

Public

Ref: FOI/25/002

National Energy System Operator

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9 May 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 2 April 2025. Your request has been considered under the Freedom of Information Act 2000 (FOIA).

Request

You asked us:

Please could you provide me with the following under the FOI regulations:

- *Any internal correspondence about the use of and/or adherence to the Treasury Green Book by NESO;*
- *Any correspondence with DESNZ about the same.*

Our response

The National Grid Electricity System Operator (NG ESO) was part of the National Grid PLC group of companies until 30 September 2024 and was not subject to the requirements of the Freedom of Information Act 2000 (FOIA).

On 1 October 2024 we became the National Energy System Operator (NESO) under government ownership (the Independent System Operator and Planner as designated in the Energy Act 2023).

Regulation 14 of the Energy Act 2023 (Consequential Amendments) Regulations 2024 (SI 2024/706) amended Part 6 of Schedule 1 (other public bodies and offices: general) of the FOIA, inserting the following: *"The Independent System Operator and Planner designated in*

accordance with section 162 of the Energy Act 2023 in respect of information held by it as a result of the exercise of its functions under, or as a consequence of, that Act.”.

NESO has therefore been subject to the FOIA since 1 October 2024. All searches referred to below have therefore been limited to correspondence dating from 1 October 2024 to 2 April 2025 (the date of your request).

Section 12 of the FOIA allows an organisation to refuse to comply with a request where it is estimated that the cost of compliance would exceed a set amount known as the appropriate cost limit. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 (the ‘fees regulations’) sets the appropriate cost limit at £450 i.e., 18 hours of staff time calculated at a standard rate of £25 per hour. Activities that can be taken into account when estimating the time required to respond to a request include determining whether the requested information is held, and locating, retrieving and extracting that information.

We have determined that a comprehensive search across NESO for correspondence meeting the scope of your request would exceed the appropriate cost limit.

To undertake the required searches, it would be necessary to ask individual staff within the organisation to search their records for correspondence that meets the scope of your request. Even if we focused on two of NESO’s directorates (Strategic Energy Planning and Strategy & Policy) this would equal 418 staff (FTE). Colleagues in other directorates may also be required to carry out searches. We estimate that a staff member would take at least 15 minutes to search their records. If 418 staff were to run searches this would exceed 100 hours of staff time. The Information Rights team would be required to review all identified records to determine whether the information held in those records meets the scope of the request.

There is no requirement for an organisation to search for information in scope of a request until the cost limit is reached. However, in initially considering your request, we ran a search for email correspondence (internal and with the Department of Energy Security and Net Zero (DESNZ)) across our Microsoft tenant, conducted email threading and de-duplication processes, and reviewed the resulting 199 items (emails and attachments) to determine whether they contained information within scope of your request. Completing the above took 8 hours of staff time. None of the items returned by this centralised search met the scope of your request i.e., they did not include correspondence about NESO’s use of or adherence to the Treasury Green Book.

This concludes our response to your request.

Advice and assistance

Section 16 of the FOIA requires organisations to provide advice and guidance to individuals who submit information requests. As your request is already fairly specific it is difficult for us to advise on how you may be able to refine your request, however, should you choose to submit a new request for information, we will consider this under the relevant legislation. As the Green Book is

guidance issued by HM Treasury (HMT), you may wish to reformulate your request to include correspondence with HMT and/or submit an information request to HMT:

foirequests@hmtreasury.gov.uk

Next steps

You can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days and quote the reference number at the top of this letter.

If you are still dissatisfied after our internal review, you can complain to the Information Commissioner's Office (ICO). You should make complaints to the ICO within six weeks of receiving the outcome of an internal review. The easiest way to lodge a complaint is through their website: www.ico.org.uk/foicomplaints. Alternatively, they can be contacted at: Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Thank you for your interest in the work of the National Energy System Operator (NESO).

Regards,

The Information Rights Team, National Energy System Operator (NESO)