

Private & Confidential Responses



Governance Standing Group Meeting – 28 October 2010

Background

Private & Confidential Response to CAP170 Company Consultation



- CAP170 received a private and confidential response to the company consultation and the response was included in the Final Amendment Report to the Authority
- The private and confidential response was not seen by the CUSC Panel and no references to the content of the response were made available to the industry
- CUSC Amendments Panel asked for the treatment of private and confidential responses to be added to the Terms of Reference for the GSG

GSG Action

- At the 27th May GSG meeting members debated this further and agreed that at least the Company name should be published
- NGET took an action to get a view from NGET lawyers and investigate if any restrictions imposed by the 1989 Electricity Act that would not allow NGET to publish the company name, and summary of the response

NGET Legal advice

- The main prohibition against disclosing confidential responses is contained in section 8.22.1 of the CUSC

8.22.1 Any representations submitted by a person pursuant to the **Amendment Procedures** may be made publicly available save as otherwise expressly requested by such person by notice in writing to **The Company**. A **WG Consultation Alternative Request** may in all cases be made publicly available.

- There is general prohibition against disclosure of information that NGET has obtained in its role as a licensee contained in section 105 of the Utilities Act

Recommendation

- A sentence in the consultation pro forma pointing out that responses are marked private and confidential will not be shared with the panel/industry and therefore would not influence the debate to the same extent as non-confidential response
- Or the Code Administrator contacts the responder in question to ask whether there is any part of the response that be shared with the CUSC Panel/industry