

Freedom of Information Act 2000
Ofgem publication scheme



22 November 2002

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Part A - Introduction

What is Ofgem?

1. Ofgem is the Office of Gas and Electricity Markets, regulating the gas and electricity industries in Great Britain and operating under the direction and governance of the Gas and Electricity Markets Authority (the Authority).
2. The Authority has statutory functions under the Gas Act 1986, the Electricity Act 1989 and the Utilities Act 2000 and is responsible for developing regulatory strategy and policy. The Authority takes all major decisions and decides policy priorities. The Authority also has concurrent powers with the Director General of Fair Trading under the Competition Act 1998.
3. Everything Ofgem does is done in the name of the Authority.
4. Ofgem's principal objective is to protect the interests of consumers, wherever appropriate, by promoting effective competition.

Part B – Statutory and Voluntary Requirements

What is a publication scheme?

5. The Freedom of Information Act 2000 (FOIA) places a requirement on all public authorities to make as much information as possible available proactively through a publication scheme. Ofgem has produced this publication scheme, which covers the work of the Authority, in accordance with the Information Commissioner's guidelines.
6. Ofgem wants to make as much information as possible available to the public. This publication scheme therefore sets out:
 - the classes of information we publish or intend to publish;
 - how this information is published or intended to be published; and
 - where charges are made for information.

Implementation of the Freedom of Information Act 2000

7. The FOIA will be fully in force in 2005. There are several steps to implement the Act.
 - November 2002 – The publication scheme, agreed by the Information Commissioner, is published. This explains the classes of information that we publish or can make available to the public.
 - January 2005 – Under the Freedom of Information Act 2000, you have a right to access information that we keep. From January 2005 you will be able to ask us to provide you with any information that is not exempt under the Act.

8. As well as the requirements of the FOIA, Ofgem must comply with the Code of Practice on Access to Government Information 1994 (the Code), subject to the exceptions and exemptions specified in those documents. Until January 2005, you have access to official information under the Code.

Can I obtain more information on this?

9. More information about the FOIA is available on the Information Commissioner's website – www.informationcommissioner.gov.uk
10. More information about the Code is available from the Lord Chancellor's Department website – www.lcd.gov.uk/foi/foidpunit.htm and the Information Commissioner's website.

Has the Information Commissioner approved this scheme?

11. The Information Commissioner has granted approval for this scheme from 30 November 2002 to 29 November 2006. Our scheme will be formally reviewed in 2006. Our website is updated on a daily basis, but we will review our scheme annually to ensure that we are providing as much information as possible.

Part C - What sorts of information does Ofgem publish or make available?

12. In drawing up our scheme we have considered the sort of information that we publish or make available and the categories it falls into (classes of information). These categories are described below.

Classes of Information

13. General Information about Ofgem and the Authority *

- Annual reports, corporate plans and budgets. We publish annual reports and corporate plans which set out what we have done to meet our statutory duties and what we plan to do in the years ahead
- Biographies of the Chief Executive, Managing Directors and Non-executive Authority members
- The Authority's rules of procedure
- Memoranda of Understanding and Concordats with other regulators and public bodies
- Ofgem's Resource Accounts
- Approach to consulting stakeholders
- Press releases and fact sheets
- Areas of work
- Speeches, statements and presentations

** Available on website.*

14. Customer Information *

- lists of licensed gas and electricity companies
- how many people are changing supplier
- enforcement action

- how bills are made up
- how energy reaches your home
- gas and electricity emergency contact details, and
- how to get connected to a gas supply
- links to the energywatch website (the consumer watchdog)

** Available on website.*

15. Published documents*

- All Consultation Documents on policy initiatives or proposed action
- All non-confidential Responses to Consultation Documents (the number of confidential Responses will be published)
- All Decision Documents following on responses to consultation
- Open Letters to industry providing guidance on or clarification of regulatory action

** Available on website.*

16. Licences

All companies have a licence setting out their obligations as energy providers. Information regarding each company's licence is available from the public gas or electricity registers (see paragraph 21 below). Information includes:

- Every licence and every exemption granted to a particular person
- Every modification or revocation of a licence
- Every direction or consent given or determination made under a licence
- Every final or provisional order and every revocation of such an order
- Every notice under section 28(6) Gas Act and section 25(6) Electricity Act
- Every financial penalty imposed under the Gas Act and the Electricity Act
- Every notice regarding the imposition of financial penalties

17. Codes and Agreements *

Where possible, Ofgem will include links to the websites of other relevant organisations in order to facilitate access - for example, in relation to Distribution and Grid Codes.

** Available on website.*

Part D - Getting hold of the information that Ofgem publishes and the information that Ofgem makes available on request

How is information made available?

18. Most people who want information use the website - www.ofgem.gov.uk. You will find most of the information described in this publication scheme on our website. If you cannot find information that you think we publish, or if you would like to make a request for other information, please contact our Research and Information Centre (RIC).

19. Public enquiries by telephone are handled every working day, 2.00 p.m. – 4.30 pm. Our staff will also help you with written enquiries.

Telephone: 020 7901 7003/7004/7217

Fax: 020 7901 7378

E-mail: library@ofgem.gov.uk

20. Ofgem's reference library is open to the public from 2.00 p.m. - 4.30 pm on every working day. However you must make an appointment at least 24 hours in advance of your visit. You can telephone us to make an appointment.
21. The contents of the public registers maintained pursuant to section 49 of the Electricity Act and section 36 of the Gas Act are available for inspection by the public between 10 am and 4 pm on each working day at the Ofgem RIC. For more information on the public register please see paragraphs 16 and 25.
22. The RIC holds material on the UK and European gas and electricity markets, regulation of utilities and consumer issues.

Part E – Charges

Are there any charges for the information?

23. Information that Ofgem publishes is available free on our website and from the RIC or distribution centre, although for large orders postage and packaging may be charged.
24. All the information that we publish can also be looked at in our RIC.
25. The fee for the supply of a copy of, or extract from, any part of the public registers certified by Ofgem to be a true copy or extract shall be in accordance with the relevant regulations. For more information on the contents of the register, please refer to paragraph 16.
26. All Ofgem copyrights are reserved but material appropriately attributed may be reproduced for purposes of private study or research without permission.

Part F – Information that is not published or made available on request

Is there any information that Ofgem collects or produces that it does not publish?

27. In circumstances that arise under sections 21 to 44 of the FOIA, Ofgem may be entitled to claim exemptions, which will negate the requirement to provide information that falls within the exemptions. Exemptions apply to information that is reasonably accessible by other means to any person requesting that information, and to information that is intended for future publication. Other exemptions rely on the application of a prejudice test or other consequences of disclosure.
28. Ofgem aims to be open and transparent about its work but there are some exemptions from the information that we publish. Information will not be published where, in Ofgem's view, there are issues of:
 - commercial sensitivity
 - unwarranted invasion of privacy
 - confidentiality
 - the public interest

Part G - Responses to requests for information

29. Information will be provided as soon as practicable and requests will be replied to promptly. A single hard copy of information will be provided free of charge but multiple copies may incur a charge. Where information cannot be provided an explanation will be given.

Part H – Complaints under the Code and FOIA

30. Until 2005 when the FOIA comes fully into effect, you should complain to Ofgem (RIC) first if you think that your request has not been answered properly or that a response has taken too long or you have been charged too much. If you are dissatisfied with Ofgem's response, you may complain through your Member of Parliament to the Parliamentary Ombudsman.

31. When the FOIA comes into full effect in 2005, any complaint that you may have about the way that your request for information has been handled will be dealt with under the procedures that Ofgem will establish. If you remain dissatisfied, you will have a right to complain to the Information Commissioner.