

OFFICE FOR THE REGULATION OF ELECTRICITY AND GAS

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').

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 Ofreg 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 Ofreg

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

It is expected that the posts of DGES and DGG will be abolished from 1 April 2003 by energy legislation made in the Northern Ireland Assembly. The legislation will establish a Northern Ireland Authority for Energy Regulation and introduce other changes. The Authority will be supported by Ofreg.

3 Purpose of Ofreg'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 Ofreg publishes or intends to publish as a matter of course

The classes of information which Ofreg makes available pro-actively are described in Paragraphs 7.1 and 7.2 below. Paragraph 7.1 identifies information relating to the operation of Ofreg as an organisation and covers areas such as management planning, staff guidelines, communications and Ofreg's Registers. In Paragraph 7.1 Class (c) refers to Ofreg's Publication List which serves as a master-list of all items published and their cost. Paragraph 7.2 focuses on Ofreg'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.

(b) 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 Ofreg'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 Ofreg'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 Ofreg 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 para 6.

(c) 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 Ofreg reserves the right to apply photocopying charges in respect of requests for multiple copies of the same document.

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>. © Crown Copyright Reserved.

5 Handling of Complaints

Ofreg 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 Ofreg's Information Officer (see para 6) who will reply within 20 working days. If you are not satisfied with this reply, you can write to the Director General who has overall responsibility for Freedom of Information within Ofreg. 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 para 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 Director General. Day to day responsibility has been delegated to **John White**, Ofreg Information Officer, who can be contacted at:

**Ofreg
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

Ofreg 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 Ofreg 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) Ofreg'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 but will be legally required to produce Plans following the introduction of new energy legislation (see paragraph 2) in 2003.

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

Cost: Free.

Licence Fee Determinations

Description: Ofreg'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 Director General. The Determinations of electricity and gas licence fees are held in Ofreg's Public Register (see (d) below).

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

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

Annual Report

Description: Ofreg's Annual Report is published as soon as practicable after the end of the calendar year and contains the separate Gas and Electricity reports required by legislation. New energy legislation anticipated in 2003 will change the reporting period to the financial year and will require the Authority replacing the DGES and DGG to produce a Report on all matters (electricity and gas) falling within its scope. The Report contains expenditure information including an extract from Ofreg's Accounts. (Further information on the Annual Report is contained in the note in para 7.2).

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

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

Departmental Resource Accounts

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

Availability: website: (Ofreg expects to publish Resource Accounts on its website commencing with the Audited Accounts for the Financial Year 2001/2002). The Accounts will also be available by post, phone or email from the contact in para

6.

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

Ofreg Organisation Chart

Description: Provides details of Ofreg's structure, hierarchy and personnel.

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

Cost: Free.

Ofreg's Equality Scheme

Description: Sets out how Ofreg 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 para 6.

Cost: Free.

Ofreg's Freedom of Information Scheme

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

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

Cost: Free.

Class (c) External Communications

Publication List

Description: List of Ofreg Publications and an outline of costs

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

Cost: Free.

Speeches

Description: Contents of speeches or public presentations made by the Director General and Ofreg staff.

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

Cost: Free.

Class (d) Ofreg's Registers

Electricity and Gas Registers

Description: Ofreg 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 para 6.

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

7.2 Ofreg policies and functions

This section lists 5 classes of information under headings covering Ofreg'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

Ofreg'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. Ofreg 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 Ofreg’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 Ofreg through a process of consultation papers using it’s web-site or hard copy if required.

Ofreg’s Annual Reports will also provide information about progress during the calender year in each main area of activity. Ofreg’s Annual Reports have traditionally reprinted as annexes all consultation papers issued during the reporting year.

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 Ofreg’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 para 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 para 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 para 6.

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

Competition Act Guidance

Description: Ofreg 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 Director General 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 para 6 and from The Office of Fair Trading (website: www.offt.gov.uk, telephone 020 7211

8000 or e-mail: 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 Ofreg'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 para 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: Ofreg publishes 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 para 6.

Cost: Free.

NIE's Standards of Performance - Consultation Process

Description: NIE's Standards of Performance are reviewed periodically ***through Ofreg'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 para 6.

Cost: Free.

Social Action Plans

Description: Two papers were issued ***through Ofreg'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 para 6.

Cost: Free.

Promotional Literature

Description: Ofreg 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 para 6.

Cost: Free.

Monthly Statistics

Description: Ofreg 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 gas consumers 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 para 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 para 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 para 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 para 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 Ofreg 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 para 6.

Cost: Free.

Consultation Papers

Description: Much of the information published in this category is generated ***through Ofreg'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 para 6.

Cost: Free.

8 Document Retention

Ofreg (previously Offer NI) 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

Ofreg

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

Details of these are as follows:

Address:	Office for the Regulation of Electricity and Gas 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

e-mail: mail@dataprotection.gov.uk

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

Issued by Ofreg

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