

Public

Ref: FOI/25/097

National Energy System Operator

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Dear requester

Request for Information

Thank you for your request for information which we received on 19 August 2025. We have considered your request under the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR).

Request

You asked us:

Please provide the following. Where possible, supply information for the period November 2024 to the present, and ongoing forward-looking items for the next year.

Meetings, agendas, decisions, and openness

1. *Forward meeting schedule and decision calendar for the NESO Board and all executive/board committees (e.g., investment, system planning, connections/queue management, markets, data/ digital, system operations), including: dates and times of scheduled meetings (past and upcoming within the periods above); the title/purpose of each meeting; and whether decisions are expected to be taken at each meeting.*
2. *Agendas (and agenda packs if separately compiled) for the meetings listed in A1. For upcoming meetings, the latest available draft agendas are acceptable.*
3. *Minutes and decision records for the meetings listed in A1, including any formal resolutions, vote outcomes (if applicable), and action lists.*
4. *Papers circulated to decision-makers for those meetings (cover sheets, main papers, annexes), subject to lawful redaction of personal data.*

5. *Openness and public access: details of any past or planned public or stakeholder briefings linked to board/committee decisions (dates, topics, slides).*
6. *Publication scheme and routine proactive disclosure: links or documents describing what NESO routinely publishes (agendas, minutes, decision logs, datasets), the timing of publication after meetings, and any retention schedule.*
7. *Glossary or map of decision types, explaining which decisions (e.g., system planning choices, investment recommendations, queue-management policies, market-design changes) are taken by which body and at what stage.*

Our response

We confirm that we hold information in scope of your request. However, due to the breadth of your request we are refusing your request in its entirety under s.14 of the Freedom of Information Act (FOIA) and Regulation 12(4)(b) of the Environmental Information Regulations (EIR).

S.14 of the Freedom of Information Act states: '*Section 1(1) [of the FOIA] does not oblige a public authority to comply with a request for information if the request is vexatious*'. The four broad themes that may be considered when determining if a request is vexatious are the burden on the public authority and its staff, the motive of the requester, the value or purpose of the request; and any harassment of or distress to staff. It is important to recognise that it is an information request itself that is deemed vexatious, not the individual submitting the request.

As an example of the burden on the organisation that responding to this request would represent, at question 4 of your request, you have requested access to '*Papers circulated to decision-makers for those meetings (cover sheets, main papers, annexes), subject to lawful redaction of personal data.*' NESO's [Board and Board Committees](#) have met on 29 occasions since 1 November 2024. The [Operations Committee \(OpCo\)](#) and [Executive Committee \(ExCo\)](#) have met on 62 occasions (including sub-committees). In order to respond to this question alone, NESO's Information Rights team would be required to review the papers circulated for each of those 91 meetings, not only to redact personal data but also to determine whether it is necessary to apply any other exemption (or exception in the case of 'environmental information' as defined at Regulation 2(1) of the EIR) to any of the information within those circulated papers. It is likely that for some, if not all, papers the Information Rights team would be required to consult with subject matter experts within NESO to determine whether an exemption or exception applies. We need to consider the potential for disruption to the delivery of other services caused by staff having to spend time dealing with a request.

We are not refusing this request under Section 12 of the FOIA, i.e., that compliance with a request would exceed the appropriate cost limit, because the time taken or likely to be taken in considering whether any exemptions apply cannot be taken into account when calculating the likely cost to the organisation. It is a useful exercise however to consider the time it would be likely

to take to review and prepare for disclosure the papers circulated for these 91 meetings as an illustration of the burden to staff in addressing just one part of your request. Regulation 3 and 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the 'Fees Regulations') prescribe the appropriate cost limit as £450 and for those costs to be estimated at a rate of £25 per person per hour i.e., the 'appropriate cost limit' is 18 hours of staff time. To complete a review of all information held for each meeting within 18 hours we would be required to spend less than 12 minutes per meeting. Although the amount of information circulated in each meeting pack will vary, it is evident that this exercise would exceed 18 hours of staff time.

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. It is highly likely that there would be information within board and committee papers that would be exempt from disclosure, and we cannot therefore consider disclosure without a full and complete review. This leads us to conclude that there would be a significant burden on the organisation in responding to question 4 alone.

Given the nature of NESO's remit, recorded Information that meets the scope of your request will also meet the definition of 'environmental information' provided by Regulation 2(1) of the EIR. Regulation 12(4)(b) of the EIR states that a public authority may refuse a request that is 'manifestly unreasonable', where to respond would be likely to cause a disproportionate cost or burden. Again, it is the request that is considered to be 'manifestly unreasonable', not the individual who has submitted that request.

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 acknowledge that we are normally expected to exceed the FOIA appropriate cost limit for EIRs but, as addressed above, responding to this request would require significant resource from both the Information Rights Team and specialist teams across NESO.

Alongside the cost and time burden on an organisation, public authorities can consider 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. Although we recognise that understanding the decision-making processes of a public organisation is in the public interest, and NESO maintains an ethos of transparency and accountability, a request for information on all board and committee meetings, and corresponding stakeholder events does appear to be a 'speculative request'. The ICO's guidance on FOI and EIR requests is clear that speculative

requests or 'fishing expeditions' are not necessarily problematic, vexatious, or manifestly unreasonable, but does refer to the potential for such requests to impose a significant burden on public organisations by obliging us to sift through and review a substantial volume of information, and for such requests to encompass information which is only of limited value because of the wide scope of the request.

We are required to consider the public interest for all EIR exceptions. We are mindful of the presumption in favour of disclosure as set out in the EIR and the ICO's guidance to consider extending the EIR deadline before refusing a request as manifestly unreasonable. We acknowledge the general public interest in transparency and accountability in public life. There is also a public interest in providing information about the decision-making of public organisations to allow members of the public to better understand how decisions are made that directly or indirectly impact on them as energy consumers and enable them to participate in public debate and stakeholder engagement.

The public interest argument in favour of the exception is that it is not in the public interest to place a disproportionate burden on public authorities and corporations and to draw resources away from the delivery of our public tasks and licensed activities. This argument is supported by the fact that NESO makes a wide range of information publicly available and engages with the public on a wide range of issues. In the advice and assistance section below, we have provided links to publicly available information.

Given the scope of your request and the estimated staff time to review and prepare information for disclosure to the public we are refusing your request under Section 14 of the FOIA and Regulation 12(4)(b) of the EIR. This is because we believe that to respond to your request would represent a disproportionate burden on the organisation and its staff (both in terms of cost and time), and the speculative nature of this request means that we cannot clearly determine that the value or purpose of the request would justify the burden.

This concludes our response to your request.

Advice and assistance

Article 16 of the FOIA and Regulation 9 of the EIR require a public authority to provide advice and assistance. You may wish to refine your request in such a way that we would be able to allocate reasonable resource to managing the review of the information held.

As we do not know what your specific areas of interest may be, it is difficult to provide specific advice on how you may wish to refine your request however we have provided links below to publicly available information that may assist you to narrow the focus of your request. Limiting your request to a particular type of record, or for information relating to a specific topic may assist us to provide a focused response. For example, you may wish to review the published Board minutes and request information on the decision-making process relating to a specific item.

Should you submit a refined request, we will consider it as a new request under the information rights legislation.

- The minutes of the NESO Board and Board Committees are published following approval: [Meet the NESO Board | National Energy System Operator](#).
- Information on the Operations Committee and Executive Committee and their remit is available here: [Executive Leadership Team | National Energy System Operator](#).
- NESO's [Data Portal](#) was introduced as part of the RIIO-2 business plan to facilitate access to publicly available datasets, and to enhance the transparency of our decision-making.
- Information on NESO's Stakeholder Groups can be accessed here: [NESO's stakeholder groups | National Energy System Operator](#). The Independent Stakeholder Group reviews our engagement with external stakeholders, making sure our plans reflect our stakeholders' priorities, as well as driving value for consumers: [Independent Stakeholder Group \(ISG\) | National Energy System Operator](#). Examples of engagement with stakeholders can be found across the NESO website in relation to our projects and reports. Please note that, although we are not refusing your request under S.12 of the FOIA, we have considered whether to respond to Q5, in which you have asked for '*details of any past or planned public or stakeholder briefings linked to board/committee decisions (dates, topics, slides)*.' in isolation would exceed the appropriate cost limit. To identify all recorded information on stakeholder engagement that relates to all decisions made by the NESO Board or Committees since 1 November would be likely to exceed 18 hours of staff time. We would be required to locate recorded information held by any and all teams whose work has contributed to the development of a project or workstream that ultimately required Board or Committee approval.
- NESO's Publication Scheme is available here: [Freedom of Information and Environmental Information Regulations | National Energy System Operator](#). As a new public corporation we continue to build and develop the publication scheme.
- Our Annual Report and Financial Statements for 2024/25 will be published following approval by the Board and will be available here: [Annual report and accounts | National Energy System Operator](#).
- We regularly publish organisational level performance reports: [How we're performing under RIIO-2 | National Energy System Operator](#).

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)