

Public

Ref: FOI/26/036

National Energy System Operator
Faraday House
Gallows Hill
Warwick
CV34 6DA

InformationRights@neso.energy
www.neso.energy

5 June 2026

Dear requester

Request for Information

Thank you for your request for information which was received by NESO on 8 May 2026. Your request has been considered under the Environmental Information Regulations 2004 (EIR) as the requested information falls within the definition of environmental information in Regulation 2(1)(c) of the EIR.

Request

You attached a copy of the 'MBSS Data March 2025' Excel file which can be downloaded from the MBSS archive on the [Balancing costs](#) page of the NESO website and asked:

Previously NESO has published MBSS data in the attached format. I would like NESO to provide updated data in this format for the year 2025/26.

Our response

We confirm that we hold information in scope of your request.

The underlying data you requested for 2025/26 is publicly available from the NESO Monthly Balancing Services Summary Dashboard: [Balancing costs | National Energy System Operator](#). Below the MBSS Dashboard, the supporting data is published in csv format.

Regulation 6(1)(b) of the EIR provides that a public authority is not required to provide access to information in a particular form or format where the information is already publicly available and easily accessible to the applicant in another form or format.

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)

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31 July 2026

Dear requester

You requested an internal review of our handling of your information request, which we received on 9 June.

This internal review is specific to your information request. I have reviewed the response to see if we have met the requirements of the Freedom of Information Act 2000 (FOIA) and/or the Environmental Information Regulations 2004 (EIR). This is separate from any other complaints processes you might be engaged in with us.

My role at NESO is Information Rights and Data Protection Officer and I am the senior manager at NESO responsible for compliance with the FOIA and the EIR. I have not been involved in the handling of your request before performing this review.

My decision

Thank you for the comments in your request for an internal review which clarified that you are seeking a level of detail consistent with the previous MBSS reports. The team had not fully appreciated that your request was for more granular data. While our original response reflected ICO guidance, we should have considered your request in that context.

We do not hold the MBSS data for the time period in scope of your request in the format you have requested. We moved to the current dashboard format and hold the information to support it. While we retain raw data, compiling it into the previous report format would require considerable time and resource.

Producing the reports in the previous format required around one full-time employee for approximately two working weeks each month (over 70 hours). This equates to approximately 900 hours of staff time per year. Although producing a full year of data in one exercise may offer some efficiencies, the overall resource requirement would still be substantial. In addition, the previous format relied on SQL queries which are no longer in use. Recreating these would require further development and validation work.

The previous format also became increasingly resource-intensive due to manual data quality checks at granular level. We therefore introduced the current dashboard following stakeholder consultation which found the majority of stakeholders satisfied with the new format. The dashboard allows data to be automatically pulled through and updated thus significantly reducing manual intervention.

Regulation 12(4)(b) states that “a public authority may refuse to disclose information to the extent that...the request for information is manifestly unreasonable”.

Whilst we are in no way suggesting that your intention is unreasonable, we have determined that responding to your request will impose a disproportionate burden and unjustified level of disruption to NESO because providing the more granular data in the previous format would require considerable employee resource.

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. The FOIA has an appropriate cost limit of £450 which equates to 18 hours of staff time at the standard rate of £25 per hour and public authorities are able to refuse requests where they estimate that the cost of complying with a request would exceed this limit. The EIR do not have this cost limit, but the exception at Regulation 12(4)(b) may apply on the grounds of time/cost burden. The ICO guidance sets out that as the FOI 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. The guidance does, however, state that in considering the EIR the ICO does compare what is appropriate with the FOIA cost regulations: “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.” I am not applying a simple limit of 18 hours of employee resource, but am using this as a guide to determine that your request would create a manifestly unreasonable and disproportionate cost to NESO.

The exception in Regulation 12(4)(b) is subject to the public interest test. We recognise that there is a general public interest in public organisations being accountable and transparent.

Disclosure may increase public understanding of decision making, facilitate effective public participation in current debates about energy. NESO is always mindful of the presumption in favour of disclosure under the EIR.

However there is also a strong public interest in ensuring that public authorities can continue to deliver their statutory functions efficiently. Diverting significant resource to recreate historic report formats would not support this. Despite the presumption in favour of disclosure, the excessive burden of responding to your request means that we conclude that the public interest lies in maintaining the exception in Regulation 12(4)(b) of the EIR.

We cannot, therefore, provide the data in the original format for 2025. Even recreating the data format for one month would be overly time consuming. If you can set out a smaller range of specific data categories that you would like, we could provide some raw data in a tabular or CSV format, but cannot provide the in the previous format.

The following additional information may be of use to you:

NESO provided information about the new dashboard at the Operational Transparency Forum on 17 September 2025: [Operational Transparency Forum | National Energy System Operator](#).

Next steps

If you still feel that we have not responded appropriately to your information request, 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,

[Name redacted]

Information Rights and Data Protection Officer