

Public

Ref: FOI/25/045

National Energy System Operator

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18 July 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 2 June 2025, and for your subsequent response to our request for clarification which we received on 19 June 2025. Your request has been considered under the Freedom of Information Act 2000 (FOIA).

Request

You asked:

Document Management and FOI-Related Record-Keeping Practices

Any internal guidance, policy documents, staff communications (emails, training materials, memos), or meeting notes issued by or within NG ESO /NESO since 1 January 2022 that relate to:

1. *Instructions, guidance or cultural expectations regarding the avoidance of creating formal records, including:*
 - *Preferring oral discussions in lieu of emails or meeting minutes;*
 - *Maintaining documents in 'draft' or 'non-final' status indefinitely;*
 - *Using instant messaging platforms (e.g. Teams, WhatsApp) for substantive decision-making to avoid audit trails.*
2. *Any references to such practices in relation to minimising exposure under the Freedom of Information Act 2000, including:*
 - *Explicit or implicit concerns about FOIA discoverability;*
 - *Guidance on how to manage internal correspondence or versioning to reduce FOIA compliance risks.*

3. *Any instructions or policies on retention, deletion, or declassification of internal communications, particularly as they relate to decision-making on system security, CCGT retirements, or Balancing Mechanism operations.*

Proactive Publication Duties and Data Accessibility

Please provide any internal documentation, meeting notes, policy papers, or correspondence (since 1 January 2022) relating to:

1. *NG ESO's /NESO's statutory duty under Section 19 of the Freedom of Information Act 2000 to proactively publish non-sensitive operational and policy information to reduce the need for FOI requests;*
2. *Any internal reviews or discussions about:*
 - *Improving the transparency, usability, and completeness of the data made available through the NESO Data Portal, BMRS, or other public interfaces;*
 - *Known issues with the accessibility, accuracy, timeliness, or internal consistency of datasets – including overlapping sources, missing or poorly defined fields, delays in updating, or changes to publication formats without proper version control;*
 - *The publication of grid dispatch volumes, redispatch instructions, or ancillary service utilisation in formats that make downstream analysis and system-level scrutiny difficult for non-industry users.*

If no such reviews or discussions exist, please confirm whether NG ESO /NESO has taken any steps since 2022 to assess or improve the practical usefulness of its published datasets in line with its obligations under FOIA and its commitment to system transparency.

We requested clarification and you responded on 19 June 2025, stating:

My request is not limited solely to NESO's obligations under the Freedom of Information Act 2000. Rather, it is intended to cover any internal policies, practices, cultural guidance, or communications (since 1 January 2022) concerning:

- *The creation, handling, retention, and accessibility of documents or records relevant to NESO's operations;*
- *Practices that might affect transparency or auditability, including but not limited to avoidance of written records, use of draft status documents, preference for oral over written communications, and the use of informal platforms for decision-making;*
- *Any internal discussions relating to the proactive publication of information and the practical accessibility or usability of published data by external users – particularly in relation to NESO's transparency commitments and duties under Section 19 of the FOIA.*

My intent is to understand whether NESO has instituted any formal or informal mechanisms that could limit record creation or reduce FOIA discoverability, and whether it has taken steps to improve or evaluate the usability of published operational data.

Our response

You submitted 5 requests for information on 2 June 2025. We have previously responded to 3 of those requests. We determined that these two requests are substantially similar and subsequently requested clarification on their scope. Your response on 19 June confirmed to us that the two requests were related to the same recorded information:

- NESO's obligations under the FOIA,
- records management, and
- proactive publication of information (including as required by s.19 of the FOIA) and transparency.

The National Grid Electricity System Operator (NG ESO) was part of the National Grid PLC group of companies until 30 September 2024. NG ESO was subject to the Environmental Information Regulations 2004 (EIR) but not 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 and remains subject to the EIR.

We have considered your request under the FOIA as it relates to our obligations under information rights legislation, the proactive publication of information (including as required by s.19 of the FOIA), records management and transparency and the requested information does not meet the definition of 'environmental information' provided at Regulation 2(1) of the EIR.

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. When calculating the cost limit public authorities can aggregate requests which ask for the same or similar information and are received within a 60 working day period.

We are generally expected to focus our search for information on the locations where information is most likely to be held. NESO has an Information Rights team and a Data team whose remits are to ensure compliance with information rights legislation and advise the organisation on data

sharing, data classification, data privacy and records management. Further information on these teams has been provided in the 'advice and assistance' section below.

You have requested recorded information on a number of topics and multiple record types. Given the breadth of your request, and particularly as you have asked for recorded information relating to 'formal and informal mechanisms' and specific information that could be held by operational teams (e.g., where you have requested information relating to 'decision-making on system security, CCGT retirements, or Balancing Mechanism operations' and 'publication of grid dispatch volumes, redispatch instructions, or ancillary service utilisation') we cannot be certain whether staff outside of those two teams hold recorded information in scope of any part of your request. We cannot therefore limit our search for recorded information to these two teams.

The Information Rights team and Data team provide advice across the organisation on the appropriate management of records and compliance with the information rights legislation, but we would need to undertake much broader searches to ensure that all information that may be in scope of your request is located. We have determined that a comprehensive search across the whole organisation for recorded information in scope of your request would exceed the appropriate cost limit. Part of your request is for correspondence and communications. To identify any correspondence or communications that may include discussion of avoiding the creation of records, 'minimising exposure' under the FOIA, records management relating to decision-making, proactive publication of data and information (in compliance with s.19 of the FOIA and more widely) etc would require all staff within the organisation to search their records. We would also need to identify staff who may hold records in different formats and ask them to undertake additional searches. As of 1 July 2025, NESO has 2124 permanent employees (not including contractors). We estimate that a staff member would take a minimum of 15 minutes to search their records. For all permanent employees to run searches this would significantly exceed 18 hours of staff time. The Information Rights team would then be required to review all identified records to determine whether any information held meets the scope of the request and to extract that information.

We have calculated that determining whether the requested information is held, and locating, retrieving and extracting that information would exceed the appropriate cost limit. Additional work, the time for which cannot be included in the calculation for determining whether the appropriate cost limit is exceeded, would also be required to determine whether any exemptions apply to information identified as being in scope of your request and to prepare any information for disclosure.

For information, there is no requirement for public authorities to search for information in scope of a request until the cost limit is reached. If 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 the request.

We are therefore refusing your request under s.12 of the Freedom of Information Act. 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. Your request is extremely broad in nature, and you may therefore wish to refine your request. The information provided below and enclosed may help you to do so. It is sometimes difficult for an organisation to advise on the refining of a request as it may depend on the specific focus of a requester's interests, and we try to avoid steering requesters in a particular direction. We have aggregated the two requests as allowed for by s.12 of the FOIA. As a starting point you may wish to ask us to reconsider only one set of questions, or request information relating to a single topic. Should you choose to submit a new request for information, we will consider this under the relevant legislation.

Further information is provided below that may be of interest:

NESO's Information Rights team provides advice and guidance to the organisation on compliance with information rights legislation. The Information Rights Team has a uniquely independent position within the organisation which provides for effective, compliant management of all information requests under the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR) and the Data Protection Act 2018 (DPA 2018) / UK General Data Protection Regulation (UK GDPR). NESO's website has information about the FOIA and EIR for customers and stakeholders, including a disclosure log of responses to information rights requests: [Freedom of Information and Environmental Information Regulations | National Energy System Operator](#).

NESO's Data Team is a function within the Directorate of Digital, Data & Technology, responsible for the policies and management of data sharing, data classification, data privacy and records management, including the NESO [Data Portal](#).

As explained above, we have not undertaken a complete search of records to determine whether any recorded information is held that meets the scope of your request, as we have calculated it would exceed the appropriate cost limit to provide a full response. We would however like to address some points raised in your request:

- The Information Rights team maintains information pages on the staff intranet (including a guidance document for all staff on information rights legislation) and provides training to staff on compliance with the FOIA & EIR. As an example of the guidance provided to staff, we enclose a copy of the guidance document and staff intranet pages. You will note that in the guidance issued by the Information Rights team it is explicitly advised that business communications should not be removed from corporate channels and that it is best practice to retain records of decisions, actions, discussions, and key information.
- There is no exemption for draft information under the FOIA: [List of exemptions | ICO](#). A document that is labelled draft is therefore not automatically exempt from disclosure

(although depending on the information another exemption could apply). There is an exception for draft information within the EIR (Regulation 12(4)(d)) which can only be applied to information that meets the definition of 'environmental information' (Regulation 2(1) of the EIR) and is subject to a public interest test. The exception cannot automatically be applied to any document containing information in scope of a request that is marked as 'draft', and its engagement would be considered (as with all exemptions and exceptions) on a case-by-case basis. The [ICO guidance and case law](#) is helpful in explaining when information may be covered by this exception. The Information Rights team does not advise colleagues to retain a 'draft' label on completed documents.

- Section 19 of the FOIA requires public authorities to adopt and maintain a publication scheme, increasing transparency and allowing members of the public to routinely access information relating to the functions of a public authority. NESO's [Publication Scheme](#) includes a link to the [Data Portal](#). The Data Portal was available prior to NESO becoming subject to the FOIA. Further information about NESO's Data Sharing Approach, including the publication of information via the Data Portal is available here: [Data Sharing Approach | National Energy System Operator](#). NESO also follows Ofgem's [Data Best Practice Guidance](#) and has an Information & Records Management Policy (copy enclosed). NESO's [RIIO-2 Business Plan 3](#) includes a performance objective relating to Enhanced Sector Digitalisation and Data Sharing.

The Information Commissioner's Office (ICO) is the regulator responsible for overseeing compliance with FOIA, EIR and DPA / UK GDPR. If you have concerns about an organisation's compliance with the legislation you can contact the ICO: [Make a complaint | ICO](#).

Should you have any concerns about NESO's activities (that do not relate to compliance with information rights legislation) please contact Ofgem, the industry regulator.

Next steps

If you are dissatisfied with our handling of your request, 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. You can find our procedure here: [Freedom of Information and Environmental Information Regulations | National Energy System Operator](#). The ICO's website also provides guidance on the internal review process: [What to do if you are dissatisfied with the response | ICO](#).

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)

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October 2024

Freedom of Information Act & Environmental Information Regulations

Guide for Colleagues

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1. Our key FOI and EIR responsibilities

For both the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR), public authorities and corporations are required to:

- a) Proactively publish certain kinds of information
- b) Respond to individual requests for information within the statutory deadline
- c) Advise and assist requesters

Under EIR we are expected to proactively publish environmental information.

The FOIA requires that we create and maintain a publication scheme listing the types of information that we routinely make available to the public. There is a definition document that sets out what we are expected to publish.

The statutory deadline for responding to FOI and EIR requests is normally 20 working days. There are some limited circumstances in which this timeframe can be extended.

NGESO has been subject to the EIR and this will continue as we become NESO.

From Day 1 of being NESO, we will also be subject to the FOIA.

2. What types of information rights requests are there?

- **EIR Requests** for recorded environmental information under the Environmental Information Regulations 2004.
- **Data Subject Access Requests (DSARs)** are requests for copies of the requester's own personal data. These are covered in the data protection/privacy policies, procedures, and guidance.
- **FOI Requests** under the Freedom of Information Act 2000 can be for any recorded information (other than environmental information or the personal data of the requester) held by NESO at the time of the request.
- **Hybrid requests** may be received, e.g. part EIR and part FOI, or part FOI and part DSAR. Information Rights will separate out the constituent parts and deal with each under the appropriate legislation. Colleagues will receive instructions and advice according to the request type, but generally we will manage FOIs and EIRs in the same way – the key difference is when we need to refuse a request and use exemptions or exceptions.

3. How do I recognise an FOI or EIR request?

Requests can be from:

- anyone – not limited to customers or existing stakeholders
- an individual
- a company or organisation
- an elected official
- a request generating site (e.g. whatdotheyknow.com)
- an 'agent' on behalf of an individual or organisation, e.g. a friend, employee, journalist, solicitor.

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A request:

- may refer to FOI or EIR, but doesn't have to
- is a request for recorded information
- includes requester's name and an address (postal/email/social media)
- describes the information requested but doesn't need to give a reason for the request
- is for information that you wouldn't normally provide in response to an enquiry/falls outside BAU responses
- can be a 'round robin request' circulated to a list of organisations
- Is in writing (email, letter, social media) – EIR requests can be verbal (Customer Service number)

Is a question a valid request?

A question/questionnaire can be a valid FOI/EIR request as long as it is clear which information it refers to. The ICO uses this example:

- *"Please send me all the information you have about the application for a 24-hour licence at the Midnite Bar."*
- *"Re. Midnite Bar licence application. Please explain, why have you decided to approve this application?"*

We should respond by providing any recorded information that answers the question.

Is the requester asking for an opinion?

This would only be a valid FOI/EIR request if we have a record of a NESO opinion or a document that sets out our position.

4. Requests made via Social Media

If I receive a request via my social media accounts, is this an FOI/EIR request?

FOI requests can be made via social media, but only via NESO corporate social media channels.

If an employee is asked for information via their LinkedIn or other personal social media accounts, this isn't considered to be an FOI request to NESO and you are not required to respond. Where a social media contact states that they are making an FOI or EIR request to NESO via your personal social media account, you should direct them to the NESO corporate channels or to the FOI/EIR pages on our website.

e.g. "FOI and EIR requests via social media are only valid if they are submitted to NESO corporate accounts and cannot be made to employee personal social media accounts. Please see the FOIA and EIR information on the NESO website and direct your enquiry to NESO."

5. Out of Office Messages

If you have an externally facing role and receive external enquiries, make sure you use an out of office message when you are on leave, particularly if you are away for more than a few days.

Add an alternative contact and/or signpost to the Information Rights dotbox:

InformationRights@nationalenergyso.com.

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If you have added contact details while you are absent, the 20 working days won't start until the alternative contact receives the request.

6. When to transfer or signpost an enquirer to FOI/EIR route

- **Is the request for information that is already published?**

If yes, then just signpost the enquirer to that web page or website.

- **Is the request for recorded information that you would routinely share?**

If yes, then continue to send out the information and respond to the enquiry as you would normally.

- **Is the request for recorded information that you wouldn't share?**

This may need to be managed as an FOI or EIR request. The requester should be signposted to FOI/EIR.

7. Wording for transferring or signposting an enquirer to FOI/EIR route

For colleagues dealing with enquiries from customers and external stakeholders, the following wording can be added to an email:

We do not share this kind of information in the normal course of business [because....e.g. it's commercially sensitive, the Utilities Act prohibits us from sharing, security issues - OPTIONAL]

NESO is subject to the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) which provide rights to access recorded information held by NESO. If you would like me to forward your request to the Information Rights Team to consider under FOIA and/or EIR, please let me know. Alternatively, you can contact them directly at InformationRights@nationalenergyso.com.

Please be aware that:

- *The right of access only extends to recorded information held at the time of the request. We are not required to create new information in order to respond to a FOI or EIR request.*
- *There is a cost limit of £450 or 18 hours of staff time for FOI requests.*
- *There are a number of exemptions and exceptions to the rights under the FOIA and EIR which allow public organisations to refuse requests, e.g. where the information is commercially sensitive, would prejudice national security, or where there is a legal duty of confidentiality.*
- *Disclosures under the FOIA and EIR are considered to be disclosures into the public domain, so responses are routinely published on our website.*
- *The statutory timescale for FOIs and EIRs is 20 working days.*

You can find information about FOI and EIR on our [website](#).

FOI and EIR may not be appropriate for certain kinds of information requests. Please contact the Data Privacy and Protection Manager at [INTERNAL EMAIL ADDRESS REDACTED] for further information in relation to data sharing.

You can find information about FOI and EIR on our website.

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FOI and EIR may not be appropriate for certain kinds of information requests. Please contact the Data Privacy and Protection Manager at [INTERNAL EMAIL ADDRESS REDACTED] for further information in relation to data sharing.

We provide a range of information for customers, stakeholders and members of the public via our website and data portal.

8. What do we do if we don't understand which information the requester is asking for?

- We can ask the requester for clarification so that we know exactly which information they require.
- If we need to ask for clarification, the 20 working day clock stops and starts again (from Day 0) when clarification is received.
- If no clarification is received within 40 days, the request times out and is closed down.
- We should seek clarification as quickly as possible after receiving a request to ensure that the request is not delayed. Colleagues involved in responding to a request should therefore flag any clarification requirements as quickly as possible.

9. What kinds of information can requesters ask for?

FOI:

- All recorded information held by NESO
- This isn't limited to official documents – it covers drafts, emails, notes, recordings of telephone conversations and CCTV footage, metadata.
- It includes information created by NESO and its employees and contractors, but also information that we receive from other organisations and individuals.
- Where a supplier or service provider holds information on our behalf or the information is stored off-site, this is also covered.
- It **doesn't** cover information that is only in someone's head and we don't have to create new information in order to respond to a request.
- It **doesn't** cover information that we hold solely on behalf of another person or organisation.
- FOI requests can be made for any recorded information, but we would process requests for environmental information as EIR requests and where a requester asked for copies of their own personal data, we would treat this as a DSAR.

EIR:

Similar to the FOI list but only where the information falls within the definition of "environmental information", i.e. recorded information about:

- the state of the elements and environment
- factors affecting the environment, measures (including policies, legislation, plans and programmes) likely to affect or designed to protect the elements/environment

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- reports on the implementation of environmental legislation
- related cost-benefit and economic analyses
- impact on conditions of human health, safety and life and cultural sites.

10. Do we have to create new information or recreate deleted information?

No, FOI and EIR cover recorded information held at the time of the request.

FOI and EIR apply to records:

- held in any format (including images, recordings, on systems, in Sharepoint, in paper format)
- In any NESO location
- At any off-site storage location
- Held on behalf of NESO by one of our suppliers
- Emails still in colleagues' deleted items folders

FOI and EIR do not apply to records

- Previously fully deleted or destroyed
- Information in your head – no need to create new information in order to respond to a request
- Your opinions (unless NESO has recorded an opinion or a position on a particular matter)

11. Does FOI apply to ESO information or just NESO information from Day 1 onwards?

DESNZ have said that they do not expect FOI to apply retrospectively to information held prior to Day 1.

In practice the situation may not be clear for some documents and information that we are taking into NESO and still using or relying on. We are required to consider the public interest when we receive FOI and EIR requests. We will look carefully at the timeframes of the information requested via FOI and consider the scope of our responses bearing in mind that we were not subject to FOI as a private sector company and part of the National Grid Group and balancing this with our responsibilities as NESO and the public interest. We will be particularly careful where the information in question was provided to us by a third party as third parties would not have had the expectation of disclosures under the FOIA at the time they shared information with ESO.

Good records management and adherence to records retention and disposal schedules is important to support this.

12. Can we attach conditions to the information that we disclose?

Disclosures under the FOIA and the EIR are considered to be disclosures into the public domain. We cannot attach confidentiality requirements to the information we disclose. This is why we our consideration of requests is 'applicant blind' and 'purpose blind'. It doesn't matter who has asked for the information or why they have requested it. We need to determine if the information can be disclosed into the public domain.

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13. Can we refuse an FOI or EIR request?

There is a presumption in favour of disclosure, but in some circumstances we can refuse to disclose information in response to a request.

We can refuse the whole FOI if:

- the request is not valid (needs name & address, has to be for recorded information);
- we estimate that responding to the request would exceed the appropriate cost limit (18 hours of staff time to locate, retrieve, extract the information), but must assist the requester in refining their request;
- the request is vexatious, manifestly unreasonable or repeated.

We can withhold some or all content if:

- an FOI exemption or EIR exception applies, but we normally need to confirm the information is held.

In limited circumstances we may be able to charge a fee and can make disclosure dependent on the payment of a fee.

Refusal notices/responses need to fulfil certain requirements and must be issued by Information Rights.

14. Appropriate Cost Limit

We can refuse a request where we estimate that it will exceed the Appropriate Cost Limit of £450. It must be sensible and realistic estimate.

Cost of staff time

Staff time costed at £25 per hour regardless of actual salary costs - equates to 18 hours of staff time and includes contract and external staff involved.

We can only include certain activities in the estimate of staff time.

We **can** include the time it would take to

- Establish if the information is held
- Locate, retrieve, and extract the information

We **can't** include the time it would take to

- Consider any exemptions, or apply the public interest test
- Remove or redact any exempt information
- Add any contextual information.

Non-staff costs

We can also include non-staff costs e.g. purchase of new software to retrieve information or costs of retrieval from commercial off-site storage etc.

Aggregating requests

We can aggregate FOI requests (but not EIRs or DSARs) where the:

- are made by one person, or by different persons who appear to be working together;

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- relate, to any extent, to the same or similar information; and
- are received by NESO within any period of 60 consecutive working days.

When a request arrives, flag immediately if you think it may take longer than 18 hours of staff time. If you realise part way through the searches for information, stop and contact Information Rights immediately.

15. Exemptions and Exceptions

The **starting point and default position** for any request is that the information will be disclosed. We consider concerns about disclosure to establish whether there are any potential negative impacts that would warrant the use of an exemption or exception and the refusal of a request.

If you are asked to provide information for a FOI/EIR request and have concerns about the disclosure of information into the public domain, please explain:

- Nature of the impact** – this enables selection of the most appropriate exemption(s)/exception(s)
- Likelihood of impact** – assists with the assessment of prejudice or adverse effect. More likely than not? Remote possibility?
- Severity of impact** - assists with the assessment of prejudice or adverse effect. Significant or trivial?
- Causal Link** – we need to demonstrate the relationship between disclosure and the impact.

Colleagues do not need to remember the exemptions and exceptions or be able to apply them. Information Rights will provide this expertise and advice and will be the decision maker for exemptions and exceptions.

The exemptions and exceptions are as follows:

FOI Exemptions	
Accessible to applicant by other means	Audit functions
Intended for future publication	Parliamentary privilege
Research information	Formulation of government policy
Security bodies	Prejudice to the effectiveness of public affairs
National Security	Health and Safety
Defence	Environmental information
International relations	Personal data of the applicant
Relations within the UK	Personal data (third party)
The economy	Information provided in confidence
Investigations	Legal professional privilege
Law enforcement	Commercial interests
Court records	Prohibitions on disclosure
Communications with His Majesty/Honours	

EIR Exceptions	
Information not held	Intellectual Property rights
Manifestly unreasonable	Confidentiality of proceedings
Request too general	Commercial information
Drafts/unfinished documents/incomplete data	Interests of the person who provided the information
Internal communications	Environmental information

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International and national interests	Personal data
Justice	

16. The Public Interest Test (PIT)

Some FOI exemptions and all EIR exceptions require a Public Interest Test. This involves another balancing exercise. Each PIT needs to be undertaken on a case-by-case basis, taking into account the specifics of the request and the circumstances at the time of the request. The public interest arguments for and against disclosure need to be weighed up. The PIT may support the use of an exemption/exception or indicate that the public interest in disclosure overrides the arguments in favour of applying an exemption/exception and refusing the request.

The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society.

Examples include:

- Transparency and accountability, to promote public understanding and to safeguard democratic processes
- Good decision-making by public bodies
- Upholding standards of integrity
- Ensuring justice and fair treatment for all
- Securing the best use of public resources
- Ensuring fair commercial competition in a mixed economy.

Public interest arguments for disclosure may include:

- General public interest in transparency
- Public interest in the issue or the information
- Suspicion of wrongdoing
- Presenting a 'full picture'.

Public interest arguments against disclosure may include:

- The need for public bodies to have space and time to fully consider policy options
- The need to reach an impartial and appropriate decision without public interference
- Preserving confidentiality to ensure effectiveness of investigations.

17. If a document is marked as “Confidential” is it automatically exempt?

Data classification schemes and protective markers should continue to be used as they govern our routine handling of information. Protective markings also provide a helpful indication that an exemption or exception may be required.

We do need to consider FOI and EIR requests on a case-by-case basis, noting that:

- The confidentiality and sensitivity of information may change over time
- Documents may be classified as Confidential on the basis of one part of the document and it may be possible to disclose a document with redactions.

Internal Use Only

18. Does FOI apply to information received from third parties?

FOI will apply to information held by NESO and this could include information that we have received from other parties.

Where we are considering the disclosure of information that we received from third parties or where the disclosure may have an impact on third parties, we will consult with those third parties.

Where they have classified a document as confidential, this is a good initial indicator of a document's sensitivity, but we will still need to consider the information on a case-by-case basis.

Documents and information provided to us prior to Day 1 will have been provided with different expectations to those following Day 1. DESNZ have said that they do not expect FOI to apply retrospectively and we will be pay particular attention to the timescales when considering information received from other organisations and their expectations at the time that they shared information with ESO or NESO.

The Freedom of Information Code of Practice sets out good practice on consultation with third parties in order to consider whether information is suitable for disclosure and highlights the expert view that the third party may be able to provide. The Code also emphasises that it is ultimately for the public authority handling the request to take the final decision on releasing information following any consultation that it undertakes.

Where colleagues work with customers and external stakeholders, it may be helpful to provide them with a statement about our FOIA and EIR obligations and our approach to managing requests and to ask those third parties to highlight or mark any sensitive or confidential information that they provide to us.

19. Informing stakeholders of NESO's FOI and EIR obligations

The following general statement can be used to inform stakeholders who are sharing information with NESO of our legal obligations, but please contact the Information Rights dotbox to discuss tailoring this statement for different audiences:

NESO is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a right of access to information held by public bodies. National Grid ESO was previously subject to the EIR, but the FOIA will apply to NESO from Day 1 onwards.

NESO recognises that our partners and stakeholders will want reassurances about the confidentiality of the information that they provide to NESO and the level of care that NESO will take when considering information requests which relate to information received from commercial organisations.

When providing information to NESO you should specify which information or which types of information you regard as confidential or sensitive and the reasons for this.

NESO will look carefully at exemptions that apply to confidential and commercially sensitive information, personal data, information that could harm national security, and to any information where there is a statutory obligation of confidence (e.g. under Section 105 of the Utilities Act or under our licence conditions) and will consult with organisations that have provided information to us.

The exemptions only apply to genuinely confidential and commercially sensitive information so you should only mark information as confidential where this is actually the case. FOI and EIR requests need to be considered on a case-by-case basis, noting for instance, that the sensitivity of information may change over time and a document may be marked as confidential on the basis of some, but not all, of the content being sensitive.

NESO will not disclose information that you have provided to us marked as confidential without consulting with you first.

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NESO have the legal obligations under these laws and are accountable for decisions to disclose information or to refuse information requests. We also have an obligation to consider the wider public interest and to conduct a public interest test to many of the FOI exemptions and all the EIR exceptions.

The Freedom of Information Section 45 Code of Practice, to which NESO is committed to follow, sets out good practice on consultation with third parties in order to consider whether information is suitable for disclosure and highlights the expert view that the third party may be able to provide. The Code also emphasises that it is ultimately for the public authority handling the request to take the final decision on releasing information following any consultation that it undertakes. The FOIA and EIR are regulated by the Information Commissioner's Office which may review NESO's handling of requests and its responses.

20. Can requesters ask for information about employees?

Yes, under the FOIA they can ask for information about employees, however there is a personal data exemption under the FOIA and a similar exception under the EIR.

There is an overriding public interest in the publication of some information about Board members and our Executive leadership team. There is usually much less justification for disclosure of information about other employees and NESO has obligations under data protection legislation.

We may provide anonymised or aggregated data in response to a request. When considering information requests relating to our employees, we will take particular care with datasets which relate to sensitive areas, small numbers which could allow identification, and where data could be combined with other information to identify individuals.

All requests will be considered on a case-by-case basis and we will look carefully at our data protection obligations, consulting and informing colleagues where necessary and appropriate. The NESO Privacy Notice for employees and contractors provides more information.

21. 'Shredding Offence'

It is a **criminal offence** to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of all or part of the information a person making a FOI or EIR request or DSAR would have been entitled to receive.

Where colleagues are asked to provide information as part of the response to an FOI or EIR request, searches must be thorough and colleagues should make Information Rights aware of all relevant recorded information.

22. Use of Private Communications Channels

Do not move NESO business away from corporate channels onto private channels. This could be considered an attempt to frustrate FOI, EIR, or DSAR processes. Colleagues found to be using private channels and accounts for corporate information and communications may be required to search those private channels and accounts when a request is received. These channels are also unlikely to be considered secure.

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23. Do we need to explain technical terms and acronyms or provide contextual information?

We should generally provide the full name or term where an abbreviation is used.

Where the requester demonstrates understanding by using a technical term or acronym, this may not be necessary.

We can include additional information to provide context to a response where this would be helpful to the recipient's understanding and to avoid misunderstandings.

We cannot normally refuse a request on the basis that the information may not be understood or may create a misunderstanding, so the provision of explanations and contextual information is an important consideration when responding to a request.

24. Can requesters complain or appeal if they don't agree with our response?

Yes, there is an internal review process for complaints about FOI and EIR responses. Requesters can then appeal to the Information Commissioner. There are further tribunal stages for appeals. Information Rights will retain a log of all requests, together with copies of requests, responses, and decisions in case of complaints and appeals.

Colleagues may find it helpful to retain copies of related emails and documents whilst the response is being prepared, i.e. during the 20 working day deadline, but Information Rights will retain all information in case of a complaint, so colleagues do not need to retain request related emails beyond this point.

25. What does FOI mean for our suppliers?

We will make potential suppliers aware that we are subject to the FOIA and the EIR and will consult with them if we receive a request relating to their information.

In some cases it may be helpful to add some contractual clauses in agreements with suppliers to cover confidentiality, consultation processes, and information retrieval requirements.

26. Roles and Responsibilities

Information Rights and Data Protection Officer shall:

- Cooperate with and be the point of contact for the Information Commissioner's Office;
- Develop and maintain appropriate policies, procedures and guidance;
- Maintain a log of all requests;
- Coordinate responses to requests for information;
- Review the content of the Publication Scheme and ensure that it is regularly updated and maintained;
- Ensure that information for requesters is available on the NESO website;
- Provide briefings and training for employees;

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- Provide advice and support to colleagues in relation to FOI and EIR;
- Undertake risk assessments and put in place appropriate controls to manage identified risks, and monitor, review and update risk assessments and controls on a regular basis and in accordance with NESO's enterprise risk management policies and processes;
- Provide reports to the Board and/or the Executive Committee as required and at least annually;
- Identify an appropriate senior leader to conduct internal reviews when required and support the internal review process.

All employees shall:

- Respond promptly and fully to any requests for information from the Information Rights and Data Protection Officer in relation to FOI and EIR and provide contextual information or further explanation where required.
- Manage the information and data within their individual and shared files in accordance with NESO records management and data governance policies to ensure that information can be located quickly in the event of a request.
- Direct customers, stakeholders, enquirers, and members of the public to the NESO FOI and EIR webpages and the Information Rights and Data Protection Officer.
- Forward on any potential FOI and EIR requests to the Information Rights dotbox as quickly as possible.
- Provide, maintain, and update any information required for the Publication Scheme in a timely manner.

The designated Qualified Person (designated by DESNZ) shall:

- Review any proposed use of the exemption at Section 36 of the Freedom of Information Act and provide a reasonable opinion on its applicability and use.

Suppliers and Contractors shall:

- Notify NESO if they receive a request for information intended for NESO which may be an FOI or EIR request;
- Provide information held on behalf of NESO to the Information Rights and Data Protection Officer in a timely manner when the information is required for an FOI or EIR request;
- Respond promptly to any requests for consultation in relation to information that they have provided to NESO and which is the subject of an FOI or EIR request.

For the role and responsibilities of Members of the Information Rights (FOI and EIR) Network, see section below.

27. The NESO Information Rights (FOI and EIR) Network

27.1 Aims of the Network

- To enable NESO to comply with information rights legislation and regulations
- To facilitate NESO's responses to information requests made under the

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- Freedom of Information Act (FOIA)
- Environmental Information Regulations (EIR).
- To enable NESO to meet statutory deadlines for information rights requests
- To share best practice, to resolve issues, and to monitor risks relating to information rights law and regulations.

27.2 Role of Network members

- To direct the Information Rights and Data Protection Officer to the appropriate colleagues and systems for searches for information and data and to assist with the location of requested information in their directorates or teams;
- To provide opinions on the potential impact of disclosure of information where an exemption may apply;
- To attend network meetings to share best practice, discuss and resolve issues, review compliance metrics;
- To signpost colleagues to information about information rights and NESO responsibilities.

27.3 What do Network members need to consider when consulted on a request?

When a request is sent on to a network member, the following should be considered:

a) Clarification of the request

- Is it clear which information the requester is asking for? Do we need to clarify the request?

b) Locating any information held

- Does your Directorate/team hold this information?
- Who is the best person in the Directorate to contact in relation to this information?
- Are there any other teams that may hold relevant information?
- Is the information accessible to the public by other means, e.g. NESO website, Ofgem website, public database or register?

c) Retrieving and extracting the information

- Is it likely that it would take longer than 18 hours of staff time to determine whether we hold information, to locate, retrieve and extract the information?
- Are we intending to publish this information in the future?
- Are there likely to be any issues locating, retrieving and extracting this information, e.g. staff capacity/absence, supplier holds the information on our behalf?

d) Concerns about disclosure

- Are we prohibited from disclosure/bound by confidentiality e.g. Section 105 of the Utilities Act, License conditions, contractual obligation?
- Have we received some or all of the information from third parties?
- Is it possible that disclosure would have a negative impact on the commercial interests of NESO or another party?
- Would there be a security/CNI risk if we disclosed this information?
- Would disclosure breach confidentiality?
- Is the information legally privileged?

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- Does the information contain personal data?
- Is the information marked as Confidential, Strictly Confidential, or does it have a government classification?
- Was the information collected, created or received by ESO prior to NESO Day 1?
- Other concerns? E.g. health and safety concerns, disruption to NESO's business, information in draft format

e) **Any other comments about this request/or the information held?**

27.4 Do Network members need to retain any information about individual requests?

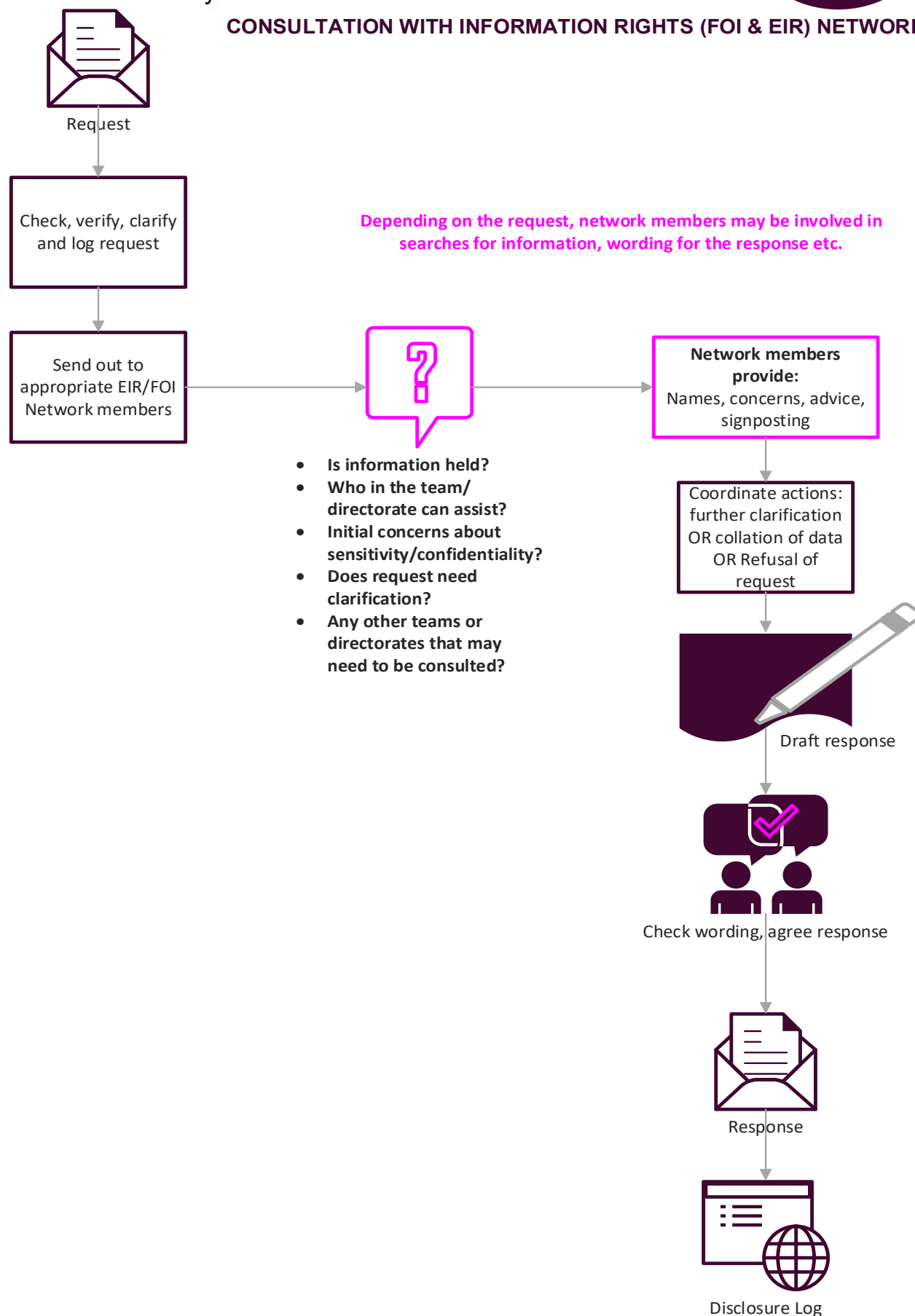
Information rights will retain copies of all relevant information, together with a log of all requests.

Requesters can make complaints but must initiate this within 40 days of receiving their response.

Network members may find it helpful to retain copies of emails and messages during the 20 working days in which the response is being prepared and for complex requests may choose to retain notes and emails in case of a complaint, but should not need to retain any information about the request once the complaint deadline has passed (i.e. 40 days after the FOI/EIR deadline).

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CONSULTATION WITH INFORMATION RIGHTS (FOI & EIR) NETWORK



Start Searching...



Freedom of Information

FOI and EIR Essentials

Both pieces of legislation have 2 key requirements:

- To proactively publish information – for FOI this is in the form of a Publication Scheme
- To respond to individual requests for recorded information held by NESO within the 20 working deadline.

We also have a duty to advise and assist requesters.

What does this mean for NESO employees?

We need all employees to:

- Identify FOI and EIR requests arriving via BAU routes and NESO dotboxes.
- Send potential FOIs/EIRs to [REDACTED] without delay – the 20 working day deadline starts when any NESO employee receives a request.
- Direct stakeholders and enquirers to FOI/EIR information on the website (including in employee “out of office” messages).
- Respond promptly to requests to assist with searches for FOIs/EIRs.

- Flag any concerns and issues about the disclosure of requested information.
- Follow data management policies and good practice.
- Keep communications (e.g. email, Teams chat) accurate and professional.

What do FOI and EIR requests look like? How do I spot one? —

- They are non-BAU requests for recorded information held by NESO or on behalf of NESO at the time of the request.
- Requesters don't have to specify FOI or EIR in their request.
- Requests should be in writing but can be received via social media channels. EIR requests can also be made by telephone/verbally.
- FOI requests can be submitted by anyone, anywhere in the world – individuals and organisations/businesses.
- Dedicated dotbox for FOIs and EIRs: [REDACTED]
- Requests can also be received by any member of staff and via other dotboxes and BAU channels.

What's covered under FOI? —

- All recorded information held by NESO.
- This isn't limited to official documents – it covers drafts, emails, notes, recordings of telephone conversations and CCTV footage, metadata.
- It includes information created by NESO and its employees and contractors, but also information that we receive from other organisations and individuals.
- Where a supplier or service provider holds information on our behalf or the information is stored off-site, this is also covered.
- It **doesn't** cover information that is only in someone's head and we don't have to create new information in order to respond to a request.
- It **doesn't** cover information that we hold solely on behalf of another person or organisation.

If we aren't sure what the requester is asking for and need clarification or more information, we can stop the clock while we ask them to clarify.

Good Practice to Support FOI and EIR

1. It is important to carefully manage our information so that it can be located quickly:

- Follow data management policies, e.g. retention and disposal schedules, clear file names.
- Ensure version control of documents.
- Reduce/avoid duplicates – Duplication can lead to multiple versions of information which can cause confusion.
- Draft documents lose value and can become obsolete once a final version has been published. Only retain drafts for as long as you need them and where they show an audit trail or decision-making process.
- Collaboratively working on a single shared document which contains comments from all the colleagues involved helps to cut down on duplicates and different versions.

2. Remember that communications, including email and chat messages could be requested under FOI and EIR but also in Subject Access Requests (SARs):

- Do continue to record decisions, actions, discussions, and key information.
- Just keep it accurate and professional and stay on topic.

Do we always have to disclose the requested information?

The starting point and the default position is always set in favour of disclosing the requested information.

Request handling is usually applicant blind and purpose blind – i.e. the identity of the requester and the reason behind their request are not the determining factors in whether we disclose the information and we effectively release the information into the public domain.

There are exemptions for FOI requests and exceptions for EIR requests which we can apply to refuse the request and withhold the information. These include instances where information was provided to us in confidence, where disclosure would have an adverse effect on the commercial interests of NESO or another organisation, where disclosure would threaten national security or the health and safety of individuals, where we are bound by other legal constraints, and where the information is personal data.

We have to justify why an exemption applies and in many instances we need to consider the public interest in disclosing the information even if an exemption applies.

There are some limits on the time it will take us to locate, extract, and collate the information which may allow us to refuse an FOI request. This doesn't apply to EIR.

We can also refuse requests that are vexatious or "manifestly unreasonable".

When does the FOI 20 working day deadline start?

...and what happens if a requester sends a FOI request to my inbox while I am on leave?

We have 20 working days from the date of receipt to respond to a FOI request. The Information Commissioner's guidance says that if a member of staff is absent but includes contact instructions for requests while they are absent in their out of office message, then the clock doesn't start ticking until the alternative contact point receives the request. Wherever possible we should direct enquirers to team dotboxes and standard communication routes to avoid the risk of FOIs going unnoticed. External out of office messages should direct enquirers to alternative contact points and where possible should include a link to the Information Rights Dotbox. This is mostly relevant for colleagues who deal with queries from external stakeholders.

Does FOI apply to information created prior to Day 1?

DESNZ have said that they do not expect FOI to apply to NESO retrospectively. In practice it may be difficult to filter out some documents and information that we are taking into NESO and still using or relying on. We will look carefully at the timeframes of the information requested via FOI and consider the scope of our responses bearing in mind that we were not subject to FOI as a private sector company and part of the National Grid Group. Good records management and adherence to records retention and disposal schedules is important.

Should we be using different classifications for documents in view of FOI?

- Classification schemes and FOI exemptions don't correlate exactly and, although protective markings and classifications are helpful when considering

FOI requests, we normally consider information for disclosure under FOI on a case by case basis.

- When considering FOI exemptions we look at the potential impact of disclosing information into the public domain.
- FOI requests are for information rather than documents (although some requesters do ask for specific documents) so there is the possibility to redact confidential sections from an otherwise non-sensitive document which may be marked as being confidential.
- The sensitivity of information can diminish over time so what was initially classified as confidential may not be sensitive when a FOI request arrives.
- We might not want to routinely and proactively publish certain types of information, but accept that we need to disclose some of that information in response to an FOI request.
- The Data Team in DD&T are working on data management guidance and policies including classifications and we are considering FOI as part of that work. We are also liaising with DESNZ regarding security classifications and data sharing in relation to our new licence conditions. Guidance will be published but in the meantime contact [REDACTED] for more information.

Is information received from customers, partners, and stakeholders potentially disclosable under FOI?

FOI will apply to information held by NESO and this could include information that we have received from other parties. Although it is difficult to give a categorical assurance to a stakeholder in the case of FOI as we normally have to consider requests on a case by case basis, there are various exemptions that are likely to apply to this kind of information and these are particularly strong in some circumstances:

- There is an exemption for information provided to us in confidence where our disclosure of the information would result in an actionable breach of confidence.
- There is also an exemption where disclosure would prejudice the commercial interests of NESO or those of another party.
- There is an exemption where there is another legal prohibition on disclosure. So, if the information in question falls into a category that is protected by our licence conditions and Section 105 of the Utilities Act, then this FOI exemption

can be used. The ICO has already upheld some of our refusal decisions for EIR where we have cited our licence conditions and the Utilities Act.

- There are exemptions for national security, for preventing criminal activity, for scenarios where disclosure would inhibit the “free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation” and also for personal data.


Where we are routinely receiving information from third parties it may be helpful to provide them with a statement about our FOI responsibilities and our approach to managing requests. We can ask them to highlight or flag any sensitive or confidential information. Protective document markings or security classifications can be helpful in assessing the need for an exemption, but we are expected to look at requests on a case by case basis to assess whether the classification is still valid and whether some information can be provided. Where the requested data was received from or related to a third party, we would normally be expected to consult with the third party prior to disclosure. If your team deals with information that is regularly received from third parties, please get in touch [REDACTED] so that we can assess the risks and consider an approach to managing concerns from those third parties.

Are RFIs and FOIs Different?

Yes

Requests for Information (RFIs) are official requests made by government of a regulatory body under their statutory and licensing powers. Our responses are made to the requesting organisation, are not considered to be requests under the Freedom of Information Act 2000, and are not managed by the Information Rights Team.

Freedom of Information (FOI) requests and requests under the Environmental Information Regulations (EIR) can be made by anyone and our responses are considered to be disclosures into the public domain/to the world. These requests are managed by the Information Rights Team.





Guidance document

NESO FOI & EIR Guide for Colleagues

Get in touch



Data Compliance Officer – NESO General Counsel Company Secretariat

NESO Information and Records Management Supporting Policy

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Purpose

The purpose of the Information and Records Management Supporting Policy (“the supporting policy”) is to describe the Information and Records Management Policy Statements and provide the necessary context that National Energy System Operator (“NESO”) follows to manages its records and associated risks to meet its overall strategic objectives, regulatory, and legislative requirements.

The objective of the policy is to:

- Provide a comprehensive overview of the Information and Records Management Statements, context, and high-level roles and responsibilities relevant to Information and Records Management.
- Provide a consistent method to manage records across the organisation, ensuring records are fit for purpose and support legal, regulatory, and business processes.
- Ensure that information and records are complete and accurate, are kept safe from loss & damage, secured from unauthorised access, and destroyed when no longer required to meet legal, regulatory, and business requirements.
- Ensure that the organisation's policies align with business, legal, and regulatory requirements, including Ofgem Data Best Practice, enabling the organisation to meet its compliance obligations and adopt industry best practices.

Scope

This supporting policy applies to all of NESO, its employees, contractors, third party organisations, and other individuals working on its behalf, including vendors who hold or process NESO records.

It encompasses all forms of records, including but not limited to:

- Structured Records: Records stored in a consistent format e.g., within applications, End User Developed Applications (EUDAs), and databases.
- Unstructured Records: Records stored as various native data types e.g., Microsoft Word and PowerPoint documents, audio files, video files and scanned documents.
- Physical Records: Records stored in physical format e.g., paper documents, faxes, video tape recordings, photographs.
- Records from Central Record Stores: Records managed by central infrastructure e.g., email, social media.

What is a Record

Records are information created, received, and maintained as evidence and as assets by an organisation or person, in pursuit of legal obligations or in the transaction of business.

There are two types of records - Master Records and Redundant, Trivial, and Obsolete (ROT) Records.

Master Records are the primary records that serve as the evidence or asset whereas ROT Records are created, retained, and managed for informational value or for convenience purposes.

What is Information and Records Management

Information and Records Management is the practice of creating, using, protecting, retaining, and disposing of records.

A systematic approach to the management of records is essential for organisations and society to protect and preserve records as evidence of actions. A records management capability results in a source of information about business activities that can support subsequent activities and business decisions, as well as ensuring accountability to present and future stakeholders.

Records enable the organisation to:

- Conduct business in an orderly, efficient, and accountable manner.
- Meet legislative and regulatory requirements.
- Provide protection and support in litigation including the management of risks associated with the existence of or lack of evidence of organisational activity.
- Protect the interests of the organisation and the rights of employees, clients, and present and future stakeholders.

The Information and Records Management practices are categorised into the following capabilities:

1. Record Ownership
2. Record Indexing
3. Record Retention
4. Record Storage
5. Record Retrieval
6. Record Disposal

Information and Records Management Policy Statements

Information and Records Management Policy Statements outline the minimum requirements needed to uphold NESO's Mandatory Data Principles and mitigate data risks. These Policy Statements are accompanied by the Information and Records Management Standards & Procedures Documents, which provides clear guidelines on how to implement and achieve these standards in a practical and efficient manner.

Principle 7 in [NESO's Data Policy](#) states that '**Records are owned, managed, stored, retained, and disposed of according to legal, regulatory, and business requirements**'.

This Data Principle is supported by the following Information and Records Management Policy Statements:

1. Record Ownership Policy Statement

This Data Principle is supported by the following Record Ownership Policy Statement:

1. **Directorate Heads must appoint a Record Owner for all Master Records within their Directorate.**

Record Owners are responsible for the compliance of the supporting policy, and associated controls and procedures underneath it, that are under their ownership. This accountability includes determining who is allowed to have access to it, how it is allowed to be used, how long it must be retained and when it needs to be destroyed. They are also able to nominate Record Coordinators who can perform delegated activities related to Information and Records Management on their behalf.

Please refer to the [Record Ownership Standards & Procedures](#) document.

2. Record Indexing Policy Statements

This Data Principle is supported by the following Record Indexing Policy Statements:

1. **Record Owners must identify their Master Records and ensure they are documented in the Record Retention Inventory.**
2. **Record Owners must identify their Vital Records within the Record Retention Inventory and manage them appropriately.**

The Record Retention Inventory is a centralised repository housing a comprehensive list of all the master records in NESO, including the legal, regulatory, business and technology metadata required to manage those records.

Vital Records are defined as records, in any media, that are essential to the continuation of business following an incident. This includes operationally critical data and information deemed essential to the continued supply of energy through NESO networks.

Please refer to the [Record Indexing Standards & Procedures](#) document.

3. Record Retention Policy Statements

This Data Principle is supported by the following Record Retention Policy Statements:

1. **The Information Lifecycle Manager must ensure that record retention requirements are accurately documented in a published Record Retention Schedule.**
2. **Record Owners must ensure that Record Storage Owners apply the retention requirements for the records they own.**

The Record Retention Schedule is a centralised repository housing a comprehensive list of all Record Types in NESO, with the associated legal retention requirements including retention trigger and retention period.

Record Storage Owners refer to those managing records on behalf of the Record Owner, and can include Business System Owners, internal / external suppliers, the Information Lifecycle Manager, the Record Owners/Coordinators themselves and others, depending on where the records are stored and the relationship with the internal/external supplier.

Please refer to the [Record Retention Standards & Procedures](#) document.

4. Record Storage Policy Statements

This Data Principle is supported by the following Record Storage Policy Statements:

1. **Record Owners must ensure that the format and location of their Master Records comply with any legal, regulatory & business specific requirements.**
2. **Record Owners must ensure that Master Records which are formed from scanned physical records adhere to any additional applicable specific requirements relating to the use of scanned images.**

Record Storage describes how and where Master Records should be stored, including the legal, regulatory, business and technology requirements and decisions needed to ensure compliance.

Scanning is the process of digitisation of physical records to a digital format still admissible as evidence for any legal or regulatory proceedings.

Please refer to the [Record Storage Standards & Procedures](#) document.

5. Record Retrieval Policy Statements

This Data Principle is supported by the following Record Retrieval Policy Statements:

1. **Master Records must be retrievable within the defined Service Level Agreements (SLAs).**
2. **Record Owners must ensure that Record Storage Owners have retrieval processes in place that are compliant with Legal and regulatory requirements and the defined SLAs.**

Records retrieval is where Master Records need to be identified and sourced due to regulatory, legal or compliance requests, such as during Freedom of Information (FOI) requests, Right to Erasure, or internal compliance investigations.

All record stores which store Master Records must have a compliant record retrieval process which can meet the required SLAs, which are internal Service Level Agreements designed to ensure the processes they support can meet their deadlines.

Please refer to the [Record Retrieval Standards & Procedures](#) document.

6. Record Disposal Policy Statements

The Data Principle is supported by the following Record Disposal Policy Statements:

1. **Record Owners must define, document, and operate a disposal process where Master Records are selectively disposed as soon as practically possible but no longer than 12 months of their record retention expiry date, unless subject to Legal Hold.**
2. **Records Owners and Record Storage Owners must ensure records under Legal Hold are managed in line with legal and regulatory requirements.**
3. **Record Owners must review their redundant, obsolete, or trivial (ROT) records at least every 12 months and destroy them when no longer required.**

Record Disposal is the selective disposal of Master Records once the record retention period has expired, where there are no legal or regulatory restrictions preventing disposal.

Legal Hold refers to the requirement where due to a litigation or an investigation it may be requested that certain records be prevented from being deleted, even if they are due to be disposed of according to the retention schedule.

ROT disposal is the process where redundant, obsolete, or trivial records are reviewed and disposed of which are not captured by the regular disposal process where they are no longer required.

Please refer to the [Record Disposal Standards & Procedures](#) document.

Roles and Responsibilities

Information and Records Management Supporting Policy specific roles and responsibilities are summarised below. More detailed roles and responsibilities can be found in the Information and Records Management Standards and Procedures Documents.

Roles	Responsibilities
Directorate Head	<ul style="list-style-type: none"> Accountable for driving compliance with the policy within their business unit or function Accountable and responsible for identifying and appointing Records Owners in their business areas. Responsible for supporting and approving remediation activity within their business areas to comply with Information and Records Management requirements
Record Owner	<ul style="list-style-type: none"> Accountable for overall information and records management associated with the information and records they own Ensures compliance with the requirements, controls and procedures set out by the information and records supporting policy
Record Coordinator	<ul style="list-style-type: none"> Responsible for performing information and records management activities on behalf of the Record Owner. Where sign-off, approval or attestations are required, this must still be performed by the Record Owner
Information Lifecycle Management (ILM) Manager	<ul style="list-style-type: none"> Responsible for planning, monitoring, and enforcing the management of records as per the Information and Records Management controls and procedures Responsible for ensuring that legal, regulatory, or business records requirements are communicated to the record owners and system owners

Record Storage Owner	<ul style="list-style-type: none"> Accountable for ensuring record stores meet the overall records management needs of the business area, including the legal and regulatory requirements and controls, with guidance from Record Owners. This could be the Business System Owner, the ILM Manager (on behalf of a third-party storage facility), or the Record Owner/Coordinator (where managing a SharePoint site)
Enterprise Architecture	<ul style="list-style-type: none"> Sets standards for Information and Records management architecture aligned to the policy Responsible for deciding and approving technology solutions for Information and Records Management
DD&T Strategic Business Analyst	<ul style="list-style-type: none"> Leads change initiatives and projects required to adhere to Information and Records Management controls and procedure requirements
Data Council	<ul style="list-style-type: none"> Responsible for approving appointed Record Owners and the Record Retention Schedule
Legal Team	<ul style="list-style-type: none"> Responsible for confirming whether records are subject to Legal Hold, Legal hold requirements and when said hold should be lifted Responsible for providing and agreeing retention schedule requirements regarding legal and statutory laws and guidance Responsible for requesting the retrieval of records as per their legal, regulatory and compliance processes
Data Protection Officer	<ul style="list-style-type: none"> Responsible for confirming whether records are subject to Legal Hold, Legal hold requirements and when said hold should be lifted Responsible for providing and agreeing retention schedule requirements regarding privacy and personal data laws and guidance Responsible for requesting the retrieval of records as per their legal, regulatory and compliance processes
Ethics & Compliance Team	<ul style="list-style-type: none"> Responsible for confirming whether records are subject to Legal Hold, Legal hold requirements and when said hold should be lifted Responsible for requesting the retrieval of records as per their legal, regulatory and compliance processes

Appendix

Associated Legislation & Frameworks

The policy aligns to regulations, licensing conditions and frameworks including: Freedom of Information Act 2000, UK General Data Protection Regulation (GDPR), Public Records Act, Limitation Act, Inquiries Act, Ofgem Data Best Practice, Data Protection Act, Data Protection and Digital Information bill and Information and documentation - Records Management (ISO 15489).

In the event there is a change or amendment to legislation and frameworks, a review of all associated Policy, Supporting Policy, Standards and Procedures documents must be reviewed and updated.

Associated Documentation

- [Record Ownership Standards & Procedures](#)
- [Record Indexing Standards & Procedures](#)
- [Record Retention Standards & Procedures](#)
- [Record Storage Standards & Procedures](#)

8. [Record Retrieval Standards & Procedures](#)
9. [Record Disposal Standards & Procedures](#)

Compliance With This Supporting Policy

Failure to comply with this supporting policy may result in disciplinary action up to and including dismissal, in accordance with NESO's disciplinary procedures.

Supporting Policy Exceptions & Retained Risk

Divergence from this policy may threaten NESO's business and operations. Where there is a compelling business case, exceptions from this policy may be permitted under certain conditions.

All requests for exceptions must be the subject of a cost benefit analysis, and risk assessment to determine appropriate risk treatment, and - in the event the exception is approved - the retained risk.

Supporting Policy Exception Requests, assessments, denials, and approvals must be documented and recorded.

Approvals must be made by persons in positions accountable for accepting the retention of risks on behalf of NESO, in accordance with an authorised approval matrix. Retained risk will be subject to regular review.

Review & Continual Improvements

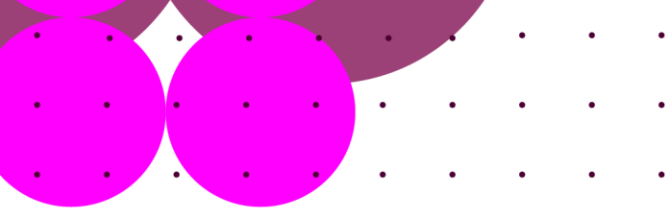
The Information and Records Management Supporting Policy will be updated to reflect changes in technology, regulations, threats, and business requirements on an ad-hoc basis and will be reviewed annually.

Document Details

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Owner	██████████
Role	Data Privacy and Information Lifecycle Manager
Author	██████████
Team	Data Privacy and Information Lifecycle
Approved by	██████████
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Amendments

Version	Date	Change details
0.1	17-July-2024	Initial document drafted



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1.0 13-Sept-2024 Moved to new template

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