

**Public**

Ref: FOI/25/106

National Energy System Operator

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Dear requester

**Request for Information**

Thank you for your request for information which we received on 29 August 2025. This letter is a formal response to your request under the information rights legislation. We have provided some information on our obligations under the legislation in the advice and assistance section which may be helpful.

**Request**

You asked us: *We require the half-hourly power flow data from the last 3 years (August 2022 to August 2025) for:*

- *Dyce Grid Transformers (GT1 and GT2)*
- *XPN 132kV circuit which is connected to the Dyce Grid Supply Point (GSP)*
- *XPS 132kV circuit which is connected to the Dyce Grid Supply Point (GSP).*

**Our response**

In your email you asked that we consider your request under the Freedom of Information Act 2000 (FOIA). We have however determined that the information you have requested meets the definition of 'environmental information' at Regulation 2(1) of the Environmental Information Regulations 2004 (EIR). The exemption at Section 39 of the FOIA covers information that a public body is obliged to consider under the EIR and has the effect of routing all requests for environmental information via the EIR rather than the FOIA. We have therefore considered your request under the EIR.

Our obligations under the EIR are to confirm whether we hold recorded information in scope of your request and to disclose that information unless an exception applies. Where an exception is engaged, we can withhold that information from disclosure. Responses to requests submitted under the EIR (and the FOIA) are to the public and published on our external website.

We can confirm that NESO holds information in scope of your request.

Regulation 12(5)(e) of the EIR states that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

The requested information has been provided to us by the Transmission Owner, SSEN Transmission, in confidence and only for the purpose of our licenced activities.

The Electricity Transmission Standard Licence Conditions state at Condition D2, paragraph 1 *'The licensee shall, in accordance with the STC [System Operator Transmission Owner Code], provide to the ISOP the transmission services set out in paragraph 2'.*

Paragraph 2 *'The transmission services which the licensee shall provide in accordance with paragraph 1 shall consist of the following ... (c) a means of enabling the ISOP to obtain information in relation to the licensee's transmission system which is needed by the ISOP to enable it to co-ordinate and direct the flow of electricity onto and over the national electricity transmission system and, consistent with such means, providing such information to the ISOP.*

NESO is the Independent System Operator and Planner (ISOP).

NESO is bound by the confidentiality obligations under the System Operator Transmission Owner Code (STC) when we receive information for the purposes of our system operator business. NESO also falls within the scope of the Utilities Act 2000, and Section 105 of that Act makes it a criminal offence to disclose information:

- a) obtained under the Utilities Act 2000 and any other key energy legislation such as the Gas Act 1986 and the Electricity Act 1989, subject to specific exceptions; and
- b) where the information relates to the affairs of any individual or any particular business during the lifetime of the individual or so long as the business continues to be carried on.

In our opinion, the information in question is subject to the restrictions at Section 105 of the Utilities Act and does not fall within any of the limited exceptions to that duty of confidentiality. Beyond this, there is also a common law duty of confidentiality based on the expectations of the Transmission Owners, and the STC.

All exceptions in the EIR are subject to a public interest test.

NESO is mindful that the EIR requires us to apply a presumption in favour of disclosure when considering the public interest test.

We recognise that there is a strong public interest in organisations operating with openness and transparency and acknowledge our crucial role within the energy sector, recognising the importance of the data we hold. We actively embrace the need to share data when appropriate to do so, fostering transparency, innovation, and collaboration. We recognise that it is in the public's interest to know that the transmission network is efficient and reliable.

The Information Commissioner has acknowledged that there is an inherent public interest in maintaining commercial confidences. In addition, in order to fulfil our statutory and licence obligations as the independent system operator and planner (ISOP) under the Energy Act 2023, we must remain independent, fair, and consumer focused. Disclosure of information relating to a single GSP and connected circuits would not support these obligations. Disclosure of information provided to us that relates to the network infrastructure owned and managed by TOs is likely to harm the relationship between NESO and the TOs, as well as breaching our confidentiality obligations, and would be likely to reduce trust in NESO more widely in the energy sector.

Having weighed up these public interest arguments, our opinion is that the balance of the public interest lies in maintaining the exception and withholding the confidential information provided by the TO.

This concludes our response to your request.

### **Advice and assistance**

In your email of 29 August 2025, you provided some information to us on the purpose of your request and who you would be sharing the requested information with, indicating that you are aware that there is some information held by NESO that we may not be able to make available to the public.

Disclosures of information under the information rights legislation (the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR)) are considered to be disclosures into the public domain/to the world, not just to an individual requester. There is a presumption of disclosure under the legislation, however where an organisation holds information, but it is not appropriate for that information to be made publicly available, there are a number of exemptions and exceptions to the right of access provided by the legislation.

The information rights legislation is not always the most appropriate route by which to request some types of information. We would be unlikely to disclose any similar information in response to a request made under the information rights legislation, but consider all requests on an individual basis. Were we to consider sharing this information directly with you outside of the legislation, we would need to consult with SSEN-Transmission as the data owner. You may therefore wish to contact them directly to request this information. Although SSEN-T are also subject to the EIR (not the FOIA) and may not be able to disclose this information under the legislation, it may be possible to explore other data sharing methods directly with the data owner. [Contact Us - SSEN Transmission](#).

For information on FOIA and EIR at NESO please visit: [Freedom of Information and Environmental Information Regulations | National Energy System Operator](#)

Information on NESO's Data Sharing Approach can be found here: [Data Sharing Approach | 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](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)