

## Public

Ref: FOI/25/092

National Energy System Operator

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10 September 2025

Dear requester

## Request for Information

Thank you for your request for information which we received on 12 August 2025.

Your request has been considered under the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR).

## Request

You asked us for copies of all email correspondence between NESO staff and a list of named Department for Energy Security and Net Zero (DESNZ) officials relating to Future Energy Scenarios 2025 (FES 2025) documents between 00:00 May 5th and 23:59 July 14<sup>th</sup> 2025.

You also submitted a similar request with a different list of names. We are responding to that request (Reference FOI/25/093) separately.

## Our response

You say in your request that you understand there was significant close working between NESO staff and DESNZ official on the documents. FES 2025 is an independent, expert and impartial report and our Future Energy Scenarios are a longstanding programme of work, initially published by ESO and now NESO.

In terms of the recorded information held by NESO, we have conducted searches of our email system and consulted with the teams in question. We can confirm that we do not hold any emails between NESO employees and any of the DESNZ officials named in your request.

You can access the FES 2025 documents on our website here: [Future Energy Scenarios \(FES\) | National Energy System Operator](#).

### **Advice and assistance**

For FOI/25/092 and 093 you have designated them as “part 1” and “part 2” which implies that you are aware that these are similar requests which you are splitting to avoid issues of cost. The cost limit was not an issue for these requests as we do not hold recorded information that fall within the scope of the requests, however, we added some advice relating to the splitting of requests in a previous FOI/EIR response to you and are providing some of this advice again here due to the way that you submitted these two requests.

Under Section 12 of the FOIA, public authorities are able to aggregate two or more separate requests for the purpose of estimating the costs of complying with those requests. The ICO references this in its guidance on costs and Section 12: [Requests where the cost of compliance exceeds the appropriate limit \(section 12\) | ICO](#). In particular, you may find it helpful to understand the conditions for aggregation which are set out in regulation 5 of the Fees Regulations:

- The requests are made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- The requests relate, to any extent, to the same or similar information; and
- The requests are received by the public authority within any period of 60 consecutive working days.

There is no direct equivalent under the EIR, however, costs and burden that a request poses to a public authority can be taken into account when determining whether a request is manifestly unreasonable and therefore covered by the EIR exception at Regulation 12(4)(b). The ICO guidance on manifestly unreasonable requests provides further explanation: [Manifestly unreasonable requests - Regulation 12\(4\)\(b\) \(Environmental Information Regulations\) | ICO](#)

Although the FOIA fees regulations do not apply under the EIR and there is no specific provision for the aggregation ‘of substantially similar’ requests, the ICO takes the view that it is permissible to consider a number of EIR requests together when deciding if they are manifestly unreasonable because of cost or burden. This approach was taken in a ICO case [FS50464000](#) and is in line with the approach to requests considered manifestly unreasonable on the grounds that they are vexatious in the wider sense, where the context in which they are made can be taken into account.

NESO endeavours to consider all elements of the FOIA and EIR when responding to a request for information. We are mindful of the differences between the two sets of

obligations, the presumption in favour of disclosure that applies to the EIR, the requirements to conduct public interest tests, and the guidance on cost limits. As the ICO guidance sets out, whilst the fees regulations do not apply to requests made under the EIR and public authorities may be required to accept a greater burden when providing environmental information than under the FOIA, “we take these regulations to give a clear indication of what Parliament considered to be a reasonable allocation of resources when dealing with requests in terms of staff time.”

We hope that this advice is helpful if you are considering making further requests for information either to NESO or to other public authorities.

### **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](http://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)