

DfE 2017-0018

Request	<ol style="list-style-type: none">1. All correspondence – emails, notes of meetings Ministerial briefings etc – relating to the Quarry Products Associations and your Department in the last three years2. All internal and external correspondence relating to your obligation to provide the Annual Minerals Statement in the last three years3. All correspondence – emails, notes of meetings Ministerial briefings etc – relating to the Aggregates Levy Credit Scheme in the last three years
Response	<p>The following summarises the Department's response to your request for information covering the three year period 9 January 2014 to 8 January 2017:</p> <ol style="list-style-type: none">1. All correspondence – emails, notes of meetings Ministerial briefings etc – relating to the Quarry Products Associations and your Department in the last three years Further to the Department's previous responses to your Environmental Information Regulations 2004 requests of 15 August 2014 (DETI Ref. No. 2014-0067) and 26 May 2015 (DETI Ref. No. 2015-0029) where information within the scope of this request was provided, please find attached additional information.2. All internal and external correspondence relating to your obligation to provide the Annual Minerals Statement in the last three years Further to the Department's previous responses to your Environmental Information Regulations 2004 requests of 15 August 2014 (DETI Ref. No. 2014-0067) and 26 May 2015 (DETI Ref. No. 2015-0029) where information within the scope of this request was provided, please find attached additional information.3. All correspondence – emails, notes of meetings Ministerial briefings etc – relating to the Aggregates Levy Credit Scheme in the last three years The Department does not hold any correspondence, emails, notes of meetings, Ministerial briefings etc relating to the Aggregates Levy Credit Scheme within this timeframe. However, HMRC published Revenue and Customs Brief 41/14 on 17 November 2014 setting out more detail on how the scheme will operate. Draft legislation was published on 10 December 2014. You may find the following link helpful: http://www.legislation.gov.uk/ukxi/2015/946/pdfs/ukxiem_20150946_en.pdf4. I have enclosed documents (DfE & GSNI-QPANI Emails, Batch 1, 2, 3 4 & 5) which did not fall within the scope of your two previous Environmental Information Regulations 2004 requests. Please note that under Section 13 of the Environmental Information Regulations 2004, some names, telephone numbers and personal email addresses have been redacted in the enclosed documents. <p><i>Note: Please see email attachments</i></p>

DfE 2017-0051

Request:	<p>"I am aware from your website that the Superfast Rollout Programme (SRP) is bringing superfast broadband across Northern Ireland from 2015 to 2017. It will be great when this is rolled out as I am well aware that many (particularly rural) areas have no access to reliable broadband. I have a couple of questions on the SRP that I hope you can answer.</p> <p>Is the timetable in this link (https://www.economy-ni.gov.uk/sites/default/files/publications/deti/SRP-postcode-table.pdf) still on track? Can more detail be provided on the timings for the postcodes to be completed by June 2017?</p> <p>Will this programme mean that all homes within those postcodes will get fast, reliable broadband after the work is completed?"</p>
Response	<p>We have received a complaint from the Information Commissioners Office in relation to your FOI request of 15th December 2016.</p> <p>Our records show that although this request and your subsequent follow up emails of 19th and 26th January were received by the Department, the layout of these emails was considered to be suspicious (an email from Bank of England address and requesting to click into a separate link) and as a result, each email was regarded as Spam. We therefore apologise that your request was not answered within the terms of the above legislation.</p> <p>You have sought the following details:</p> <ul style="list-style-type: none">• Is the timetable in this link (https://www.economy-ni.gov.uk/sites/default/files/publications/deti/SRP-postcode-table.pdf) still on track?• Can more detail be provided on the timings for the postcodes to be completed by June 2017?• Will this programme mean that all homes within those postcodes will get fast, reliable broadband after the work is completed? <p>I am pleased to provide the following information in answer to your queries: Our records show that the timetable for the delivery of the Superfast Rollout Programme is on track.</p> <p>However more detail on the timings for the postcodes to be completed by June 2017 is exempt from this response under Section 21 of the FOI Act because this information is already available on our website. Information on the rollout of the programme has now been updated with a postcode checker at full seven digit level. This can be found on the Department for the Economy's website at https://www.online.economy-ni.gov.uk/broadband/start.aspx, and is updated quarterly. Section 21 is an absolute exemption and as such is not subject to a public interest test. On completion of the programme the availability of improved services is not guaranteed for every house in an area. Customers are informed when improvements have taken place. The programme is estimated to complete by 31 December 2017. Information on the Department's website will be updated quarterly.</p>

DfE 2016-0153

Request	<ol style="list-style-type: none"> 1. How many applications were received and approved under the Renewable Heating Incentive from Nov 2012 up until 29th February 2016 2. The total pay-out of funding to approved applications up until 29th February 2016 3. How much funding has been paid out in forms of payments to approved applicants up until 29th February 2016 4. Out of all the approved applications up until 29th February 2016 how many applications were approved: Domestic Non Domestic Agriculture 5. How many annual payments do an approved applicant receive under the scheme, and what's the maximum amount an applicant can receive
Response	<p>I can confirm that Department holds the information requested and have attached responses to your queries at Annex A to this letter. –</p> <p>Annex A</p> <p>1 “How many applications were received and approved under the Renewable Heating Incentive from Nov 2012 up until 29th February 2016” 2,128 applications were received for the non-domestic RHI while the scheme was open for applications. As at 22 December 2016, 1,920 of these applications have been approved. 2,664 applications were received for the domestic RHI while the scheme was open for applications. As at 29 November 2016, 2,475 of these applications have been approved.</p> <p>2 “The total payout of funding to approved applications up until 29th February 2016” The total amount paid under the non-domestic RHI, as at 30 December 2016, is £55,538,709.97. The total amount paid under the domestic RHI, as at 30 December 2016, is £4,374,807.27.</p> <p>3 “How much funding has been paid out in forms of payments to approved applicants up until 29th February 2016” The total amount paid under the non-domestic RHI, as at 30 December 2016, is £55,538,709.97. The total amount paid under the domestic RHI, as at 30 December 2016, is £4,374,807.27.</p> <p>4 “Out of all the approved applications up until 29th February 2016 how many applications were approved: Domestic Non Domestic Agriculture” This information is not held in an easily accessible format. However, information is provided below in relation to applications received. Of the 2,128 applications received under the non-domestic RHI, 0 applications are domestic, 2,128 applications are non-domestic of which 1,114 have a Standard Industrial Classification of “Crop and animal production, hunting and related service activities.”</p>

	<p>Of the 2,664 applications received under the domestic RHI scheme, 2,664 are domestic, 0 are non-domestic and 0 are agricultural.</p> <p>5 “How many annual payments does an approved applicant receive under the scheme, and what's the maximum amount an applicant can receive.”</p> <p>This information, in relation to the domestic RHI scheme, is available at the link below.</p> <p>https://www.nidirect.gov.uk/articles/renewable-heat-incentive-domestic-customers</p> <p>This information, in relation to the non-domestic RHI scheme, is available at the link below.</p> <p>https://www.nidirect.gov.uk/articles/renewable-heat-incentive-non-domestic-customers</p>
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DfE 2016-0155

Request	<ol style="list-style-type: none">1. To know in what way the most recent Renewable Heating Incentive (RHI) in Northern Ireland differed from the system that has operated in England, Scotland and Wales2. Copies of all minutes, notes and correspondence relevant to any decisions to alter the existing system that had operated in the rest of the UK when applying it to Northern Ireland3. If any changes were made to the existing UK system, documentary evidence of the rationale behind any such changes, who these changes were agreed by and authorised by.4. Documentary evidence of the reasons and circumstances around the cessation of the current RHI system in Northern Ireland.5. To know which minister signed off the implementation of the RHI scheme in Northern Ireland.6. Documentary evidence of information given to ministers prior to implementation setting out in what way the RHI scheme in Northern Ireland would differ from what had operated in the rest of the UK, the reasons for any such changes and the projected cost implications of any proposed changes
Response	<p>I can confirm that the Department holds additional information relating to your request. However this information is exempt from disclosure under regulation 12(4)(b) (manifestly unreasonable) due to the disproportionate burden of compliance.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">•The Department is keen to be as open as possible and is accountable for its actions;•The release could lead to a better understanding of the decision making processes within the NICS;•Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">•The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.•The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.•The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>I am content that the burden of locating all of the information requested would distract from core Departmental duties and as such, that it is not in the public interest to proceed with your request.</p> <p>Information which is already in the public domain can be accessed at the following link to Hansard (which is the official report of NI Assembly business):</p>

<p>http://www.niassembly.gov.uk/assembly-business/committees/public-accounts/enquiries/non-domestic-renewable-heat-incentive-rhi-scheme/minutes-of-evidence/</p> <p>Guidance for the Northern Ireland scheme can be viewed at the link below: https://www.economy-ni.gov.uk/publications/guidance-non-domestic-rhi-applicants</p> <p>Information on the GB scheme is also publicly available at the link below: https://www.ofgem.gov.uk/publications-and-updates/non-domestic-rhi-main-guidance</p>

DfE 2016-0156

Request	<ol style="list-style-type: none">1. Copies of all minutes, notes and correspondence held relating to all public concerns raised over the RHI system in Northern Ireland since its inception in 2012 until now.2. Most recent projected cost of the Northern Ireland RHI system during its lifetime.3. Copy of Documentation held showing the number of participants in receipt of the RHI in Northern Ireland by year i.e. in 2013, 2014, 2015 and 2016 and the amount of money that is anticipated to be paid to each scheme participant during the lifetime of the scheme. (Note: I am not asking for any details identifying participants.)4. 4. Copy of Documentation held summarising in what way the scheme was changed from the one operating in England and when this change occurred.										
Response	<p>The projected 20 year costs are £1.18billion (Source NIAO Report 2016 - https://www.niauditoffice.gov.uk/publication/renewable-heat-incentive-scheme) if no changes are made. The table below provides details of non-domestic RHI application numbers by year.</p> <table><tr><th>Year</th><th>Applications submitted</th></tr><tr><td>2013</td><td>85</td></tr><tr><td>2014</td><td>324</td></tr><tr><td>2015</td><td>1396</td></tr><tr><td>2016</td><td>323</td></tr></table> <p>The Renewable Heat Incentive Scheme (Amendment) Regulations 2017 put in place the first stage of cost control measures to permit further consideration of longer term cost control measures which are to be in place by the cessation of these Regulations on 31st March 2018.</p> <p>I can confirm that the Department holds additional information relating to your request. However some of this information is exempt from disclosure under regulation 12(5) (b) of the Environmental Information Regulations which relates to the ability of a public authority to conduct an inquiry.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.	Year	Applications submitted	2013	85	2014	324	2015	1396	2016	323
Year	Applications submitted										
2013	85										
2014	324										
2015	1396										
2016	323										

- The public interest in providing information is already served by the Department's role in the ongoing investigations.

Conclusion

The Department is content that the public interest arguments for withholding some of the information requested outweigh those in favour of disclosure. 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.

Information which is already in the public domain can be accessed at the following link to Hansard (which is the official report of NI Assembly business):

<http://www.niassembly.gov.uk/assembly-business/committees/public-accounts/enquiries/non-domestic-renewable-heat-incentive-rhi-scheme/minutes-of-evidence/>

Guidance for the NI scheme can be viewed at the link below:

<https://www.economy-ni.gov.uk/publications/guidance-non-domestic-rhi-applicants>

The NI and GB scheme had different tariffs from the outset. Information on the GB

scheme is also publicly available at the link below:

<https://www.ofgem.gov.uk/publications-and-updates/non-domestic-rhi-main-guidance>

DfE 2016-0159

Request	<p>Copy of all correspondence – including letters, memos, notes, emails, minutes and phone call records – that was either sent by, or received by, Ministers (i.) Arlene Foster MLA (ii.) Jonathan Bell MLA and (iii.) Simon Hamilton MLA that included a reference to the Renewable Heat Incentive Scheme.</p> <p>Copy of all emails (and any attachments) sent from, or received to, the email address andrew.crawford@detini.gov.uk that mentioned the Renewable Heat Incentive Scheme.</p> <p>Copy of all emails (and any attachments) sent from, or received to, the email address fiona.hepper@detini.gov.uk that mentioned the Renewable Heat Incentive Scheme.</p> <p>Copy of all email correspondence between Fiona Hepper and either the direct email address, or through the Private Office of, Ministers (i.) Arlene Foster MLA and (ii.) Jonathan Bell MLA</p>
Response	<p>I can confirm that the Department holds information relating to your requests. However this information is exempt from disclosure under regulation 12(4)(b) (manifestly unreasonable) due to the disproportionate burden of compliance. In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.• The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>I am content that the burden of locating all of the information requested would distract from core Departmental duties and as such, that it is not in the public interest to proceed with your request.</p> <p>Information which is already in the public domain can be accessed at the following link to Hansard (which is the official report of NI Assembly business):</p> <p>http://www.niassembly.gov.uk/assembly-business/committees/public-accounts/enquiries/non-domestic-renewable-heat-incentive-rhi-scheme/minutes-of-evidence/</p>

	<p>Guidance for the Northern Ireland scheme can be viewed at the link below: https://www.economy-ni.gov.uk/publications/guidance-non-domestic-rhi-applicants</p> <p>Information on the GB scheme is also publicly available at the link below: https://www.ofgem.gov.uk/publications-and-updates/non-domestic-rhi-main-guidance</p>
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DfE 2016-0160

Request	Copy of the email received by Arlene Foster by a whistle-blower with regard to growing costs of the RHI scheme
Response	I can confirm that the Department holds the information requested. However, as the individual would be identifiable from the content of the information, it is exempt from disclosure under regulation 13 (Personal Information) of the Environmental Information Regulations, and is therefore being withheld. Information withheld under regulation 13 is not subject to a public interest test.

DfE 2016-0163

Request	<p>Request to - conduct a search of the email account and phone text messages of the minister's special adviser, John Robinson, for all messages or emails which contain EITHER of the following:</p> <ol style="list-style-type: none">1) "Renewable Heat Incentive";2) "RHI" or3) "Spotlight".
Response	<p>The Department has considered your request under the terms of the Environmental Information Regulations 2004 and can confirm that the Department holds the information requested. However this information is exempt from disclosure under section 12(5)(b) of the Environmental Information Regulations, and is therefore being withheld.</p> <p>Section 12(5)(b), allows for a public authority to refuse to disclose information to the extent that its disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure:</p> <ul style="list-style-type: none">• The Department wishes to be as open and transparent as possible.• The Department recognises the importance of transparency in areas of public concern.• The release of the in the non-domestic Renewable Heat Incentive Scheme. <p>Arguments against disclosure:</p> <ul style="list-style-type: none">• The development and operation of the Renewable Heat Incentive Scheme is the subject of a public inquiry• The findings of the public inquiry may result in the Department instigating a disciplinary inquiry. Release of information in advance of such an inquiry would adversely affect the Department's ability in this regard. <p>In weighing up the arguments for and against disclosure maintaining this exemption outweighs the public interest in disclosing the requested information.</p>

DfE 2016-0164

Request	Under the Environmental Information Regulations, please provide me with all material relating to the RHI scheme during the months of September 2015 and October 2015.
Response	<p>I can confirm that the Department holds information relating to your request. However this information is exempt from disclosure under regulation 12(4) (b) of the Environmental Information Regulations which relates to manifestly unreasonable requests and is therefore being withheld because of the burden to the Department.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.• The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>The Department is content that the public interest arguments for withholding the information requested outweigh those in favour of disclosure.</p> <p>Should you wish to narrow the scope of your request we will of course consider this.</p>

DfE 2016-0166

Request	Copies of all correspondence to and from the Department of Enterprise, Trade and Investment and the Minister for Enterprise, Trade and Investment's office regarding the Renewable Heat Incentives schemes, including correspondence with (i) departmental officials, (ii) Special Advisors and (iii) interested third parties.
Response	<p>I can confirm that the Department holds information relating to your request. However this information is exempt from disclosure under regulation 12(4) (b) (manifestly unreasonable) due to the disproportionate burden of compliance.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.• The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>I am content that the burden of locating all of the information requested would distract from core Departmental duties and as such, that it is not in the public interest to proceed with your request.</p> <p>Information which is already in the public domain can be accessed at the following link to Hansard (which is the official report of NI Assembly business):</p> <p>http://www.niassembly.gov.uk/assembly-business/committees/public-accounts/enquiries/non-domestic-renewable-heat-incentive-rhi-scheme/minutes-of-evidence/</p> <p>Guidance for the Northern Ireland scheme can be viewed at the link below:</p> <p>https://www.economy-ni.gov.uk/publications/guidance-non-domestic-rhi-applicants</p> <p>Information on the GB scheme is also publicly available at the link below:</p> <p>https://www.ofgem.gov.uk/publications-and-updates/non-domestic-rhi-main-guidance</p>

DfE 2016-0168

Request	Please provide me with a copy of Arlene Foster's ministerial diary for her entire period in office at DETI.
Response	<p>I regret to inform you that while the Department holds the information which you have requested, it has been decided that this information should not be released. This is in accordance with Section 35(1)(d) of the FOI Act:</p> <ul style="list-style-type: none">• <i>Section 35 Formulation of government policy</i>• <i>1- information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—</i>• <i>(d) the operation of any Ministerial private office.</i> <p>Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours disclosing or withholding this information. In deciding to withhold this information the Department has carried out a Public Interest Test as follows:</p> <p>I. In favour of disclosure -</p> <ul style="list-style-type: none">(i) the right of the public to have access to information;(ii) the need for the public to be better informed and more competent to comment on(iii) public affairs; and(iv) accountability for the use of public funds. <p>II. In favour of non-disclosure -</p> <ul style="list-style-type: none">(i) the need to preserve confidentiality having regard to the subject matter and the circumstances of the information;(ii) where premature release could contaminate the decision making process;(iii) where release of the records could impair the integrity and viability of the decision making process to a significant or substantial degree without a compensating benefit to the public;(iv) when broader community interests must be considered, as distinct from those of the applicant and the subject of the information; and(v) if disclosure of records which do not fairly disclose the reasons for a decision would be unfair to the decision maker and might prejudice the integrity of the decision making process. <p>The public interest in this case must be balanced with the confidence of Ministers in the diary arrangements that his or her Private Office make. The FOI request seeks a large amount of information which would cover meetings, telephone calls etc. of the former Minister. Without supporting information relating to individual diary entries there would be considerable scope for misinterpretation and inference of what the outcomes, purpose and rationale of such diary events might be. Ministers need to have confidence in the independence of their Private Office and that support staff do not allow external considerations, such as possible public perception of diary commitments to influence a Minister's judgement in the workings of the Private Office.</p>

	<p>The Minister's diary also contains personal data relating to third parties. It is important that third parties met by a Minister have confidence that their information is dealt with in an appropriate manner. The Department's view is that that disclosure of this information would breach the first data protection principle and Section 40 (2) and (3) of the FOI Act therefore apply.</p> <p>The broad, non-specific nature of the request also means that it is difficult to determine the extent of specific public interest, as the request does not focus on a particular topic or work area.</p> <p>Therefore, the arguments for disclosure are outweighed by the those against releasing the information.</p>
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DfE 2016-0170

Request	<p>1) A copy of all submissions to the minister, her spad or private office about the setting up of the non-domestic RHI scheme;</p> <p>2) A copy of all material sent by the minister, her spad or private office to officials or others about the design of the non-domestic RHI scheme.</p>
Response	<p>I can confirm that the Department holds information relating to your request. However this information is exempt from disclosure under regulation 12(4) (b) of the Environmental Information Regulations and is therefore being withheld.</p> <p>Regulation 12(4) (b) relates to requests that are manifestly unreasonable. In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.• The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>The Department is content that the public interest arguments for withholding the information requested outweigh those in favour of disclosure.</p> <p>Should you wish to narrow the scope of your request we will of course consider this.</p>

DfE 2016-0171

Request	A copy of all material turned up by a search of the energy division, the minister's private office and the special adviser's accounts for the word "degression".
Response	<p>I can confirm that the Department holds information relating to your request. However this information is exempt from disclosure under regulation 12(4) (b) of the Environmental Information Regulations and is therefore being withheld.</p> <p>Regulation 12(4) (b) relates to requests that are manifestly unreasonable. In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making processes within the NICS;• Release could increase confidence that decisions are based on the best advice and encourage greater public participation in decision-making. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• The disruption caused by processing this request would detract from the completion of other essential RHI activities, including the Department's ongoing investigation and provision of information to a public inquiry.• The diversion of resources to retrieve the information would also have a negative impact on the branch's other core duties, resulting in further harm to the public interest.• The public interest in providing information is already served by the Department's role in the ongoing investigations. <p>Conclusion</p> <p>The Department is content that the public interest arguments for withholding the information requested outweigh those in favour of disclosure.</p> <p>Should you wish to narrow the scope of your request we will of course consider this.</p>

DfE 2016-0172

Request	A copy of all declarations of interest by the former minister's then special adviser, Andrew Crawford, during his time at DETI.
Response	<p>The Department can neither confirm nor deny that it holds the information you have requested by virtue of Section 40(5) of the Freedom of Information Act.</p> <p>Section 40(5) relates to third party personal data which may or may not be held by the Department.</p> <p>This is an absolute exemption and as such does not require the completion of a public interest test.</p>

DfE 2016-0185

Request	<p>Please provide me with a copy of Jonathan Bell's ministerial diary during his time at the department.</p> <p>I would draw to your attention that Mr Bell last week emphasised in his interview with Stephen Nolan his desire to be entirely open about his time at the department as it relates to RHI and is happy for all documents relevant to this to be released.</p>
Response	<p>I regret to inform you that while the Department holds the information which you have requested, it has been decided that this information should not be released. This is in accordance with Section 35(1)(d) of the FOI Act:</p> <ul style="list-style-type: none">• <i>Section 35 Formulation of government policy</i>• <i>1- information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—</i>• <i>(d) the operation of any Ministerial private office.</i> <p>Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours disclosing or withholding this information. In deciding to withhold this information the Department has carried out a Public Interest Test as follows:</p> <p>I. In favour of disclosure -</p> <ul style="list-style-type: none">(i) the right of the public to have access to information;(ii) the need for the public to be better informed and more competent to comment on(iii) public affairs; and(iv) accountability for the use of public funds. <p>II. In favour of non-disclosure -</p> <ul style="list-style-type: none">(i) the need to preserve confidentiality having regard to the subject matter and the circumstances of the information;(ii) where premature release could contaminate the decision making process;(iii) where release of the records could impair the integrity and viability of the decision making process to a significant or substantial degree without a compensating benefit to the public;(iv) when broader community interests must be considered, as distinct from those of the applicant and the subject of the information; and(v) if disclosure of records which do not fairly disclose the reasons for a decision would be unfair to the decision maker and might prejudice the integrity of the decision making process. <p>The public interest in this case must be balanced with the confidence of Ministers in the diary arrangements that his or her Private Office make. The FOI request seeks a large amount of information which would cover meetings, telephone calls etc. of the former Minister. Without supporting information relating to individual diary entries there would be considerable scope for misinterpretation and inference of what the outcomes, purpose and rationale of such diary events might be. Ministers need to have confidence in the independence of their Private Office and that support staff do not allow external considerations, such as possible public perception of diary commitments to influence a Minister's judgement in the workings of the Private Office.</p>

	<p>The Minister's diary also contains personal data relating to third parties. It is important that third parties met by a Minister have confidence that their information is dealt with in an appropriate manner. The Department's view is that that disclosure of this information would breach the first data protection principle and Section 40 (2) and (3) of the FOI Act therefore apply.</p> <p>The broad, non-specific nature of the request also means that it is difficult to determine the extent of specific public interest, as the request does not focus on a particular topic or work area.</p> <p>Therefore, the arguments for disclosure are outweighed by the those against releasing the information.</p>
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DfE 2017-0014

Request	<p>Copies of all recorded material (electronic or otherwise) to and from John Robinson (Special Adviser), including material in official and private email addresses, which make reference to the Renewable Heat Incentive scheme. I refer to https://ico.org.uk/media/for-organisations/documents/1147/official_information_held_in_private_email_accounts.pdf</p>
Response	<p>The Department has considered your request under the terms of the Environmental Information Regulations 2004 and can confirm that the Department holds the information requested. However this information is exempt from disclosure under section 12(5)(b) of the Environmental Information Regulations, and is therefore being withheld.</p> <p>Section 12(5)(b), allows for a public authority to refuse to disclose information to the extent that its disclosure would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure:</p> <ul style="list-style-type: none">• The Department wishes to be as open and transparent as possible.• The Department recognises the importance of transparency in areas of public concern.• The release of the information may increase understanding of the operation of the non-domestic Renewable Heat Incentive Scheme. <p>Arguments against disclosure:</p> <ul style="list-style-type: none">• The development and operation of the Renewable Heat Incentive Scheme is the subject of a public inquiry• The findings of the public inquiry may result in the Department instigating a disciplinary inquiry. Release of information in advance of such an inquiry would adversely affect the Department's ability in this regard <p>In weighing up the arguments for and against disclosure DfE considers that maintaining this exemption outweighs the public interest in disclosing the requested information.</p>

DfE 2017-0019

Request	<ol style="list-style-type: none">1. How many accusations of bullying (in any shape or form) were made against Arlene Foster during her time serving as Minister, Department of Enterprise, Trade and Investment?2. How many accusations of harassment (in any shape or form including sexual harassment) were made against Arlene Foster during her time serving as Minister, Department of Enterprise, Trade and Investment?3. How many accusations of intimidation (in any shape or form) were made against Arlene Foster during her time serving as Minister, Department of Enterprise, Trade and Investment?4. How many accusations of unacceptable behaviour (in any shape or form) were made against Arlene Foster during her time serving as Minister, Department of Enterprise, Trade and Investment?
Response	<p>The request was received on 9 January 2017 and the Department is dealing with it under the terms of the above legislation.</p> <p>The Department can neither confirm nor deny that it holds the information you have requested by virtue of Section 40(5) of the Freedom of Information Act. Section 40(5) relates to third party personal data which may or may not be held by the Department.</p> <p>This is an absolute exemption and as such does not require the completion of a public interest test.</p> <p>The Department notes your comments and is content that this response complies with the relevant requirements of the FOI Act.</p>

DfE 2017-0020

Request	<ol style="list-style-type: none">1. How many accusations of bullying (in any shape or form) were made against Jonathan Bell during his time serving as Minister, Department of Enterprise, Trade and Investment?2. How many accusations of harassment (in any shape or form including sexual harassment) were made against Jonathan Bell during his time serving as Minister, Department of Enterprise, Trade and Investment?3. How many accusations of intimidation (in any shape or form) were made against Jonathan Bell during his time serving as Minister, Department of Enterprise, Trade and Investment?4. How many accusations of unacceptable behaviour (in any shape or form) were made against Jonathan Bell during his time serving as Minister, Department of Enterprise, Trade and Investment?
Response	<p>The request was received on 9 January 2017 and the Department is dealing with it under the terms of the above legislation.</p> <p>The Department can neither confirm nor deny that it holds the information you have requested by virtue of Section 40(5) of the Freedom of Information Act. Section 40(5) relates to third party personal data which may or may not be held by the Department.</p> <p>This is an absolute exemption and as such does not require the completion of a public interest test.</p> <p>The Department notes your comments and is content that this response complies with the relevant requirements of the FOI Act.</p>

DfE 2017-0031

Request	All declarations of interest by the minister's special adviser, John Robinson, since he joined the department last year.
Response	<p>The Department can neither confirm nor deny that it holds the information you have requested by virtue of Section 40(5) of the Freedom of Information Act. Section 40(5) relates to third party personal data which may or may not be held by the Department.</p> <p>This is an absolute exemption and as such does not require the completion of a public interest test.</p>

DfE 2017-0034

Request	<p>It has been noted in the media that a [REDACTED] was a beneficiary of RHI.</p> <p>[REDACTED] submitted planning permission which was approved in late 2014. The poultry sheds were then progressed to build.</p> <p>From available satellite images this would appear to but not conclusively have occurred after August 2015.</p> <p>Therefore I was hoping the department could confirm the date that an application(s) were received for that specific location.</p>
Response	<p>I can confirm that because your request of 17th January asked about a named individual, the Department considered that confirmation or denial of whether or not the requested information was held would have caused a breach of the first Data Protection Principle.</p> <p>The Department subsequently published information relating to companies and later to individuals following a judicial review. This High Court judgement had not been made at the date of the Department's response of 2nd March.</p>

DfE 2017-0039

Request	<p>1. From 2012- present</p> <p>a) Who were the RHI approved boiler installers, with a breakdown of how many units they installed.</p> <p>b) How much did each unit cost to install, with breakdown of costs, labour etc</p>
Response	<p>I can confirm that the information you have requested is not held by the Department. There is no approved list of boiler installers as it is not a requirement under the Regulations. Installation of the boilers was a matter between the installer and the end user, therefore the Department does not hold information on the installation costs of units.</p>

DfE 2017-0042

Request	Copies of all correspondence between the Department of Enterprise, Trade and Investment (DETI) and the Minister for Enterprise, Trade and Investment's office between 1 st January 2015 and 4 th May 2016 regarding the Renewables Obligation Certificates, including correspondence with (i) departmental officials, (ii) Special Advisers and (iii) interested third Parties.
Response	<p>I can confirm that the Department holds the information requested. However this information is exempt from disclosure under Regulation 12(4)(b) (manifestly unreasonable) due to the disproportionate burden of compliance.</p> <p>In making this decision, the Department has considered the following public interest test factors:</p> <p>Arguments in favour of disclosure</p> <ul style="list-style-type: none">• The Department is keen to be as open as possible and is accountable for its actions;• The release could lead to a better understanding of the decision making process within the NICS;• Release could increase confidence that decisions are based on the best advice available. <p>Arguments against disclosure</p> <ul style="list-style-type: none">• Your request refers to "<i>Copies of all correspondence between the Department of Enterprise, Trade and Investment (DETI) and the Minister for Enterprise, Trade and Investment's office between 1 January 2015 and 4 May 2016 regarding the Renewables Obligation Certificates, including correspondence with (i) departmental officials, (ii) Special Advisers and (iii) interested third parties.</i>" This was a particularly busy period due to increased activity in relation to closure of the Northern Ireland Renewables Obligation (NIRO), including publication of a number of consultations and Government responses, and making 5 Statutory Rules. Each of these work areas generated significant amounts of correspondence; an initial search identified more than 1,000 documents.• Retrieval of this information would necessitate the examination of a large proportion of correspondence and documentation held to determination whether each item of correspondence relates to the issues set out in the request. <p>Conclusion</p> <p>I am content that the burden of locating and examining all of the information requested would distract from core Departmental duties and as such, that it is not in the public interest to proceed with your request.</p> <p>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.</p> <p>I have listed the main areas of work carried out in relation to the NIRO between 1 January 2015 and 4 May 2016 below to assist you to refine any further request for information.</p> <ul style="list-style-type: none">• Publication of the Government Response to the Small Scale Banding Review Consultation;

	<ul style="list-style-type: none"> • Publication of consultation on Transition to Contracts for Difference and Grace Periods; • Publication of Government Response on Biomass Reporting and Sustainability Requirements; • Introduction of Energy (Amendment) Order (Northern Ireland) 2015 – providing enabling powers to close the NIRO; • Introduction of the Renewables Obligation (Amendment) Order (Northern Ireland) 2015 – confirming changes to solar PV ROC support levels; • Publication of Government Response on Non-Wind Closure Grace Periods; • Publication of consultation on Closure of the NIRO to Onshore Wind in 2016; • Introduction of the Renewables Obligation Closure Order (Northern Ireland) 2015 – closed the NIRO to all non-wind technologies from 1 April 2017 and set out associated grace periods; • Judicial Review taken against the Minister on the decision to close the NIRO to onshore wind earlier than anticipated; • Introduction of the Renewables Obligation (Amendment) Order (Northern Ireland) 2016 – setting out changes to biomass sustainability and reporting provisions; • Publication of Government Response on Closure of the NIRO to Large Scale Onshore Wind; • Introduction of the Renewables Obligation Closure Order (Northern Ireland) 2016 – closed the NIRO to new large scale onshore wind on 31 March 2016; • Publication of consultation on Closure of the NIRO to Small Scale Onshore Wind.
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DfE 2017-0006

Request	<p>1) Were there any earlier drafts of the letter of 7th January 2013 from Minister Foster to banks encouraging investment in the RHI Scheme. If so, can they be disclosed.</p> <p>2) All correspondence between Andrew Crawford and Minister Foster between November 2012 to January 2013 mentioning the RHI scheme.</p> <p>3) All correspondence between Andrew Crawford and Minister Foster between November 2012 to January 2013 mentioning Ulster Bank.</p> <p>4) All Correspondence between the Department and banks referencing RHI between August 2012 to August 2013.</p>
Response	<p>I can confirm that Department holds some of the information requested and have attached it to this letter.</p> <p>In relation to your specific questions:</p> <ol style="list-style-type: none">1) There were no earlier drafts of the letter of 7th January 2013 to the banks.2) The information you requested is not held by the Department.3) The information you requested is not held by the Department.4) Please find attached the following attachments held by the Department:<ul style="list-style-type: none">• Copies of letters issued to banks on 7th January 2013.• Copies of responses to the above letters from Danske Bank and First Trust Bank. <p><i>Note: Please see email attachments</i></p>