

REFERENCE

2526602

RELEASE DATE

13 March 2026

SUBJECT

Request for Leak Allowance Numbers, Costs and Verified Leak Investigations

RESPONSE

NI Water replies to each of your queries in turn as follows.

How many such allowances have been granted in the last five years?

NI Water's customer billing system does not hold this information in a format that can be searched or filtered so as to identify the information you are seeking. Leakage allowances are granted by several teams across our Customer & Operations teams. Retrieving the information you have requested would require knowing what closure codes have been used on each instance and whether those are duplicate queries relating to the same allowances.

It is not possible without a manifestly unreasonable, time-intensive exercise, that would distract key members of staff from their other mandated duties to provide the information requested. As such, this is lawfully exempt from disclosure under the EIR under Regulation 12(4)(b).

NI Water considers that this would impose a clearly excessive burden in terms of staff time, specialist resource and disruption to the relevant billing functions.

Regulation 12(4)(b) allows refusal where a request is manifestly unreasonable. This includes where the cost or burden would be clearly excessive. There is no statutory cost limit under the EIR. In assessing whether the request is manifestly unreasonable, NI Water has considered the work required to identify, locate, retrieve and extract the information requested, together with the extent of the diversion from core operational functions.

NI Water has also referred to the Freedom of Information Act (FOIA) Section 12 costing framework as an illustrative benchmark only to evidence the scale of the burden involved. NI Water recognises that this framework is not determinative under the EIR, and the decision is based on the overall disproportionate burden in all the circumstances.

Having considered refinement and advice and assistance under Regulation 9, we conclude that the burden remains clearly excessive. We then applied the public interest test and, on balance, consider that maintaining the exception outweighs disclosure. In considering Regulation 9, NI Water also considered whether the request could reasonably be refined, for example by reference to a narrower geographic area, a specific account type, or a smaller subset of customers. However, because the granted status of a leakage allowance is not held in a searchable field and would still require manual checking, the burden would remain clearly excessive.

NI Water seeks to rely on this exception to the extent that:

- The requested information spans the whole of NI Water's customer base across Northern Ireland.
- Retrieving, and reviewing this volume of material would require significant time dedicated by specialist staff, disproportionate resources and time, diverting staff from core statutory duties.
- The ICO guidance confirms that a request may be considered manifestly unreasonable if the burden of compliance is clearly excessive in relation to the public interest in disclosure.

NI Water recognises the public interest in transparency about our billing practices. NI Water has applied the presumption in favour of disclosure.

Against disclosure, NI Water has considered the scale of the work required to review accounts manually, to examine associated records, and to determine the nature of the allowance applied in each case. That exercise would require substantial specialist staff time and would divert those staff from core billing responsibilities.

While NI Water has used the FOIA section 12 costing framework as an indicative reference point when evidencing the scale of that burden, NI Water recognises that there is no statutory cost ceiling under the EIR and does not rely on FOIA limits as determinative. In all the circumstances, NI Water considers the burden of compliance to be clearly excessive.

In summary, NI Water considers this request to be manifestly unreasonable under Regulation 12(4)(b) because complying with it would impose a clearly excessive burden. In reaching that view, NI Water has considered the work required to identify, locate, retrieve and extract the information requested, together with the diversion of specialist staff from core functions. NI Water has considered whether the request could be reasonably refined and has applied the public interest test, taking account of the presumption in favour of disclosure. For the reasons set out above, NI Water concludes that, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure.

How much money was involved?

In the absence of the information requested in the first point, NI Water is also unable to answer this query accurately and Regulation 12(4)(b) again applies for the reasons previously stated.

How many of these “leakage” claims were investigated and verified?

All leakage claims are investigated either on a desktop basis, through information from the customers, or by physical attendance to sites to verify the reasons behind observed high consumption. However, these investigations are not tracked in a manner that can be measured retrospectively, and as such Regulation 12(4)(b) of the EIR again applies.