



Department for the  
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[www.economy-ni.gov.uk](http://www.economy-ni.gov.uk)

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Date: 07 Jun 2017

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DfE 2017-0048

## Request for Information

Thank you for your request for a list of all beneficiaries and aid received for each of the State Aid schemes and individual decisions listed at <https://www.economy-ni.gov.uk/articles/list-ni-state-aid-decisions>.

The request was received on 24 January 2017 and the Department is dealing with it under the both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

I can confirm that the Department holds some of the information requested and would refer you to the following weblinks:

<https://www.finance-ni.gov.uk/publications/list-successful-beneficiaries-during-2007-2013-eu-programmes>

<https://www.gtt.net/>).

<https://www.economy-ni.gov.uk/topics/energy/gas#toc-0>

<https://www.communities-ni.gov.uk/articles/regional-stadium-development>

[http://ec.europa.eu/competition/elojade/isef/case\\_details.cfm?proc\\_code=3\\_NN21\\_2006](http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=3_NN21_2006)

You may be aware that under Section 21 of the FOI Act, details held by the Department are exempt from this response because they are available using the links above. Section 21 deals with information which is accessible by other means and is an absolute exemption, which means that it does not require the completion of a public interest test.

## **Non-Domestic Renewable Heat Incentive Scheme**

Information on individuals and companies that have received support payments under the Non-Domestic RHI scheme above a threshold of £5,000 for the cumulative total of payments received from the start of the scheme to 28 February 2017 can be accessed at the link below:

<https://www.economy-ni.gov.uk/rhi-beneficiaries-individuals-and-companies>

Other personal data including information on individuals that have received support payments of less than £5,000 under the Non-Domestic RHI scheme is currently being withheld under Regulation 13 of the Environmental Information Regulations 2004 as disclosure would be unfair under the terms of the Data Protection Act.

The Department is also withholding information on those companies, limited liability partnerships and organisation in receipt of payment of less than £5000 under Regulation 12 (5) (e) which addresses confidentiality of commercial or industrial information.

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

Arguments 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 recognises the importance of transparency in this area of public concern as demonstrated by the Department's clear position in the recent judicial review and our commitment to the publication of beneficiaries in receipt of more than £5,000.

Arguments against disclosure:

- The terms of the judgement 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] established that the balance of public interest does not outweigh the legitimate economic interests of beneficiaries who have received no payment or payments below a *de minimis* amount.
- Disclosure of this information would therefore be likely to breach the judgement.
- Those companies, whose details 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 publication once this *de minimis* level is reached.

The Department is content that the balance of public interest lies in withholding information on companies, limited liability partnerships and organisations who are in receipt of payments of less than £5,000.



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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

Stephen McMurray  
Department for the Economy

## 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 1<sup>st</sup> 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](mailto: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 process<sup>i</sup> will be provided free of charge, although there may be a small charge for disbursements<sup>ii</sup>. 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:

<b>Website:</b>	<a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a>	<b>Phone:</b>	01625 545 700
<b>Post:</b>	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF	<b>Email:</b>	<a href="mailto:ni@ico.org.uk">ni@ico.org.uk</a>

### 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.

Most documents produced by government departments will be protected by Crown Copyright and most Crown Copyright information can be re-used under the [Open Government Licence](#). Further details are available on the [The National Archives](#) website. Copyright in other documents may rest with a third party. For information about obtaining permission from a third party, see the Intellectual Property Office's website at [www.ipo.gov.uk](http://www.ipo.gov.uk).

<sup>i</sup> Includes the cost of locating, retrieving and extracting the information

<sup>ii</sup> Disbursements may include costs of photocopying, printing, postage etc