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Date: 28 April 2017

Mr Gary Clarke
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DfE Ref No: DfE 2016-0152

Environmental Information Regulations 2004

I refer to your request for information relating to a “List of companies who registered for RHI prior to 29 February 2016.” The request was received on 8 December 2016. You submitted a revision to the request on 9 December 2016 which also asked for the “boiler manufacturer and installation provider” for each “RHI registered organisation”. The Department is dealing with your request under the terms of the Environmental Information Regulations 2004.

A list of companies that have received payments over £5,000 has been published. This may be accessed at the link below:

<https://www.economy-ni.gov.uk/rhi-beneficiaries-ltd-companies-organisations>

The Department does not hold information in relation to installation providers for non-domestic RHI installations; neither does it hold information on the boiler manufacturer for each installation. The Department is, however, able to provide a list of manufacturers of biomass boilers. This is attached at **Annex A**.

A list of companies that have received payments totalling £5,000 or less has not been published and the names of those companies are being withheld as the Department considers the information to be exempt under Regulation 12 (5) (e) – the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

In making this decision, the Department has considered the following public interest test factors:

In favour of disclosure:

- The Department wishes to be as open and transparent as possible.
- There is significant and widespread interest in the details of those involved in the RHI Scheme and the Department has proactively made substantial amounts of the requested information available on its website. The Department further intends to publish an additional list of names of individuals, subject to an ongoing data protection exercise ordered by the Court.
- The Department recognises the importance of transparency in this area of public concern as demonstrated by its clear position in the recent judicial review and the publication of beneficiaries in receipt of more than £5,000.
- The release of the information requested may increase understanding of the operation of the non-domestic Renewable Heat Incentive Scheme.

Against disclosure:

- In the Department's view the terms of the judgment delivered by The Hon Mr Justice Deeny, handed down in the High Court of Justice in Northern Ireland on 1 March 2017 [2017 NIQB 24], following the judicial review brought by Michael Doran, established that the balance of public interest does not outweigh the legitimate economic interests of companies who have received no payment or payments below a de minimis amount.
- Disclosure of this information would therefore be likely to leave the Department in breach of the judgment referred to above.
- Details of companies which have not yet been published by the Department will be published once they have received more than the de minimis amount. The public interest will therefore be served by the information being published once this de minimis level is reached.
- Disclosure of individual company details in receipt of little or no public funds could deter companies from applying to future government schemes.

On balance the Department considers that the public interest in withholding the names of companies that have received payments totalling £5,000 or less outweighs the public interest in disclosure.



Department for the
Economy
www.economy-ni.gov.uk

I have enclosed an Access to Information Factsheet which provides information on EIR procedures, including what to do if you are not happy with our response, and some useful contact points.

Yours sincerely

Jonathan McAdams

Jonathan McAdams

Annex A

Boiler manufacturers from the Northern Ireland Non-Domestic RHI Scheme

Angus	Atmos	Attack	Bioclass	Biotech
Broseley	BS	Burnit	CET	Cran
Dimplex	Domusa	Dragon	EKO	ETA
Extraflame	Farm2000	Firematic	Focus	Froling
Gant	Gilles	Grant	Grant Spira	Greenflame
Guntamatic	Hargassner	HDG	Heizomat	Herz
Hoval	Klover	KWB	Linder	Lindner
Maskinfabrik	MCZ	Moretti	NES	Ochsner
Orlan	Orlingo	Pat Lee	Pelleburn	Pellestar
Pelletstar	Propel	RHK	Slimpel	Solarbayer
Talbotts	Trianco	Turco	Viessman	VITOLIGNO
Votoligno	Warmflow	Westfa	Widhager	Woodsman

Access to Information Fact Sheet

Note: This leaflet gives an overview of some of the main provisions of the Freedom of Information Act and Environmental Information Regulations and should not be regarded as a legal interpretation.

1. What is the Freedom of Information Act? The Freedom of Information (FOI) Act 2000 was fully implemented on 1st January 2005, giving you the right to request information from public authorities. This allows you to access information about how the Department works, spends public money, reaches decisions, etc.

Information may also be obtained under:

- **The Data Protection Act 1998 (DPA)** - this allows you access to information held *about you* by both public and private organisations, and gives you the right to make sure it is correct.
- **The Environmental Information Regulations 2004 (EIRs)** - This legislation gives you access to any environmental information held by organisations that perform public functions.

2. How do I get information about Department for the Economy under these Acts? You can find information on the Department's website: <https://www.economy-ni.gov.uk> If you can't see what you're looking for you can contact us by email at foi@economy-ni.gov.uk or write to us at:

Information Management Unit
Department for the Economy
Netherleigh, Massey Avenue
Belfast BT4 2JP

Please state your name, address, telephone number and specific details of the information you require.

3. How long does it take to get information under the FOI Act? Once a written request for information is received, we will respond promptly, and at any rate, within 20 working days. In certain circumstances a final response may be made outside this period where additional time is needed to determine whether or not disclosure would be in the public interest.

4. Is there a cost? This depends on a number of factors including the volume and complexity of material requested. Responses to enquiries that cost the department less than £600 to processⁱ will be provided free of charge, although there may be a small charge for disbursementsⁱⁱ. The Department has a right to refuse an FOI request if the cost of locating and retrieving the information exceeds £600. We will not refuse a request for environmental information on the grounds of cost alone; however we have the right to charge a reasonable amount to cover processing costs. In all cases, we will notify you of any estimated costs before proceeding with the request.

5. What happens if the information I want is not available? The Department is not obliged to create or acquire information it does not already hold, but we will try to assist where possible. We may contact you about what relevant information we do hold, or may offer to transfer your request to another public authority that might help.

6. Can I have any information at all? The FOI Act and Environmental Information Regulations allow you access to much of the information held by public bodies. But some types of information are exempted, for example personal details about others, or where disclosure might prejudice a company's commercial interests.

7. What if I am refused information? We will tell you if information is being withheld and why. If you are unhappy with how we have handled your request you have the right to request an internal review. To request an internal review send an email or letter within 40 working days, to our Head of Information Management Unit – see contact details at point 2 above.

We will reply to you within 20 working days. If you are not satisfied with the result of the internal review you may appeal to the Information Commissioner (details provided below at point 9). The Commissioner will normally expect an internal review to have been carried out prior to appeal.

8. How do I find out more? More information is available from office of the Information Commissioner at:

Website:	www.informationcommissioner.gov.uk	Phone:	01625 545 700
Post:	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF	Email:	ni@ico.org.uk

Re-use of Information

Some information supplied to you under the FOI Act may continue to be protected by copyright. You are free to use it for your own purposes, including private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK for the purposes of news reporting without requiring permission. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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ⁱ Includes the cost of locating, retrieving and extracting the information

ⁱⁱ Disbursements may include costs of photocopying, printing, postage etc