

Public

Ref: FOI/25/029

National Energy System Operator

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InformationRights@neso.energy

11 June 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 13 May 2025, and for which you provided clarification on 23 May 2025. Your request has been considered under the Freedom of Information Act 2000 (FOIA).

Request

You asked us:

- 1. Please provide all correspondence between officials or special advisers at DESNZ and officials at NESO, between 5th November 2024 and 21st December 2024, which relate to public comments made by Ministers regarding the conclusions of the NESO report on Clean Power 2030 and its effect on domestic energy bills.*
- 2. Please provide all correspondence between officials or special advisers at DESNZ and officials at NESO, between 5th November 2024 and 21st December 2024, which contain the word "proof".*
- 3. Please provide all correspondence between officials or special advisers at DESNZ and officials at NESO, between 5th November 2024 and 21st December 2024, which contain the word "bills".*
- 4. Please provide all correspondence between officials or special advisers at DESNZ and officials at NESO, between 5th November 2024 and 21st December 2024, including the word "evidence".*

On 23 May 2025 we asked you to clarify your request, specifically to confirm:

- *Whether by the terms 'officials or special advisers at DESNZ' and 'officials at NESO' you mean any member of staff at NESO or DESNZ?*
- *Whether questions 2-4 of your request relate to any correspondence between NESO and DESNZ containing those search terms ("proof", "bills", "evidence"), or if this part of your request is also related only to correspondence relating to public comments made by Ministers?*

You subsequently clarified that by 'officials or special advisers' and 'officials' you meant *any member of staff* at either organisation, and that the information you are requesting in questions 2 to 4 is *any correspondence* containing those individual words (i.e., not limited to correspondence relating to public comments made by Ministers, as requested in question 1).

Our response

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 included 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.

As you have requested correspondence to or from any member of staff at NESO to or from any member of staff at DESNZ, we carried out a search of our Microsoft tenancy for each of your 4 questions. This resulted in a substantial number of search results. As an example, the search for correspondence in scope of question 1 alone returned 1956 items. Even at 1 minute per item, to review all items for this search to determine whether they contain relevant information would exceed 32 hours of staff time.

Where responding to one part of a request would exceed the cost limit, public authorities do not have to provide a response to any other parts of a request. There is also no requirement for public authorities to search for information in scope of a request until the cost limit is reached. We have therefore determined that we cannot respond to your request within the appropriate cost limit and are refusing your request under s12 of the Freedom of Information Act.

This concludes our response to your request.

Advice and assistance

Section 16 of the Freedom of Information Act requires that organisations provide advice and guidance to individuals submitting requests for information.

You may wish to resubmit a refined request. Refining a request could include narrowing the requested time-period for searches or asking for more specific information. As you have already

provided a narrow time frame reducing the time-period may not be an appropriate refinement of your request.

Question 1 of your request is for specific information and should you resubmit this question on its own, with automatic de-duplication and email threading processes, it may be possible that the number of items we need to manually review for question 1 would be sufficiently reduced to enable us to respond within the appropriate cost limit. You may wish to further refine the request e.g., the terms that were included in the other parts of your request could be used to further narrow the results.

The remainder of your request is very broad, resulting in very large numbers of search results. All items returned by a search of the Microsoft tenancy could be in scope of such a request e.g., any item containing the word 'proof' regardless of the subject of the information within that item would be in scope. If you would like to resubmit a request for correspondence containing the words 'bills', 'proof' or 'evidence' you may wish to consider refining your request by narrowing the subject matter of the correspondence that you are interested in.

The large number of results returned by searching for any correspondence containing those words are likely to include correspondence that may not relate to your specific interests. We would be required to review all items to consider whether any exemptions provided by the FOIA apply and to redact any exempt information. The time taken to complete these activities cannot be considered when calculating the appropriate cost limit. Whilst ensuring that the public interest in transparency is upheld, public authorities must consider whether the amount of time required to review and prepare information for disclosure would impose an oppressive burden on the organisation, both in terms of time and cost. Alongside the cost and time burden on an organisation, public authorities can take into account the likely motives and the potential value or purpose of a request when considering whether a request is likely to cause a disproportionate or unjustified level of disruption. A request for all correspondence held that contains a single commonly used word does not necessarily have an immediately obvious value or purpose. Where the level of disruption is determined to be disproportionate, a request may be refused under s.14 of the FOIA.

For the avoidance of doubt, we have not refused any part of this request for information under s.14 of the FOIA as we determined that responding to the request in its entirety would exceed the appropriate cost limit.

Any re-submitted request will be managed under the legislation as a new request.

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)