, audiocassette or minority ethnic language on request. Certain very large documents or manuals may be made available for viewing by arrangement but where practicable the Authority will endeavour to provide sections of these documents to meet specific needs. If you have any concerns about how to access information please use the contact point provided in Paragraph 6.

(a) **whether the information will be available free of charge or on payment**

Most information can be accessed free of charge, but certain publications and other classes of information are only available on receipt of payment. Where charges apply this has been stated but charges may vary from year to year or from publication to publication. Where a class of information is identified as being available free of charge the Authority reserves the right to apply photocopying charges in respect of requests for multiple copies of the same document.

**4 Copyright**

Information available through this scheme is subject to Crown copyright which is administered by Her Majesty's Stationery Office (HMSO). Information may be copied or downloaded for personal use, however to reproduce material for other purposes you may need to seek permission from HMSO. For Guidance Notes on a range of copyright issues contact Her Majesty's Stationery Office, Licensing Division, St Clements House, 2-16 Colegate, Norwich NR3 1BQ. Telephone: 01603 621000 Facsimile: 01603 723000 or the HMSO website: <http://www.hmso.gov.uk/guides.htm>.

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**5 Handling of Complaints**

The Authority has an obligation to make information available in the manner described within this scheme. Should any complaints be received about failure to do so, these will be investigated in the first instance by the Authority's Information Officer (see Paragraph 6) who will reply within 20 working days. If you are not satisfied with this reply, you can write to the Chairman of the Authority who has overall responsibility for Freedom of Information within the Authority. Again you will receive a response within 20 working days. In all cases your complaint will be fully investigated and treated in confidence. If the issue is not resolved to your

satisfaction you are entitled to refer your complaint to the Information Commissioner (see Contact and Access details in Paragraph 9 ) who will make an independent judgment on the matter.

## **6 Responsibility for Freedom of Information**

Responsibility for Freedom of Information matters lies with the Chairman of the Authority. Day to day responsibility has been delegated to **John White**, the Authority's Information Officer, who can be contacted at:

**NIAER**

**Brookmount Buildings**

**42 Fountain Street**

**BELFAST**

**BT1 5EE**

**Tel: 028 90 311575**

**Fax: 028 90 311740**

**Textphone 028 90 312009**

**e mail: john.white@ofregni.gov.uk**

The Authority plans to review this Publication Scheme from time to time. Any comments you may have about how it could be improved would be welcomed by John White at the above address.

## **7 Classes of Information Available**

### **7.1 The Authority as an Organisation**

This Section lists 4 classes of information currently published or which will be published in future:

- (a) **Plans and Reports**
- (b) **Operational Guidelines**
- (c) **External Communications**
- (d) **The Authority's Registers**

#### **Class (a) Plans and Reports**

##### ***Forward Work Plan***

*Description:* OFREG published Forward Work Plans for 1999-2000 and 2000-

2001 on a non-statutory basis and following the introduction of the Energy (Northern Ireland) Order 2003 the Authority published a Forward Work Programme for 2004-2005.

*Availability:* website: by post phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Licence Fee Determinations***

*Description:* The Authority's costs are recouped primarily from the annual fees paid by electricity and gas licensees. The amounts of fees to be charged are determined annually by the Chairman of the Authority. The Determinations of electricity and gas licence fees are held in the Authority's Public Register (see (d) below).

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* 10p per page of each document plus p&p if appropriate.

### ***Annual Report***

*Description:* The Authority's Annual Report is published as soon as practicable after the end of the financial year (previously calendar year when it was produced by Ofreg). The Report contains expenditure information including an extract from the Authority's Accounts. (Further information on the Annual Report is contained in the note in Paragraph 7.2).

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Recent Annual Reports have been priced at £17.50 but cost may vary in future.

### ***Departmental Resource Accounts***

*Description:* The Authority's Resource Accounts include organisational aims and objectives, statements on equal opportunities, health and safety and prompt payment.

*Availability:* website and by post, phone or email from the contact in Paragraph 6.

*Cost:* Free from website. An Official printed version is likely to incur a charge.

### ***The Authority's Organisation Chart***

*Description:* Provides details of the Authority's structure, hierarchy and personnel.

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

## **Class (b) Operational Guidelines**

### ***Legislation Schedule***

*Description:* Schedule listing current electricity and gas legislation in Northern Ireland.

*Availability:* expected 31 December 2002 on website and by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***The Authority's Equality Scheme***

*Description:* Sets out how the Authority will fulfil its obligations to promote equality of opportunity and promote good relations under Section 75 of the Northern Ireland Act 1998 in the performance of its duties.

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

## ***The Authority's Freedom of Information Scheme***

*Description:* Explains the availability of and access to information and how the information is classified.

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### **Class (c) External Communications**

#### ***Publication List***

*Description:* List of the Authority's Publications and an outline of costs

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

#### ***Press Releases***

*Description:* Material released to the press and other media.

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

#### ***Speeches***

*Description:* Contents of speeches or public presentations made by the Chairman of the Authority and Authority staff.

*Availability:* website; by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### **Class (d) The Authority's Registers**

#### ***Electricity and Gas Registers***

*Description:* The Authority is required by the Electricity and Gas Orders to maintain separate Electricity and Gas Registers containing:

- (a) every licence and every exemption granted to a particular person
- (b) every modification or revocation of a licence and every revocation of an exemption
- (c) every direction or consent given or determination made under a licence, and
- (d) every final or provisional order, every confirmation of a provisional order, every revocation of such an order and every notice under Article 19(6) of the Gas (Northern Ireland) Order 1996 and under Article 28(6) of the Electricity (Northern Ireland) Order 1992. (These are notices saying that the Director General is satisfied that a licence holder is taking steps to comply with licence conditions in situations where he might otherwise have issued a compliance order).

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* 10p per page of each document plus p&p if appropriate.

### **7.2 The Authority's Policies and Functions**

This section lists 5 classes of information under headings covering the Authority's main policies and functions. The classes are:

**Class (a) Information about the Promotion of Competition in the Generation and Supply of Electricity**

**Class (b) Information about the Protection of Electricity Consumers with regard to**

## Price

- Class (c)** Information about the protection of electricity consumers interests with regard to quality of service
- Class (d)** Information about the development and maintenance of an efficient economic and co-ordinated gas industry in Northern Ireland and protecting the interests of gas consumers with regard to price and quality of service
- Class (e)** Information about the promotion of energy efficiency and reducing harmful environmental emissions

### Explanatory Note

*The Authority's approach in almost all of these areas of work is to proceed on the basis of formal consultation with electricity and gas licensees and other interested parties. The Authority regards this approach as essential to the regulatory process. In some areas the need for consultation will be predictable but in others it will arise only when issues emerge as work is being taken forward.*

*By way of example classification (b) - Information about the protection of electricity consumers with regard to price - involved the issue of 10 consultation papers and 5 sets of proposals in the last 3 years.*

*In each of the classes of information listed the expression 'through the authority's consultation process' provides assurance that all policies and related information including statistics and research findings along with the relevant arguments, options and conclusions will be publicly exposed by the Authority through a process of consultation papers using it's web-site or hard copy if required.*

*The Authority's Annual Reports will also provide information about progress during the calendar year in each main area of activity.*

## **Class (a) Information about the Promotion of Competition in the Generation and Supply of Electricity**

### ***Consultation Papers***

*Description:* Much of the information published in this category is generated **through the Authority's consultation process**. 7 consultation and proposal papers have been published to date: the most recent - *Payments for Generation Capacity Margin* - in August 2002.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Guidance on Licence Applications***

*Description:* A licence application pack is available consisting of a draft generation/supply licence, a copy of the Competition Code, the Plain Man's Guide to exemptions, a specimen application form and details of the respective pieces of legislation available either from HMSO's website <http://www.northernireland-legislation.hmso.gov.uk> or from the Stationery Office Bookshop

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Electricity Licences***

*Description:* Copies of all Transmission, Distribution and Electricity Supply Licences issued in Northern Ireland.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* 10p per page of each document plus p&p if appropriate.

### ***Competition Act Guidance***

*Description:* The Authority has available a series of Guidelines on various aspects of the Competition Act 1998 available. These include The Major Provisions; The Chapter I Prohibition; The Chapter II Prohibition; and The Application of the Competition Act in the Northern Ireland Energy Sector which sets out how the Chairman of the Authority will implement the Act in the Electricity and Gas sectors in Northern Ireland.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6 and from The Office of Fair Trading (website: [www.offt.gov.uk](http://www.offt.gov.uk), telephone 020 7211 8000 or e-mail: [enquiries@oft.gov.uk](mailto:enquiries@oft.gov.uk))

*Cost:* Free.

## **Class (b) Information about the Protection of Electricity Consumers with regard to Price**

### ***Consultation Papers***

*Description:* Much of the information published in this category is generated ***through the Authority's consultation process***. 15 consultation and proposal papers have been published to date: the most recent - *Payments for Generation Capacity Margin* - in August 2002.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

## **Class (c) Information about the protection of electricity consumers interests with regard to quality of service**

### ***NIE's Standards of Performance - Report***

*Description:* Up to 2003 Ofreg published an Annual Report by the Director General

on NIE's performance against Guaranteed and Overall Standards of Performance.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***NIE's Standards of Performance - Consultation Process***

*Description:* NIE's Standards of Performance are reviewed periodically ***through the Authority's consultation process***. The most recent consultation paper - *Review of NIE plc's Guaranteed and Overall Standards of Performance* - was published in March 2001.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Social Action Plans***

*Description:* Two papers were issued ***through the Authority's consultation process*** leading to the publication of - *Social Action Plans for Electricity and Gas Customers – Improving Social Obligations – A Proposals Document* - in February 2002. The Plans propose improvements in the provision of services to disadvantaged customers of the electricity and gas industries in Northern Ireland.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Promotional Literature***

*Description:* The Authority publishes a general information leaflet and a leaflet setting out the maximum retail price at which third parties are permitted to resell electricity to consumers.

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Monthly Statistics***

*Description:* The Authority publishes monthly figures of complaints, referrals and enquiries about NIE's standards of service from customers.

*Availability:* by post, phone or e-mail from the contact in para 6.

*Cost:* Free.

### **Class (d) Information about the development and maintenance of an efficient economic and co-ordinated gas industry in Northern Ireland and protecting the interests of gasconsumers with regard to price and quality of service**

#### ***Guidance on Licence Applications***

*Description:* A licence application pack is available consisting of a Standard Conditions of Gas Supply and Gas Conveyance Licences and details of the respective pieces of legislation available either from HMSO's website <http://www.northernireland-legislation.hmso.gov.uk> or from the Stationery Office Bookshop.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

#### ***Gas Licences***

*Description:* Copies of all Conveyance and Supply Gas Licences issued in Northern Ireland.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* 10p per page of each document plus p&p if appropriate.

#### ***Conveyance Price Control Determination***

*Description:* The Determination sets a maximum level of prices which Phoenix

Natural Gas can charge for the conveyance of gas.

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

### ***Consultation Papers***

*Description:* The paper - Natural Gas - A Consultation Paper - was published in December 1996. Further consultation papers are likely to be published in future years.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

***Footnote to Class (d): The embryonic nature of the Natural Gas industry in Northern Ireland has the effect that licensees will be at considerable financial risk in the start up years. Information provided to the Authority during this period may be regarded as confidential or commercially sensitive or both and may result in a need to consider exemption under Sections 2 (1)(b),41 and 43 when considering requests under Class (d).***

### **Class (e) Information about the promotion of energy efficiency and reducing harmful environmental emissions**

#### ***Guidance on Climate Change Levy Exemption Scheme***

*Description:* The information package available includes Information Notes and an Application Form.

*Availability:* by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

## ***Consultation Papers***

*Description:* Much of the information published in this category is generated ***through the Authority's consultation process***. Three consultation and proposal papers have been published to date: the most recent - *The Energy Efficiency Levy* - in November 2001.

*Availability:* website: by post, phone or e-mail from the contact in Paragraph 6.

*Cost:* Free.

## **8 Document Retention**

The Authority (previously Offer NI & Ofreg) has retained all documents generated since its establishment in 1992. Any change to this policy will be consistent with guidelines issued by the Public Record Office for Northern Ireland.

## **9 Contact Details**

### **The Authority**

Information required can be accessed by contacting the Authority in a variety of ways.

Details of these are as follows:

#### **Address:**

**The Northern Ireland Authority for Energy Regulation  
Brookmount Buildings  
42 Fountain St  
Belfast BT1 5EE**

**Telephone: 028 90 311575**

**Fax: 028 90 311740**

**Textphone: 028 90 312009**

**Web: <http://ofreg.nics.gov.uk>**

**e-mail: john.white@ofregni.gov.uk**

**The Information Commissioner**

Information required can be accessed by contacting The Information Commissioner in a variety of ways. Details of these are as follows:

**Address: Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

**Telephone: 01625 545700**

**Fax: 01625 524510**

**Web: [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)**

**e-mail: [mail@dataprotection.gov.uk](mailto:mail@dataprotection.gov.uk)**

The Authority's Information Officer, **John White** (see Paragraph 6), and other members of the Authority will be happy to assist callers who wish to seek advice about information they require.

**Issued by the Authority**

**18 August 2004**

**NOTE: This document replaces the Authority's initial Freedom of Information document that was produced on 27 September 2002.**