

Public

Ref: FOI/25/112

National Energy System Operator
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Dear requester

Request for Information

Thank you for your request for information which we received on 5 September 2025.

Your request has been considered under the Environmental Information Regulations 2004 (EIR) as we believe that the information requested falls within the definition of environmental information as set out in Regulation 2(1) of the EIR.

Request

You asked us for: *Open points' locations in SPT area (132 kV network)*

Our response

We confirm that we hold information in scope of your request. However, we consider the information you requested to be exempt from disclosure under Regulation 12(5)(a) and 12(5)(e) of the EIR.

NESO is responsible for the system operation of the transmission networks in England, Wales, Scotland and in the surrounding offshore waters. The network infrastructure is owned by three onshore Transmission Owners (TOs) including Scottish Power Transmission (SPT) in central and southern Scotland.

The exception at Regulation 12(5)(a) allows us to withhold information that would adversely affect national security or public safety. Circuits within the national grid are considered to be critical national infrastructure and any damage to this infrastructure could have an impact on the security of energy supply and public safety. The data you requested has been shared with NESO as the system operator for operational and planning purposes. The assessment of NESO and SPT is that disclosing the information would pose a security risk.

Whilst we are in no way suggesting that you intend to use information for malicious purposes, any disclosure under the EIR or FOIA is to the world at large, including terrorists and other bad actors. In the current geopolitical and security environment, there is a need for NESO to take a very careful approach with regard to the disclosure of information relating to critical national infrastructure.

Information is covered by the exception at Regulation 12(5)(e) of the EIR if:

- The information is commercial or industrial in nature;
- Confidentiality is provided by law;
- The confidentiality is protecting a legitimate economic interest;
- The confidentiality would be adversely affected by disclosure.

The requested information has been provided to us by the Transmission Owner, SPT, in confidence and only for the purpose of our licenced activities. Our use of this exception is primarily in respect of ensuring no third party/company gains an unfair commercial advantage from disclosure of the information.

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

Paragraph 2 states *'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 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.

There is, however, an extremely weighty public interest argument in protecting critical national infrastructure and the security of energy supply. NESO needs to protect critical national infrastructure in a volatile and hostile geopolitical climate in which energy related infrastructure and sources have been targeted in other parts of the world.

There is also a public interest in ensuring no third party/company is materially disadvantaged through disclosing confidential commercial information. NESO has a public duty under our licence to facilitate competition within the energy market and there is a recognised public interest in allowing competition in the energy industry. Increased renewable generation is crucial to the Government achieving its net zero and clean energy targets and anything that unjustifiably inhibits the competitive development of that renewable generation runs counter to these goals.

NESO is the designated independent system operator and planner under the Energy Act 2023 and must remain independent, fair, and consumer focused. 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 exceptions in Regulation 12(5)(a) and 12(5)(e) and withholding the information.

This concludes our response to your request.

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)