

Annex A

Initial Fraud Notification of Frauds to DoF & NIAO

1.	Departmental fraud reference number (unique identifier)	
2.	Department	DAERA
3.	Name of body (eg specific Board, Trust, NDPB, Agency etc)	Rural Affairs TRPSI, Health and Wellbeing Branch, Sperrin House, Sedan Avenue, Omagh
4.	Specific location of fraud (eg name of school, name of depot etc)	[REDACTED] [REDACTED]
5.	Date fraud or suspected fraud discovered	05 December 2024
6.	Is the case being reported as actual, suspected or attempted fraud?	Attempted Fraud
7.	Type of suspected fraud?	Grant related
8.	What was the cause of the suspected fraud?	Unknown
9.	Brief outline of case	The applicant submitted a quote for £5000 for the design and development of an e-commerce website from Keiran Kelly Web Design and Digital Marketing. Antrim and Newtownabbey Borough Council undertook a supplier check on this quote and it was confirmed by Mr Keiran Kelly that the quote was not provided by his business and was to be considered fraudulent activity.
10.	Amount of lost or estimated value?	[REDACTED] [REDACTED]
11.	How was the fraud discovered?	Normal operation of control procedures. A supplier check was carried out by Antrim and Newtownabbey Borough Council
12.	Who perpetrated the suspected fraud?	Grant applicant.
13.	Has PSNI been notified?	No
14.	Any other action taken so far?	No
15.	Please give contact details for this fraud in case follow-up is required	[REDACTED] [REDACTED] [REDACTED]

Notes

1. Types of fraud

- Grant related
- Theft of assets (please state type of asset eg cash, laptop, oil, tools, camera)
- Payment process related
- Income related
- Pay or pay related allowances
- Travel and subsistence
- Pension fraud
- Contractor fraud
- Procurement fraud
- False representation
- Failure to disclose information
- Abuse of position
- Other (please specify)

2. Causes of fraud

- Absence of proper controls
- Failure to observe existing controls
- Opportunistic
- Unknown

3. Means of discovery of fraud

- Normal operation of control procedures
- Whistleblowing (internal or external)
- Internal Audit
- External
- Computer analysis/National Fraud Initiative
- Other means (please specify)

4. Perpetrators of Fraud

- Internal staff member
- Contractor
- Funded body/grant applicant
- Other third party (please specify)
- Collusion between internal and external parties
- Too early to determine
- Unknown

5. Other actions taken

- Controls improved
- Control improvements being considered
- Too early to determine
- No action possible
- Disciplinary action
- Prosecution

GROUP FRAUD INVESTIGATION SERVICE

CASE REFERRAL DOCUMENT

DAERA – RURAL AFFAIRS DIVISION

Department / Organisation making referral: _____

Contact point for initial enquiries:

_____	_____
_____	_____
_____	_____

**1. Details of allegation / issue / concern which requires investigation
(Attach separate report if necessary)**

Nature of the case referred:

[REDACTED]

As required by the Scheme Procedures Manual, on 05/12/2024 Antrim and Newtownabbey Borough Council (ANBC) undertook a supplier check on the quote provided by Kieran Kelly Web Design and Digital Marketing to GNG Credit for the bespoke design and development services to create an e-commerce website.

On 05/12/2024 ANBC forwarded a copy of the quotation to Mr Kelly that was submitted to the RBDGS. Mr Kelly responded to ANBC on 5/12/2024 stating that he did have communication with GNG Credit however the quote provided for the RBDGS application was not issued by his company, the pricing on the quote was different to the pricing he provided, and the quote number is not one that he currently uses. He had not spoken to Gareth McAlister but had spoken to another member of staff at GNG Credit.

Mr Kelly issued a further email on 05/12/2024 stating the PDF document attached to the RBDGS system was created by Gareth McAlister as per the document properties on Adobe Acrobat. ANBC responded to Mr Kelly on 05/12/2024 stating they are currently in the process of alerting DAERA and are reviewing the matter in conjunction with their fraud policy. ANBC also advised that the application for grant funding is on hold pending the outcome of further investigations.

Mr Kelly responded to the above with evidence of his correspondence with the applicant (GNG Credit). The evidence provided shows that Mr Kelly corresponded with a GNG Credit Employee (Not Gareth McAllister) on 09/10/2024 and not 28/09/2024 as per the quote uploaded to RBDGS. The evidence provided also shows that Mr Kelly stated in his email exchange that he would need to discuss the detail of the request prior to providing a quote.

Minister Muir was copied in on this response from Mr Kelly to alert him about an alleged attempt to use false documents to access funds from his department.

On 10/12/2024 Mr Kelly shared an email which he sent to William Trousdell at GNG Credit on 09/10/2024 in which he included prices for standard and premium web design. Mr Trousdell replied he would review and get back to Mr Kelly. The email to Mr Trousdell also stated that the prices were based on conversations and would need to be discussed further. The prices included in this email did not match the quote provided to the RBDGS.

Mr Kelly sent an email on 10/12/2024 to Mr Trousdell asking him to clarify who Gareth was, who created the document and who submitted it to ANBC. He reiterated that the communication dates were incorrect and that he did not create the document.

[REDACTED]

Also, on 10/12/2024 Mr Kelly sent an email to the NI Audit Office (NIAO) stating he wanted to open a fraud case in relation to the situation with GNG Credit requesting advice on the next steps.

On 11/12/2024 [REDACTED] (Senior Auditor) in her response outlined the role of the Comptroller and Auditor General and the NIAO. She advised that Mr Kelly raise his concerns directly with DAERA and ANBC in the first instance. Minister Muir was copied into this email exchange.

The alleged fraudulent quote from Mr Kelly states a value of €6,750.00 excluding VAT for the development of the website. [REDACTED]

The quote uploaded to RBDGS Application Database is dated 28/09/2024. The RBDGS opened a call for applications on the 16/10/2024.

Period of alleged incident (if known):	The incident was raised on the 5 December 2024 following procurement checks by ANBC to Kieran Kelly Web Design and Digital Marketing with regards to a quotation submitted to the RBDGS from GNG Credit.
Approximate value (if known):	[REDACTED].
Date detected:	05 December 2024

Details of any investigation already undertaken:

ANBC have escalated the case to their internal Audit team. No further detail available at this stage.

2. Details of person(s) considered to be involved

<u>Name</u>	<u>Position</u>	<u>Address</u>
<u>Gareth McAllister</u>	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3. Please list all the supporting documentation relevant to the case referral and supplied here.

1.	Application form
2.	Email trail between ANBC & Mr Kieran Kelly
3.	Evidence of Contact with GNG provided by Mr Kieran Kelly
4.	Quote uploaded to RBDGS by Gareth McAlister from Kieran Kelly Web Design
5.	Email from ANBC reporting the suspected fraud.
6.	Email to NI Auditor
7.	NI Audit Office response

8.	
9.	
10.	

Details of Referring Officer (usually Finance Director or equivalent)

Name:

[REDACTED]

Organisation:

[REDACTED]

Position:

[REDACTED]

Telephone Number:

[REDACTED]

Email Address:

[REDACTED]

Signed:

[REDACTED]

FOR GFIS USE ONLY

Reviewed by Fraud Investigation Manager on referral

Comment:

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Date:

Print name:

From: [REDACTED]
Sent: 06 December 2024 09:53
To: [REDACTED]
Subject: FW: Urgent - this has been forwarded to Minister Muir - FW: Rural Business Development Grant Scheme - Supplier Check
Attachments: Kieran-Kelly-Emails-GNG-Credit.png
Importance: High

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 05 December 2024 16:07
To: Michael McKenna <Michael.mckenna@antrimandnewtownabbey.gov.uk>; andrew.muir@mla.niassembly.gov.uk; DAERA Rural Needs <rural.needs@daera-ni.gov.uk>
Cc: Stewart McCormack <stewart.mccormack@antrimandnewtownabbey.gov.uk>; Terry McNeill <terry.mcneill@antrimandnewtownabbey.gov.uk>; Matthew Mulligan <matthew.mulligan@antrimandnewtownabbey.gov.uk>; The Town Clerk or Chief Executive Antrim and Newtownabbey Bor <TheTownClerkorChiefExecutiveAntrimandNewtownabbeyBor@nigov.net>; richard.baker@antrimandnewtownabbey.gov.uk
Subject: Re: Rural Business Development Grant Scheme - Supplier Check

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Please find attached my communication with GNG Credit. I've removed the employee's name as I do not feel I can share it with a third party due to GDPR issues. I will happily share full details if requested by PSNI or An Garda Síochana.

As you will see in the in attached.

- My communication with this person is on the 9th Oct.
- **I clearly state we need to discuss further to give a quote.**
- The **quote ref 168** forwarded to me by Stuart today is dated 28/9/2024 and i did not have communication with GNG Credit until October 2024.
- I had 2 phone calls with the person that I emailed. One discussing a website and the other was from them asking to send something over.

This is a clear case of falsifying documents to take money from the Department of Agriculture, Environment and Rural Affairs and Ministers Andrew Muir departments.

I've CC'd Andrew Muir to alert him about this attempt to use false documents in accessing funds from his department.

If the PSNI or An Garda Síochana required a full disclosure of documents in this fraud I'm available to provide them.

@ Minister Andrew Muir can you also please acknowledge the receipt of these emails attempting to use fraudulent documents to access funds from his department.

Regards,

Kieran Kelly

On Thu, Dec 5, 2024 at 3:36 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Please provide me with a **case number** for future follow up on this attempt at a grant application using fraudulent documents. Also for referencing this case in any communication I may have with the Department of Agriculture, Environment and Rural Affairs of Northern Ireland, **potentially** the PSNI and An Garda Siochana as this company also has offices in Co. Meath.

Can you please advise me on the timeframe to official complaints so I don't annoy you on a regular basis.

I'm deeply concerned that a company that is involved in Credit Matters is actively falsifying documents to get money from Antrim and Newtownabbey Borough Council And Department of Agriculture, Environment and Rural Affairs of Northern Ireland under false pretences.

Regards,

Kieran Kelly

On Thu, Dec 5, 2024 at 3:17 PM Michael McKenna
<michael.mckenna@antrimandnewtownabbey.gov.uk> wrote:

Good Afternoon Kieran,

Thank you for your emails and please accept this email as acknowledgment – apologies for the delayed response while we raised this matter internally and with the Department.

Please be assured that we are treating this matter seriously and are currently in the process of alerting DAERA, as per the programme's procedural guidance. As an additional measure, we are reviewing this matter with our internal audit in relation to our own Fraud Policy.

As part of the programme procedure, Council Officers make contact with suppliers of quotations to ensure these are genuine at application stage and we are grateful to you for your prompt response in raising this issue.

At this early stage I am unable to advise on what further action the Department or the Council will take but I assure you that myself and members of my team (copied in) will keep you up to date in due course. I can confirm that the application for grant funding is on hold, pending the outcome of the above actions.

Should you wish to follow up in this matter or have any further queries regarding this please feel free to contact myself or my colleagues that are running the programme and are copied in to this email.

Kind Regards, Michael

Michael McKenna
Deputy Director of Investment and Business Development

Mossley Mill, Carnmoney Road North,
Newtownabbey. BT36 5QA
T: 02890 340071
E: michael.mckenna@antrimandnewtownabbey.gov.uk



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From: Information <info@antrimandnewtownabbey.gov.uk>
Sent: 05 December 2024 14:19
To: Michael McKenna <michael.mckenna@antrimandnewtownabbey.gov.uk>; Stewart McCormack <stewart.mccormack@antrimandnewtownabbey.gov.uk>; Terry McNeill <terry.mcneill@antrimandnewtownabbey.gov.uk>
Subject: FW: Rural Business Development Grant Scheme - Supplier Check

Shirley

Information

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 05 December 2024 14:17
To: Richard Baker <Richard.Baker@antrimandnewtownabbey.gov.uk>; Information <info@antrimandnewtownabbey.gov.uk>; Rural Business Development <RuralBusiness@antrimandnewtownabbey.gov.uk>
Subject: Re: Rural Business Development Grant Scheme - Supplier Check

You don't often get email from kieran@kierankelly.me. [Learn why this is important](#)

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Can someone please acknowledge my emails with regards to these fraudulent documents in an application by GNG Credit Limit or am I better to direct my reports of irregularities and fraudulent documents to the Department of Agriculture, Environment and Rural Affairs? I take fraudulent documents in an application very serious especially when my name is involved.

Kieran

On Thu, Dec 5, 2024 at 12:19 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Dear All,

I've done some research and if any of you want to check the PDF Properties you will see it is created by Gareth McAlister. This info is available to you via Adobe Acrobat.

Please see this important bit of info about the presenter of the document.

FRAUD FRAUD FRAUD ALERT. This is a serious attempt to defraud DAERA funding and Antrim and Newtownabbey Borough Council

Kieran

On Thu, Dec 5, 2024 at 11:31 AM Kieran Kelly <kieran@kierankelly.me> wrote:

I would like to lodge an official complaint and bring to your attention the use of Fraudulent documentation used in the application process for DAERA funding.

----- Forwarded message -----

From: **Kieran Kelly** <kieran@kierankelly.me>

Date: Thu, Dec 5, 2024 at 11:16 AM

Subject: Re: Rural Business Development Grant Scheme - Supplier Check

To: Rural Business Development <RuralBusiness@antrimandnewtownabbey.gov.uk>

I'll be following up regularly with Antrim and Newtownabbey Borough Council on this case of fraudulent documentation in the application process for DAERA funding.

A few notes.

- * I did have communication with this company.
- * The document/quote supplied was not issued by my company.
- * The pricing quoted is different to the pricing I issued.
- * The quote number is not one that I currently use.
- * I've never spoken with Gareth. I never heard of him before. I spoke with another member of staff from GNG Credit Limited.
- * I do not issue quotes in this way.
- * This is an attempt to use fraudulent documents to gain DAERA funding.

I'm CC'ing info@antrimandnewtownabbey.gov.uk to lodge an **official complaint that false documents were used in DAERA funding application.**

I look forward to hearing from you officially about this fraudulent documentation.

Regards,

Kieran Kelly

On Thu, Dec 5, 2024 at 11:00 AM Kieran Kelly <kieran@kierankelly.me> wrote:

That document was fraudulently created.

On Thu, Dec 5, 2024 at 10:58 AM Rural Business Development
<RuralBusiness@antrimandnewtownabbey.gov.uk> wrote:

Kieran

Apologies, my original email had a couple of errors. The quotation we received was **168 (attached)**. Can you confirm you issued this by you, to GNG Credit Limited on 28 Sep 2024?

Thank you,
Stewart



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From: Kieran Kelly <kieran@kierankelly.me>

Sent: 05 December 2024 10:30

To: Rural Business Development <RuralBusiness@antrimandnewtownabbey.gov.uk>

Subject: Re: Rural Business Development Grant Scheme - Supplier Check

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When in doubt, contact the ICT Helpdesk

Dear Stu.

I am writing to request a copy of **Quote Reference No. 1698 that you say was issued by myself**. Obtaining this document is critical in verifying its authenticity. Authenticating the document will ensure compliance with the requirements of the DAERA scheme and maintaining its integrity.

As you are aware, any failure to provide accurate and verifiable quotes can jeopardize the scheme and reflect negatively on its governance. Furthermore, the absence of this documentation could inadvertently cast doubt on my company's adherence to the outlined processes, which Antrim and Newtownabbey Borough Council must be committed to upholding.

I would greatly appreciate your prompt attention to this matter and kindly request that the quote be provided at your earliest convenience. Should there be any issues or further details required from my side, please do not hesitate to let me know.

If you are unable to provide such documentation please forward this email to your FOI department to official request the document issued by myself.

Thank you for your cooperation. I look forward to your swift response.

Kind regards,

Kieran Kelly

On Thu, Dec 5, 2024 at 10:02 AM Kieran Kelly <kieran@kierankelly.me> wrote:

Please send a copy of the quote for review.

Kieran

On Thu, Dec 5, 2024 at 9:56 AM Rural Business Development
<RuralBusiness@antrimandnewtownabbey.gov.uk> wrote:

Good Morning,

I am writing from Antrim and Newtownabbey Borough Council.

We are delivering a Programme on behalf of DAERA, one of our applicants have received a quote form yourselves and as part of the process we must confirm with the potential supplier that the quote is official.

Can you please confirm that Quote No. 1698 was issued to GNG Credit Limited on 28 Aug 2024?

If you could please respond at your earliest convenience to allow us to proceed with the application.

Kind regards,

Stewart



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KIERAN KELLY

WEB DESIGN DIGITAL MARKETING

Hi Gareth,

28/09/2024

Ref: GNG Credit Ltd Website Quotation

Quote 168

Thanks for your interest in our services. The following is based on our conversations and would need to be discussed further to provide you with a timeframe for web design & launch roadmap.

Premium. Web design from €6,750 + VAT up to 10 pages. Premium Design, On page SEO. Premium features. Custom Programming. Please note the custom programming will include enquiry form data capture and link to your desired email platform.

Kind regards,

Kieran

kieran@kierankelly.me

085 7775489

www.kierankelly.me

Kieran Kelly

Kilkenny Office: New Work Junction, Old Dublin Road, Kilkenny, R95 VP83



Kieran Kelly <kieran@kierankelly.me>

Ideas

2 messages

Kieran Kelly <kieran@kierankelly.me>
To: [REDACTED]@gngcredit.com

Wed, Oct 9, 2024 at 6:35 AM

Hi [REDACTED]

Thanks for your interest in our services. The following is based on our conversations and would need to be discussed further to provide you with a quote for web design & Digital Marketing Services.

Standard Web design from €1,500 + VAT. up to 10 pages. Template Design On page SEO. Standard content

Premium. Web design from €2,500 + VAT up to 10 pages. Premium Design, On page SEO. Premium features. Custom Programming. Please note the custom programming for calculators and UX could push a project such as yours into the 5-6K + VAT band.

Kind regards,

Kieran
--

085 7775489
www.kierankelly.me

[REDACTED]@gngcredit.com>
To: Kieran Kelly <kieran@kierankelly.me>

Wed, Oct 9, 2024 at 7:05 AM

Hi Kieran,
Thanks for this.

I will review with the lads and come back to you.
Regards

[REDACTED]

Sent from [Outlook for iOS](#)

From: Kieran Kelly <kieran@kierankelly.me>
Sent: Wednesday, October 9, 2024 7:35 a.m.
To: [REDACTED] <[REDACTED]@gngcredit.com>
Subject: Ideas

[Quoted text hidden]



[REDACTED]

From: Rural Business Development
Sent: 05 December 2024 16:44
To: [REDACTED]
Cc: Michael McKenna
Subject: FW: Rural Business Development Grant Scheme - Supplier Check

[REDACTED]

During the eligibility/supplier checks for RBDGS applications, it has been flagged by one supplier (Mr Kelly) that neither him nor a member of his team issued the attached quotation.

Can we please pass this on to your team for investigation, and could you also please advise of next steps for this application? I note in the programme guidance that your Fraud section may be utilised where necessary. For your awareness we are reviewing this issue under our own Fraud Policy.

I have also included the email trail below for your information.

Please note, Mr Kelly has also emailed the Department and the Minister – see attached.

Kind regards,
[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 05 December 2024 11:00
To: Rural Business Development <RuralBusiness@antrimandnewtownabbey.gov.uk>
Subject: Re: Rural Business Development Grant Scheme - Supplier Check

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Kieran

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Thank you,
Stewart



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From: Kieran Kelly <kieran@kierankelly.me>
Sent: 05 December 2024 10:30
To: Rural Business Development <RuralBusiness@antrimandnewtownabbey.gov.uk>
Subject: Re: Rural Business Development Grant Scheme - Supplier Check

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As you are aware, any failure to provide accurate and verifiable quotes can jeopardize the scheme and reflect negatively on its governance. Furthermore, the absence of this documentation could inadvertently cast doubt on my company's adherence to the outlined processes, which Antrim and Newtownabbey Borough Council must be committed to upholding.

I would greatly appreciate your prompt attention to this matter and kindly request that the quote be provided at your earliest convenience. Should there be any issues or further details required from my side, please do not hesitate to let me know.

If you are unable to provide such documentation please forward this email to your FOI department to official request the document issued by myself.

Thank you for your cooperation. I look forward to your swift response.

Kind regards,

Kieran Kelly

On Thu, Dec 5, 2024 at 10:02 AM Kieran Kelly <kieran@kierankelly.me> wrote:

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Kieran

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Can you please confirm that Quote No. 1698 was issued to GNG Credit Limited on 28 Aug 2024?

If you could please respond at your earliest convenience to allow us to proceed with the application.

Kind regards,

Stewart



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[REDACTED]

From: [REDACTED]
Sent: 11 December 2024 16:17
To: [REDACTED]
Cc: [REDACTED]
Subject: Suspected Fraud GNG Kieran Kelly TO'N - Letter Template

Hi [REDACTED]

Re: Suspected Fraud submitted by Kieran Kelly

Please see attached letter and Investigation Referral form for your comments

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 07 January 2025 09:57
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Gareth McAllister GNG Credit

Good Morning [REDACTED]

[REDACTED]

[REDACTED]

ANBC have escalated the case to their internal audit. Contact below.

[REDACTED]

Please let me know if you require anything further

Kind Regards
Anthea

From: [REDACTED]
Sent: 20 December 2024 15:08
To: [REDACTED]
Subject: Gareth McAllister GNG Credit

Hi [REDACTED]

I am looking at the case referred by Daera in relation to Mr McAllister.

Can you confirm if any payment/funding has been made to Mr McAllister for this application.

The RD1 notes that the council has escalated the case to their internal audit team.

Can you provide me with a name and contact within the council so I can find out more about this.

I am on leave now until 2nd January so no panic on this.

Thank you

[REDACTED]

Fraud Investigator
NICS IAS - Fraud Investigation Service
[REDACTED] Stormont Estate
Belfast
BT4 3SX

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 24 January 2025 12:58
To: [REDACTED]
Cc: RURAL AFFAIRS TRPSI, HEALTH & WELLBEING; [REDACTED]
Subject: TOF-1510-2024 - Further update to Kieran Kelly

[REDACTED]

See attached further update to Kieran Kelly for your comments. Response due 24.1 15

Supporting information attached. Previous correspondence and emails from FIS

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 27 January 2025 16:22
To: [REDACTED]
Subject: FW: G McAllister Closure

From: [REDACTED]
Sent: 27 January 2025 15:04
To: [REDACTED]
Subject: G McAllister Closure

[REDACTED]

Please see attached the closure memo for the case referral of Gareth McAllister (GNG Credit).

Thank you

[REDACTED]

Fraud Investigator
NICS IAS - Fraud Investigation Service
[REDACTED] Stormont Estate
Belfast
BT4 3SX

[REDACTED]

From: [REDACTED]
NICS IAS Fraud Investigation Service (FIS)

Date: 27/01/25

[REDACTED]
[REDACTED]
[REDACTED]

FIS Assessment of Gareth McAllister (GNG Credit) case referral

Background

- 1.1 Mr Gareth McAllister of GNG Credit applied to the Rural Business Development Grant Scheme (RBDGS) 2024/25 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- 1.4 On 05 December 2024 Antrim and Newtownabbey Borough Council (ANBC – who administer the scheme on behalf of DAERA) undertook a direct supplier check on the Kieran Kelly Web Design and Digital Marketing quote.
- 1.5 Mr Kelly was sent a copy of the quotation submitted by Mr McAllister and asked to verify the document.

1.6 Mr Kelly responded to ANBC and confirmed:

- He had spoken to a member of staff (not Mr McAllister) at GNG Credit about the proposed work, however the quote sent to him for verification was not issued by his company,
- the pricing on the quote was different to the pricing he provided,
- the quote number was not one that he currently uses.

1.7 He also provided evidence of his correspondence with a GNG Credit Employee (Mr Trousdell) on 09 October 2024, which is after the application had been submitted by Mr McAllister on 28 September 2024.

1.8 It is clear from this correspondence that Mr Kelly made it clear that whilst he had provided prices for standard and premium web design, the exact work required would need to be discussed further before a final price could be agreed.

1.9 Mr Kelly had sight of the false quotation and then engaged further with Mr Trousdell of GNG Credit, seeking answers to a number of queries.

[REDACTED]

1.11 As Mr Kelly had confirmed the quotation had not been issued by himself, ANBC informed DAERA of their findings and the matter was passed to FIS for consideration.

FIS assessment

1.12 FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal **intent** with a view to make a gain / cause a loss

and our only avenue in terms of further criminal investigation with a view to prosecution is by formal referral to the PSNI through contacts in the Economic Crime Unit.

1.13 Having assessed this case referral, we have concluded that it does not merit any further FIS action for the following reasons:

- Whilst the quotation has been proven to be false, it does not have the same impact as a fabricated invoice or bank statement which falsely alleges purchase and receipt of goods for grant reimbursement.
- It is likely, given experience of similar cases, the quotation has been fabricated in order to 'tick the box' in terms of meeting scheme requirements for documentation.
- Whilst this technically could be considered 'intentional', there is evidence of correspondence between the applicant (the company) and Mr Kelly which is a mitigating factor in reducing the level of dishonesty in comparison to that required to prove a criminal offence.
- More importantly, internal control checks have identified the issue at the earliest stage before grant funding has been released, therefore there has been no loss.
- It follows that a criminal investigation by Police, and subsequent review by the Public Prosecution Service, in this instance, would not be an appropriate or proportional response given the cost of such against no loss.

FIS Recommendations

1.14 The Department may wish to consider:

- Whether scheme conditions allow removal of the application based on the fact that the quotation had been fabricated, and
- any future representation by this applicant in respect of a grant funded scheme should be subject to a higher level of verification given the issues identified here.

[REDACTED]

From: [REDACTED]
Sent: 10 April 2025 16:16
To: [REDACTED]
Subject: CM Ministerial

Rural Affairs TRPSI, Health & Wellbeing Branch,
Department of Agriculture, Environment and Rural Affairs (DAERA),
Sperrin House, Sedan Avenue,
Lisnamallard,
Omagh,
Co Tyrone.
BT79 0AN



Department of
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and Rural Affairs
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[REDACTED]

From: [REDACTED]
Sent: 29 January 2025 15:34
To: [REDACTED]
Subject: RE: FW: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Follow Up Flag: Follow up
Flag Status: Flagged

Gerard,

In light of Mr Kellys initial responses to DAERA, FIS have forwarded their report to Police for comment. (Not all referrals to FIS are sent to Police. We sometimes assess cases based on experience of historical similar referrals and close with NFA as appropriate. This itself is one method of maintaining a good working relationship with our Police colleagues, as referral of every case to them for assessment would be extremely resource intensive on their part, and take officers away from more pressing matters)

With regard to Mr Kelly's statement referring to an official complaint:

- DAERA should adhere to their complaints process.
- His comments re DAERA anti fraud policy are, again, for the Department to consider.
- [REDACTED]

FIS liaised with the PSNI in light of Mr Kelly's complaint.

Having viewed the FIS report, the Police stated they agreed with our recommendations and no Police action was required.

Thank you

[REDACTED]

Fraud Investigator
NICS IAS – Fraud Investigation Service
[REDACTED] Stormont Estate
Belfast
BT4 3SB
[REDACTED]

Sent: 29 January 2025 13:53
To: [REDACTED]

Cc: [REDACTED]
Subject: CM: FW: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Hi [REDACTED]

See below further correspondence to Minister Muir

Regards

[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 29 January 2025 13:24
To: [REDACTED] andrew.muir@mla.niassembly.gov.uk
Cc: [REDACTED]
Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear Mr Andrew Muir,

As we got one case of attempted fraud by Gareth Macalister and his company GNG credit, I'm now wondering if there are further cases that need to be investigated?

I see from online sources that Gareth Mcalister describes himself as a farmer? As well as helping farmers seek finance? Has he personally applied for any grant schemes with your department? Has GNG Credit helped any farmers apply for grants with your department in the past? Does your department now need to review past grants where GNG credit and Gareth Mcalister were involved? Could this be an ongoing practice and other farmers may have used GNG credit to apply for grants. This company is deeply involved in the farming sector in NI and could potentially have deployed similar practices in the past of creating or helping others to create fake documents to defraud the Department of Agriculture, Environment and Rural Affairs.

By failing to refer this case of attempted fraud to the PSNI as is your department's policy, you could be ignoring a much bigger problem. The PSNI must get involved ASAP as there have already been to make this go away and ignore attempted fraud.

Kieran

On Wed, Jan 29, 2025 at 12:39 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Also section is 2.10 of the same document needs to be reviewed. "Common Methods and Types of Fraud"

- Altering amounts and details of documents.

Gareth Mcalister created documents with false amounts, false letter head, false details. This is an important part of the case and as per section 12.3 policy document DAERA are required to refer this matter to the PSNI.

Your letter to me is ignoring the case of fraud and going against DAERA policy of referring all cases of fraud, including **attempted fraud** to the PSNI.

I do wonder why this case of fraud has been swept under the carpet? That because Gareth MCaslistner with drew the fraudulent application that it will no longer be processed against the policy of the DAERA.

Should government fraud policy not be applied equally across the board. Is it a regular thing to sweep attempted fraud under the carpet? The policy documents are in stark contrast to your letter to me. Your letter to me clearly seems to allow attempted fraud is tolerated.

Kieran

Common Methods and Types of Fraud

2.10 These include:

- payment for work not performed;
- forged endorsements;
- altering amounts and details on documents;
- false official identification used;
- damaging / destroying documentation;
- using copies of records and receipts;

On Wed, Jan 29, 2025 at 11:49 AM Kieran Kelly <kieran@kierankelly.me> wrote:

Please note, that my emails are a complaint. I wish to file an official complaint for not following the correct policy as outlined in the policy document. I cannot bring this matter to the Ombudsman unless It is done as follows.

* official complaint.

* Final response.

Then I can go to the Ombudsman on this issue.

Please advise how i start the official complaints procedure to your letter to stop any further delay. I do not want this to go back Northern Ireland Fraud Investigation Service for further consideration. I want to start an official complaints procedure as correct policy has not been followed to the a case of fraud that has evidence, a confession. The policy document clearly states that attempted fraud must be referred to the PSNI at the earliest juncture. As per section 12.3 of the document: **DAERA Anti-Fraud Policy and Fraud Response Plan**

I'm of the belief that not implementing the DAERA Anti-Fraud Policy and Fraud Response Plan section 12.3 opens up DAERA to further fraud attempts.

Your sincerely,

Kieran Kelly.

On Wed, Jan 29, 2025 at 11:39 AM [REDACTED] wrote:

Hi Kieran

I note the emails you have forwarded to [REDACTED] for further consideration and also note an email you have issued to Minister Muir.

I have forwarded all your correspondence to the Northern Ireland Fraud Investigation Service for their further consideration.

On return of their response, I will write to you again.

Kind Regards

[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>

Sent: 28 January 2025 12:22

[REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Dear [REDACTED]

Thank you for your response. While I understand the decision not to move forward as the application as it has been withdrawn. The systems did work. I do disagree with part of your letter that there is insufficient evidence and reliable evidence with the view to make a gain by Mr Gareth Macalister

You state in your email:

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal *intent* with a view to make a gain / cause a loss.

I object to this view point as the quotation received was clearly composed by Gareth Macalister with the *intent* of making a financial gain for his company of which he is a director.

I attach again a screenshot showing that the document was created by Gareth MacAlister for the process of financially gaining from yourselves. Also please see the email where he acknowledged he created the document for the application. This is all intent to make a gain and evidence of such intent.

As I formally object to this point as there is evidence that Mr Gareth Macalister initiated the intent to make a gain.

Please advise me of the formal route I must take to object to the above paragraph in your email.

Regards,

Kieran Kelly

On Tue, Jan 28, 2025 at 11:45 AM [REDACTED] wrote:

Dear Mr Kelly

Re: Quotation submitted to the Rural Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit

Please see correspondence attached

Kind Regards

[REDACTED]

For and on behalf of [REDACTED]

Rural Affairs TRPSI, Health & Wellbeing Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)

Sperrin House, Sedan Avenue, Omagh, Co Tyrone, BT79 7AQ



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[REDACTED]

From: [REDACTED]
Sent: 29 January 2025 10:23
To: [REDACTED]
Cc: [REDACTED]
Subject: URGENT: Update regarding the quotation submitted to the RBDGS by GNG Credit.
Attachments: TOF-1510-2024 - Mr Kieran Kelly.DOCX
Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED]

Further to my letter to Mr Kelly yesterday morning [REDACTED] have received a multitude of emails from him (all below)

Also below is an email which Mr Kelly has sent to Minister Muir.

I would appreciate if you could consider these emails and advise how best we endeavour to bring this matter to a conclusion.

[REDACTED]

Regards

[REDACTED]

From: [REDACTED]
Sent: 28 January 2025 20:48
To: [REDACTED] andrew.muir@mla.niassembly.gov.uk
Cc: [REDACTED]
Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear Minister Andrew Muir,

I wish to bring the following case to your attention of a fraud case. Your staff are attempting to bury this case and not implement government policy with regards to Fraud. They are ignoring this case even when

1. There is an admission of the creation of false documents.
2. There is a copy of the document with it's author in your department possession.
3. It is your department policy to refer all cases of fraud. Both perpetrated or attempted fraud to the PSNI.

Your staff are attempting to wash their hands of this fraud and cover it up. I bring to your attention the following from **DAERA Anti-Fraud Policy and Fraud Response Plan section 12.3**

12.3 It is the Department's policy that in all cases of fraud, whether perpetrated or attempted by a member of staff or by external organisations or persons, the case will be referred to the PSNI at the earliest possible juncture.

This is a case of your staff not following the correct policy documents. This is a cover up and someone is trying to protect those that attempted to defraud your department.

Is this a case for you, the ombudsman or the papers?

Kieran Kelly.

On Tue, Jan 28, 2025 at 1:33 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Also, Gerard. Your letter states:

FIS's only avenue in terms of further criminal investigation, with a view to prosecution is by formal referral to the PSNI through the Economic Crime Unit. They have however concluded that a criminal investigation by Police, and a subsequent review by the Public Prosecution Service, in this instance, would not be an appropriate or a proportional response given the cost of such against no loss.

According to DAERA Anti-Fraud Policy and Fraud Response Plan it is policy that all cases of attempted fraud are reported to the PSNI.

It states it here in section 12.3

12.3 It is the Department's policy that in all cases of fraud, whether perpetrated or attempted by a member of staff or by external organisations or persons, the case will be referred to the PSNI at the earliest possible juncture.

On Tue, Jan 28, 2025 at 1:13 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Please add the following to the file:

It is the Department's policy that in all cases of fraud, whether perpetrated or attempted by a member of staff or by external organisations or persons, the case will be **referred to the PSNI at the earliest possible juncture.**

I found this on your website here: <https://www.daera-ni.gov.uk/publications/daera-anti-fraud-policy-and-fraud-response-plan>

The document I attach is **DAERA ANTI FRAUD POLICY & FRAUD RESPONSE PLAN June 2020**

Please add all these email and attachments to the file for an official complaint.

On Tue, Jan 28, 2025 at 1:07 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Hi,

Please add the following to the file:

Terms of Condition Rural Business Development Grant Scheme: 9.2 and **it's reference to Attempted Fraud.**

<https://www.daera-ni.gov.uk/articles/rural-business-development-grant-scheme-rbdgs-letter-offer-terms-and-conditions#toc-8>

On Tue, Jan 28, 2025 at 12:21 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Dear [REDACTED]

Thank you for your response. While I understand the decision not to move forward as the application as it has been withdrawn. The systems did work. I do disagree with part of your letter that there is insufficient evidence and reliable evidence with the view to make a gain by Mr Gareth Macalister

You state in your email:

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal *intent* with a view to make a gain / cause a loss.

I object to this view point as the quotation received was clearly composed by Gareth Macalister with the ***intent*** of making a financial gain for his company of which he is a director.

I attach again a screenshot showing that the document was created by Gareth MacAlister for the process of financially gaining from yourselves. Also please see the email where he acknowledged he created the document for the application. This is all intent to make a gain and evidence of such intent.

As I formally object to this point as there is evidence that Mr Gareth Macalister initiated the intent to make a gain.

Please advise me of the formal route I must take to object to the above paragraph in your email.

Regards,

Kieran Kelly

On Tue, Jan 28, 2025 at 11:45 AM [REDACTED]:

Dear Mr Kelly

Re: Quotation submitted to the Rural Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit

Please see correspondence attached

Kind Regards

[REDACTED]

[REDACTED]

Rural Affairs TRPSI, Health & Wellbeing Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)

Sperrin House, Sedan Avenue, Omagh, Co Tyrone, BT79 7AQ



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[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 29 January 2025 17:08
To: DAERA Private Office
Cc: [REDACTED]
Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Great. I look forward to seeing how department policy is implemented.

Section 2.10 **Common Methods and Types of Fraud**

- altering amounts and details on documents;

and

Section 12.3.: It is the Department's policy that in all cases of fraud, whether perpetrated or **attempted** by a member of staff or by **external organisations** or persons, **the case will be referred to the PSNI at the earliest possible juncture.**

Failure to implement the department's policy will leave it open to any person or individual to attempt to commit fraud without any penalty. Failure to implement the policy will open the flood gates to people attempting fraud as the precedent will be set in the decision made on this case either here or via the Ombudsman. If the policy is not enforced here it will set the norm for future fraud cases.

Kieran

On Wed, Jan 29, 2025 at 3:27 PM DAERA Private Office <Private.Office@daera-ni.gov.uk> wrote:

Hi Kieran,

I can confirm that the Minister has received all the emails. The issues raised are under consideration and a response will issue in due course.

Kind regards,

[REDACTED]



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and Rural Affairs
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From: Kieran Kelly <kieran@kierankelly.me>

Sent: 29 January 2025 15:20

To: DAERA Private Office <Private.Office@daera-ni.gov.uk>

Cc: Muir, Andrew CO <andrew.muir@co.niassembly.gov.uk>; [REDACTED]
[REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Still dont get it. Will Minister Andrew Muir get the emails I sent him or do I have to start from the beginning?

Kieran

On Wed, Jan 29, 2025 at 3:16 PM DAERA Private Office <Private.Office@daera-ni.gov.uk> wrote:

Good afternoon Kieran,

The private.office@daera-ni.gov.uk is Minister Muir's departmental email address.

I would like to acknowledge the emails to Minister Muir below.

Thanks

Clare House | 303 Airport Road West | Belfast | BT3 9ED | Tel: 02890 765341 (ext 89341) / 07773663193 | email Christine.skelton@daera-ni.gov.uk



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From: Kieran Kelly <kieran@kierankelly.me>

Sent: 29 January 2025 15:09

To: Muir, Andrew CO <andrew.muir@co.niassembly.gov.uk>

Cc: DAERA Private Office <Private.Office@daera-ni.gov.uk>; [REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Who or what is Private.Office@daera-ni.gov.uk ?

Really confused about this email address? It looks suspicious. I'm trying to bring to Minsiter Andrew Muirs attention that there is a highly documented case of attempted fraud. With a confession and that it is your department policy to report this to the PSNI but [REDACTED] letter wants to go against this government's department's policy of reporting ALL fraud cases to the PSNI. Even attempted fraud needs to be reported?

Really confused by all this private email stuff? Should suspected fraud cases not be dealt with as per DAERA policy document?

Is someone trying to protect this individual from this case going to the PSNI as per government departments policy document?

Kieran

On Wed, Jan 29, 2025 at 3:02 PM Muir, Andrew CO <andrew.muir@co.niassembly.gov.uk> wrote:

Hi Kieran,

Correspondence on this matter can be sent directly to: Private.Office@daera-ni.gov.uk

Kind regards

[REDACTED]

Casework and Constituency Manager

The Office of Andrew Muir MLA

Alliance Party Member of the Northern Ireland Assembly for North Down

North Down Constituency Office, 33 Church Road, Holywood, BT18 9BU

Telephone 028 9544 2944 | Northern Ireland Assembly, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX

From: Kieran Kelly <kieran@kierankelly.me>

Sent: 29 January 2025 13:24

To: [REDACTED] Muir, Andrew <andrew.muir@mla.niassembly.gov.uk>

Cc:

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Dear Mr Andrew Muir,

As we got one case of attempted fraud by Gareth Macalister and his company GNG credit, I'm now wondering if there are further cases that need to be investigated?

I see from online sources that Gareth Mcalister describes himself as a farmer? As well as helping farmers seek finance? Has he personally applied for any grant schemes with your department? Has GNG Credit helped any farmers apply for grants with your department in the past? Does your department now need to review past grants where GNG credit and Gareth Mcalister were involved? Could this be an ongoing practice and other farmers may have used GNG credit to apply for grants. This company is deeply involved in the farming sector in NI and could potentially have deployed similar practices in the past of creating or helping others to create fake documents to defraud the Department of Agriculture, Environment and Rural Affairs.

By failing to refer this case of attempted fraud to the PSNI as is your department's policy, you could be ignoring a much bigger problem. The PSNI must get involved ASAP as there have already been to make this go away and ignore attempted fraud.

Kieran

On Wed, Jan 29, 2025 at 12:39 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Also section is 2.10 of the same document needs to be reviewed. "Common Methods and Types of Fraud"

- Altering amounts and details of documents.

Gareth Mcalister created documents with false amounts, false letter head, false details. This is an important part of the case and as per section 12.3 policy document DAERA are required to refer this matter to the PSNI.

Your letter to me is ignoring the case of fraud and going against DAERA policy of referring all cases of fraud, including **attempted fraud** to the PSNI.

I do wonder why this case of fraud has been swept under the carpet? That because Gareth MCaslistar with drew the fraudulent application that it will no longer be processed against the policy of the DAERA.

Should government fraud policy not be applied equally across the board. Is it a regular thing to sweep attempted fraud under the carpet? The policy documents are in stark contrast to your letter to me. Your letter to me clearly seems to allow attempted fraud is tolerated.

Kieran

Common Methods and Types of Fraud

2.10 These include:



- payment for work not performed;
- forged endorsements;
- altering amounts and details on documents;
- false official identification used;
- damaging / destroying documentation;
- using copies of records and receipts;

On Wed, Jan 29, 2025 at 11:49 AM Kieran Kelly <kieran@kierankelly.me> wrote:

Please note, that my emails are a complaint. I wish to file an official complaint for not following the correct policy as outlined in the policy document. I cannot bring this matter to the Ombudsman unless It is done as follows.

* official complaint.

* Final response.

Then I can go to the Ombudsman on this issue.

Please advise how i start the official complaints procedure to your letter to stop any further delay. I do not want this to go back Northern Ireland Fraud Investigation Service for further consideration. I want to start an official complaints procedure as correct policy has not been followed to the a case of fraud that has evidence, a confession. The policy document clearly states that attempted fraud must be referred to the PSNI at the earliest juncture. As per section 12.3 of the document: **DAERA Anti-Fraud Policy and Fraud Response Plan**

I'm of the belief that not implementing the DAERA Anti-Fraud Policy and Fraud Response Plan section 12.3 opens up DAERA to further fraud attempts.

Your sincerely,

Kieran Kelly.

On Wed, Jan 29, 2025 at 11:39 AM [REDACTED] wrote:

Hi Kieran

I note the emails you have forwarded to Anthea and me for further consideration and also note an email you have issued to Minister Muir.

I have forwarded all your correspondence to the Northern Ireland Fraud Investigation Service for their further consideration.

On return of their response, I will write to you again.

Kind Regards

[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>

Sent: 28 January 2025 12:22

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Dear [REDACTED]

Thank you for your response. While I understand the decision not to move forward as the application as it has been withdrawn. The systems did work. I do disagree with part of your letter that there is insufficient evidence and reliable evidence with the view to make a gain by Mr Gareth Macalister

You state in your email:

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal *intent* with a view to make a gain / cause a loss.

I object to this view point as the quotation received was clearly composed by Gareth Macalister with the *intent* of making a financial gain for his company of which he is a director.

I attach again a screenshot showing that the document was created by Gareth MacAlister for the process of financially gaining from yourselves. Also please see the email where he acknowledged he created the document for the application. This is all intent to make a gain and evidence of such intent.

As I formally object to this point as there is evidence that Mr Gareth Macalister initiated the intent to make a gain.

Please advise me of the formal route I must take to object to the above paragraph in your email.

Regards,

Kieran Kelly

On Tue, Jan 28, 2025 at 11:45 AM [REDACTED] wrote:

Dear Mr Kelly

Re: Quotation submitted to the Rural Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit

Please see correspondence attached

Kind Regards

[REDACTED]

[REDACTED]

Rural Affairs TRPSI, Health & Wellbeing Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)

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From: DAERA Private Office
Sent: 29 January 2025 15:28
To: Kieran Kelly
Cc: [REDACTED]
Subject: RE: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kieran,

I can confirm that the Minister has received all the emails. The issues raised are under consideration and a response will issue in due course.

Kind regards,

[REDACTED]
Clare House | 303 Airport Road West | Belfast | BT3 9ED | Tel: 02890 765341 (ext 89341) / 07773663193 | email Christine.skeldon@daera-ni.gov.uk



Department of
Agriculture, Environment
and Rural Affairs
www.daera-ni.gov.uk

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agus Gnóthaí Tuaithe

Department of
Fairmin, Environment
an' Kintra Matthers

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From: Kieran Kelly <kieran@kierankelly.me>
Sent: 29 January 2025 15:20
To: DAERA Private Office <Private.Office@daera-ni.gov.uk>
Cc: [REDACTED]
Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Still dont get it. Will Minister Andrew Muir get the emails I sent him or do I have to start from the beginning?

Kieran

On Wed, Jan 29, 2025 at 3:16 PM DAERA Private Office <Private.Office@daera-ni.gov.uk> wrote:

Good afternoon Kieran,

The private.office@daera-ni.gov.uk is Minister Muir's departmental email address.

I would like to acknowledge the emails to Minister Muir below.

Thanks

[REDACTED]

Clare House | 303 Airport Road West | Belfast | BT3 9ED | Tel: 02890 765341 (ext 89341) / 07773663193 | email Christine.skelton@daera-ni.gov.uk



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Department of
Fairmin, Environment
an' Kintra Matthers

*Sustainability at the
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From: Kieran Kelly <kieran@kierankelly.me>

Sent: 29 January 2025 15:09

To: Muir, Andrew CO <andrew.muir@co.niassembly.gov.uk>

Cc: [REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Who or what is Private.Office@daera-ni.gov.uk ?

Really confused about this email address? It looks suspicious. I'm trying to bring to Minister Andrew Muir's attention that there is a highly documented case of attempted fraud. With a confession and that it is your department's policy to report this to the PSNI but Gerard Treacy's letter wants to go against this government's department's policy of reporting ALL fraud cases to the PSNI. Even attempted fraud needs to be reported?

Really confused by all this private email stuff? Should suspected fraud cases not be dealt with as per DAERA policy document?

Is someone trying to protect this individual from this case going to the PSNI as per government departments policy document?

Kieran

On Wed, Jan 29, 2025 at 3:02 PM Muir, Andrew CO <andrew.muir@co.niassembly.gov.uk> wrote:

Hi Kieran,

Correspondence on this matter can be sent directly to: Private.Office@daera-ni.gov.uk

Kind regards

[REDACTED]

[REDACTED]

The Office of Andrew Muir MLA

Alliance Party Member of the Northern Ireland Assembly for North Down

North Down Constituency Office, 33 Church Road, Holywood, BT18 9BU

Telephone 028 9544 2944 | Northern Ireland Assembly, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX

From: Kieran Kelly <kieran@kierankelly.me>

Sent: 29 January 2025 13:24

To: [REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Dear Mr Andrew Muir,

As we got one case of attempted fraud by Gareth Macalister and his company GNG credit, I'm now wondering if there are further cases that need to be investigated?

I see from online sources that Gareth Mcalister describes himself as a farmer? As well as helping farmers seek finance? Has he personally applied for any grant schemes with your department? Has GNG Credit helped any farmers apply for grants with your department in the past? Does your department now need to review past grants where GNG credit and Gareth Mcalister were involved? Could this be an ongoing practice and other farmers may have used GNG credit to apply for grants. This company is deeply involved in the farming sector in NI and could potentially have deployed similar practices in the past of creating or helping others to create fake documents to defraud the Department of Agriculture, Environment and Rural Affairs.

By failing to refer this case of attempted fraud to the PSNI as is your department's policy, you could be ignoring a much bigger problem. The PSNI must get involved ASAP as there have already been to make this go away and ignore attempted fraud.

Kieran

On Wed, Jan 29, 2025 at 12:39 PM Kieran Kelly <kieran@kierankelly.me> wrote:

Also section is 2.10 of the same document needs to be reviewed. "Common Methods and Types of Fraud"

- Altering amounts and details of documents.

Gareth Mcalister created documents with false amounts, false letter head, false details. This is an important part of the case and as per section 12.3 policy document DAERA are required to refer this matter to the PSNI.

Your letter to me is ignoring the case of fraud and going against DAERA policy of referring all cases of fraud, including **attempted fraud** to the PSNI.

I do wonder why this case of fraud has been swept under the carpet? That because Gareth MCaslistar with drew the fraudulent application that it will no longer be processed against the policy of the DAERA.

Should government fraud policy not be applied equally across the board. Is it a regular thing to sweep attempted fraud under the carpet? The policy documents are in stark contrast to your letter to me. Your letter to me clearly seems to allow attempted fraud is tolerated.

Kieran

Common Methods and Types of Fraud

2.10 These include:



- payment for work not performed;
- forged endorsements;
- altering amounts and details on documents;
- false official identification used;
- damaging / destroying documentation;
- using copies of records and receipts;

On Wed, Jan 29, 2025 at 11:49 AM Kieran Kelly <kieran@kierankelly.me> wrote:

Please note, that my emails are a complaint. I wish to file an official complaint for not following the correct policy as outlined in the policy document. I cannot bring this matter to the Ombudsman unless It is done as follows.

* official complaint.

* Final response.

Then I can go to the Ombudsman on this issue.

Please advise how i start the official complaints procedure to your letter to stop any further delay. I do not want this to go back Northern Ireland Fraud Investigation Service for further consideration. I want to start an official complaints procedure as correct policy has not been followed to the a case of fraud that has evidence, a confession. The policy document clearly states that attempted fraud must be referred to the PSNI at the earliest juncture. As per section 12.3 of the document: **DAERA Anti-Fraud Policy and Fraud Response Plan**

I'm of the belief that not implementing the DAERA Anti-Fraud Policy and Fraud Response Plan section 12.3 opens up DAERA to further fraud attempts.

Your sincerely,

Kieran Kelly.

On Wed, Jan 29, 2025 at 11:39 AM [REDACTED] wrote:

Hi Kieran

I note the emails you have forwarded to Anthea and me for further consideration and also note an email you have issued to Minister Muir.

I have forwarded all your correspondence to the Northern Ireland Fraud Investigation Service for their further consideration.

On return of their response, I will write to you again.

Kind Regards

[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>

Sent: 28 January 2025 12:22

To: [REDACTED]

Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Dear [REDACTED]

Thank you for your response. While I understand the decision not to move forward as the application as it has been withdrawn. The systems did work. I do disagree with part of your letter that there is insufficient evidence and reliable evidence with the view to make a gain by Mr Gareth Macalister

You state in your email:

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal **intent** with a view to make a gain / cause a loss.

I object to this view point as the quotation received was clearly composed by Gareth Macalister with the **intent** of making a financial gain for his company of which he is a director.

I attach again a screenshot showing that the document was created by Gareth MacAlister for the process of financially gaining from yourselves. Also please see the email where he acknowledged he created the document for the application. This is all intent to make a gain and evidence of such intent.

As I formally object to this point as there is evidence that Mr Gareth Macalister initiated the intent to make a gain.

Please advise me of the formal route I must take to object to the above paragraph in your email.

Regards,

Kieran Kelly

On Tue, Jan 28, 2025 at 11:45 AM [REDACTED] wrote:

Dear Mr Kelly

Re: Quotation submitted to the Rural Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit

Please see correspondence attached

Kind Regards

[REDACTED]

[REDACTED]

Rural Affairs TRPSI, Health & Wellbeing Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)

Sperrin House, Sedan Avenue, Omagh, Co Tyrone, BT79 7AQ

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085 7775489

www.kierankelly.me

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085 7775489

www.kierankelly.me

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085 7775489

www.kierankelly.me

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085 7775489

www.kierankelly.me

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www.kierankelly.me

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085 7775489

www.kierankelly.me

[REDACTED]

From: DAERA Private Office
Sent: 29 January 2025 15:44
To: [REDACTED]

Subject: CM: TOF-1510-2024 : Rural Business Development Grant Scheme - Supplier Check

Follow Up Flag: Follow up
Flag Status: Flagged

Raised By: Kieran Kelly
Reference: TOF-1510-2024

Subject: TOF-1510-2024 : Rural Business Development Grant Scheme - Supplier Check

Referred To: [REDACTED]
Date Referred: 29/01/2025

Please see attached correspondence for your action as necessary.

It is the Business Area's responsibility to save all correspondence appropriately on Content Manager.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 14 February 2025 15:28
To: [REDACTED]
[REDACTED] RURAL AFFAIRS TRPSI, HEALTH & WELLBEING
Subject: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25
Attachments: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25.tr5

Thanks [REDACTED]

[REDACTED] – grateful if you can arrange issuing of the response to Mr Kelly on my behalf.

Please update letter date before issuing.

[REDACTED]

From: [REDACTED]
Sent: 14 February 2025 13:56
To: [REDACTED]
[REDACTED]
Subject: RE: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25

[REDACTED]

I believe that your response addresses Mr Kelly's concerns. Happy for it to issue.

Thanks.

[REDACTED]
Rural Affairs Division
Jubilee House
Tel: 02877442163
Ext: 49163

From: [REDACTED]
Sent: 13 February 2025 15:39
To: [REDACTED]
[REDACTED]
Subject: FW: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25

Hi [REDACTED]

You will be aware of the 11 emails received from Mr Kelly at the end of January (some to me and others to the Minister)

The TOF case has been passed to me to respond. Attached is an attached draft which has been constructed after consultations and input from FIS staff and [REDACTED] in DAERA's Counterfraud Team (email exchange below).

After going through all the emails, I am content that the attached draft reply deals with all the matters raised by Mr Kelly.

However, a fresh pair of eyes having a look at the response would be appreciated before I get it away (hopefully today if possible).

Happy to discuss as required.

[REDACTED]

From: [REDACTED]
Sent: 06 February 2025 09:29
To: [REDACTED]
Subject: FW: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
[REDACTED]
Subject: TOF-1510-2024 - TO N - Further update Mr Kelly 30.1.25

Hi [REDACTED]

Thank you for your assistance last week in reviewing and adding to the attached draft response.

This afternoon I had an opportunity to review the draft reply and the 11 emails from Mr Kelly to both Minister Muir and I and to talk the case through with [REDACTED]

I have two remaining concerns prior to releasing the response

1) Have we sufficiently dealt with Mr Kelly's queries regarding intent to fraud the Department and The Department referred the case to Fraud Investigation Services on receiving the details of the suspected fraud. Para 3.2 states that the investigation element of the Departments Counter Fraud Strategy is provided by Fraud Investigation Services in the Department of Finance. FIS is staffed by a team of experienced investigation staff and provides the Department with investigative services on a wide range of programmes including:

- providing specialist investigative services to the Department for the investigation of cases of suspected **internal and external** fraud;
- conducting all investigations in strict compliance with relevant law and procedure;
- completing investigations so that they act as a deterrent and prevent others from committing fraud by uncovering quality evidence that will ensure that legal proceedings and / or disciplinary charges can be taken, resulting in more certain and severe penalties; and
- consulting on behalf of the Department with the Police Service of Northern Ireland (PSNI).

2) Have we sufficiently clarified why as it states in 12.3 of DAERA's Anti-Fraud Policy that all cases will be referred to the PSNI but in this instance it was not. Mr Kelly is therefore of the opinion that we have not dealt with his concerns as per our publicised Policy.

Although FIS determined that on receipt the suspected fraud did not merit a referral to the PSNI, subsequent engagement by FIS with the PSNI resulted in confirmation by the PSNI that they would not take any further action as there was no financial loss to the Department. DAERA's Anti-Fraud Policy is currently under review. The current version was last updated October 2021. Although 12.3 does state "It is the Department's policy that in all cases of fraud, whether perpetrated or attempted by a member of staff or by external organisations or persons, the case will be referred to the PSNI at the earliest possible juncture" this should be taken in context with the section below. The review will ensure that Para 12.3 provides the clarification sought by Mr Kelly.

Liaison with the Police Service of Northern Ireland

PSNI is available to give advice and / or guidance, through FIS, in cases where fraud is suspected. [REDACTED],

the PSNI Fraud Unit is capable of carrying out investigations. [REDACTED]
[REDACTED]

FIS made the determination, initially, that this case was less complex and therefore conducted the investigation themselves, as per the policy.

Any help to strengthen these issues in the attached letter would be greatly appreciated as I believe this case is not one that is going to go away anytime soon.

Happy to discuss further as necessary.

Thanks

[REDACTED]
Programme Manager
Rural Affairs TRPSI, Health & Wellbeing Branch
Department of Agriculture, Environment & Rural Affairs (DAERA)
Sperrin House
Lisnamallard

Omagh
BT79 0AN



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‘ I sometimes send emails out of hours; I do not expect others to do so, do not feel obligated to respond outside of your normal working hours. ’

From the Director of Rural Affairs
Teresa O'Neill



Our reference - TOF-1510-2024

Kieran Kelly

Kieran Kelly Web Design and Digital

Marketing

BT49 9HP kieran@kierankelly.me

Jubilee House

111 Ballykelly Road

Ballykelly

Telephone: 028 7744 5262

Email: Teresa.ONeill@daera-ni.gov.uk

17 December 2024

Dear Kieran

**Quotation submitted to the Rural Business Development Grant Scheme (RBDGS)
2024/25 by GNG Credit**

Thank you for your emails received by the Department on 05, 10 and 11 December 2024. In your emails you raised an allegation of a potentially fraudulent quotation in your company's name being submitted by GNG Credit in their application to the DAERA funded 2024/2025 Rural Business Development Grant Scheme. You also provided information in relation to communications between yourself and named staff at GNG Credit.

The Department takes all allegations of potential fraud seriously and this case will be reviewed under the DAERA Anti-Fraud Policy. As part of our policy, the allegation will be shared with our colleagues in Fraud Investigation Service (FIS) and The Northern Ireland Audit Office (NIAO). You may be contacted again to seek clarification or additional information regarding the specific issue you have raised.

Rural Affairs Division will also conduct a review of this case and will take any necessary appropriate actions to address the issue you have reported.

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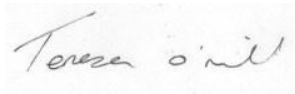
If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

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We will provide you with a further update by 24 January 2025.

If you have any queries about this letter, please do not hesitate to contact Gerard Treacy Rural Affairs Division via email Gerard.treacy@daera-ni.gov.uk or on 028 8225 3504 or 077 1474 9162.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Teresa O'Neill', on a light-colored rectangular background.

Teresa O'Neill
Director of Rural Affairs

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Division
Gerard Treacy**



Department of
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**Fairmin, Environment
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Our reference – TOF-1510-2024

Kieran Kelly
Kieran Kelly Web Design and Digital
Marketing

kieran@kierankelly.me

28 January 2025

Sperrin House
Sedan Avenue
Lisnamallard
Omagh, Tyrone
BT79 7AQ

Telephone: 028 8225 3504 / 077 1474
9162

Email: gerard.treacy@daera-ni.gov.uk

**Quotation submitted to the Rural Business Development Grant Scheme (RBDGS)
2024/2025 by GNG Credit**

As outlined in the Director of Rural Affairs reply dated 17 December 2024 to your correspondences, I am writing to provide you with an update regarding the quotation submitted to the RBDGS by GNG Credit.

In your emails received by the Department on 05, 10 and 11 December 2024 you raised an allegation of a potentially fraudulent quotation in your company's name being submitted by GNG Credit in their application to the DAERA funded 2024/2025 Rural Business Development Grant Scheme.

The Department has reviewed the allegation under DAERA's Anti-Fraud Policy and shared the matter with Fraud Investigation Service (FIS). FIS have reviewed the information provided and have concluded they will not be taking any further action on this case.

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal intent with a view to make a gain / cause a loss.

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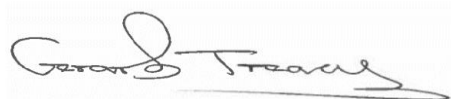
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FIS's only avenue in terms of further criminal investigation, with a view to prosecution is by formal referral to the PSNI through the Economic Crime Unit. They have however concluded that a criminal investigation by Police, and a subsequent review by the Public Prosecution Service, in this instance, would not be an appropriate or a proportional response given the cost of such against no loss.

Therefore, as there has been no loss to the Department, the scheme controls designed to identify these types of issues have worked and GNG Credit have withdrawn their application to the RBDGS this matter is now deemed closed by DAERA.

I again wish to thank you for bringing this matter to the Department's attention and if you wish to discuss any further matters relating to the issue then please do not hesitate to contact me on the above email address or contact number.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gerard Treacy', with a long horizontal flourish extending to the right.

Gerard Treacy
Head of Branch Rural Affairs Division

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Our reference TOF-1510-2024

Kieran Kelly
Kieran Kelly Web Design and Digital
Marketing

kieran@kierankelly.me

13 February 2025

Sperrin House
Sedan Avenue
Lisnamallard
Omagh, Tyrone
BT79 7AQ

Telephone: 028 8225 3504 / 077 1474
9162

Email: gerard.treacy@daera-ni.gov.uk

Dear Kieran

**Report of fraudulent allegations in respect of a quotation submitted to the Rural
Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit.**

Thank you for your email correspondences and for those forwarded to Minister Muir on the 28 and 29 January 2025 which have been passed to me to provide a response. In your emails you expressed concern that an allegation of potential fraud raised by yourself in respect of a quotation submitted to the RBDGS by GNG Credit had not been referred to the PSNI.

To deal with the issue you raised, the matter was referred to the Department's Group Fraud Investigations Service (FIS) who conducted an investigation into your allegations.

FIS is staffed by a team of experienced investigation staff and provides the Department with specialist investigative services on a wide range of programmes including the investigation of cases of suspected internal and external fraud.

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FIS can determine which cases meet the criteria for referral that could potentially lead to a successful prosecution. To refer every case would be extremely resource intensive for the PSNI.

As outlined in DAERA's Anti-Fraud Policy the PSNI is available to give advice and / or guidance, through FIS, in cases where fraud is suspected. Where actual or attempted fraud is confirmed and is of a large or complex nature, the PSNI Fraud Unit can carry out investigations. Smaller cases may be referred to the local police or investigated by the FIS.

FIS made the determination, initially, that this case was less complex and therefore conducted the investigation themselves. Having assessed the evidence provided FIS concluded that a criminal investigation by PSNI, and a subsequent review by the Public Prosecution Service, in this instance, would not be an appropriate or a proportional response given the cost of such action as there was no financial loss to the Department.

Following concerns you raised on the 29 January 2025, FIS referred the case to the PSNI for advice. Following a review of the report the PSNI have stated that no PSNI action is required.

You may wish to liaise directly with the PSNI, reporting that you believe you have been the victim of a fraud in relation to the false quotation submitted in support of an application by a third party for grant aid. The Department cannot pursue a case on your behalf.

We are committed to providing customers with high quality standards of service. You have indicated that you are unhappy with our service, so I have provided information on how to make a complaint, as requested <https://www.daera-ni.gov.uk/contacts/how-make-complaint>

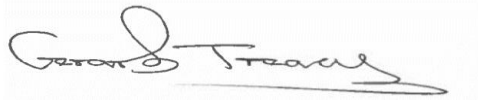
I again want to thank you for bringing this matter to the Department's attention and if you wish to discuss any further matters relating to the issue then please do not hesitate to contact me on the above email address or contact numbers provided.

Yours sincerely,

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Head of Branch Rural Affairs Division

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Our reference TOF-1510-2024

Kieran Kelly
Kieran Kelly Web Design and Digital
Marketing

kieran@kierankelly.me

14 February 2025

Sperrin House
Sedan Avenue
Lisnamallard
Omagh, Tyrone
BT79 7AQ

Telephone: 028 8225 3504 / 077 1474
9162

Email: gerard.treacy@daera-ni.gov.uk

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To deal with the issue you raised, the matter was referred to the Department's Group Fraud Investigations Service (FIS) who conducted an investigation into your allegations.

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FIS can determine which cases meet the criteria for referral that could potentially lead to a successful prosecution. To refer every case would be extremely resource intensive for the PSNI.

As outlined in DAERA's Anti-Fraud Policy the PSNI is available to give advice and / or guidance, through FIS, in cases where fraud is suspected. Where actual or attempted fraud is confirmed and is of a large or complex nature, the PSNI Fraud Unit can carry out investigations. Smaller cases may be referred to the local police or investigated by the FIS.

FIS made the determination, initially, that this case was less complex and therefore conducted the investigation themselves. Having assessed the evidence provided FIS concluded that a criminal investigation by PSNI, and a subsequent review by the Public Prosecution Service, in this instance, would not be an appropriate or a proportional response given the cost of such action as there was no financial loss to the Department.

Following concerns you raised on the 29 January 2025; FIS referred the case to the PSNI for advice. Following a review of the report the PSNI have stated that no PSNI action is required.

You may wish to liaise directly with the PSNI, reporting that you believe you have been the victim of a fraud in relation to the false quotation submitted in support of an application by a third party for grant aid. The Department cannot pursue a case on your behalf.

We are committed to providing customers with high quality standards of service. You have indicated that you are unhappy with our service, so I have provided information on how to make a complaint, as requested <https://www.daera-ni.gov.uk/contacts/how-make-complaint>

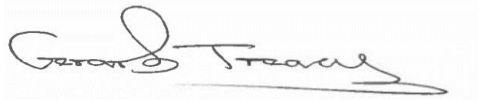
I again want to thank you for bringing this matter to the Department's attention and if you wish to discuss any further matters relating to the issue then please do not hesitate to contact me on the above email address or contact numbers provided.

Yours sincerely,

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

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Gerard Treacy
Head of Branch Rural Affairs Division

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[REDACTED]

From: [REDACTED]
Sent: 28 April 2025 11:10
To: [REDACTED]
Cc: [REDACTED]
Subject: TOF-1510-2024- Mr Kelly 14.2.2025
Attachments: TOF-1510-2024- Mr Kelly 14.2.2025.tr5

[REDACTED]

Fraud Case [REDACTED]

Please see attached correspondence sent to Mr Kieran Kelly on the 14 February 2025. DAERA have not received any further communications from Mr Kelly and are content to mark closed.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 29 January 2025 11:39
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Update regarding the quotation submitted to the RBDGS by GNG Credit.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kieran

I note the emails you have forwarded to [REDACTED] for further consideration and also note an email you have issued to Minister Muir.

I have forwarded all your correspondence to the Northern Ireland Fraud Investigation Service for their further consideration.

On return of their response, I will write to you again.

Kind Regards

[REDACTED]

From: Kieran Kelly <kieran@kierankelly.me>
Sent: 28 January 2025 12:22
To: [REDACTED]
Subject: Re: Update regarding the quotation submitted to the RBDGS by GNG Credit.

CAUTION – This email has been received from outside the NICS network. If you have any concerns, please report for investigation.

Dear [REDACTED]

Thank you for your response. While I understand the decision not to move forward as the application as it has been withdrawn. The systems did work. I do disagree with part of your letter that there is insufficient evidence and reliable evidence with the view to make a gain by Mr Gareth Macalister

You state in your email:

This decision is based on the fact that FIS are primarily concerned with establishing if there is sufficient and reliable evidence to indicate criminal *intent* with a view to make a gain / cause a loss.

I object to this view point as the quotation received was clearly composed by Gareth Macalister with the *intent* of making a financial gain for his company of which he is a director.

I attach again a screenshot showing that the document was created by Gareth MacAlister for the process of financially gaining from yourselves. Also please see the email where he acknowledged he created the document for the application. This is all intent to make a gain and evidence of such intent.

As I formally object to this point as there is evidence that Mr Gareth Macalister initiated the intent to make a gain.

Please advise me of the formal route I must take to object to the above paragraph in your email.

Regards,

Kieran Kelly

On Tue, Jan 28, 2025 at 11:45 AM [REDACTED] > wrote:

Dear Mr Kelly

Re: Quotation submitted to the Rural Business Development Grant Scheme (RBDGS) 2024/2025 by GNG Credit

Please see correspondence attached

Kind Regards

[REDACTED]

[REDACTED]

Rural Affairs TRPSI, Health & Wellbeing Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)

Sperrin House, Sedan Avenue, Omagh, Co Tyrone, BT79 7AQ



Department of
Agriculture, Environment
and Rural Affairs
www.daera-ni.gov.uk

An Roinn
Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe

Department of
Fairmin, Environment
an' Kintra Matthers

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*living, working, active landscape
valued by everyone.*

--
085 7775489

www.kierankelly.me

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-610 - Freedom of Information Act 2000 (FOIA)

Request Details: Request for correspondence relating to the requestor's report of fraud for the Rural Business Development Grant Scheme.

Brief description of the Personal Data falling within the scope of the request

Name, location, contact information and economic data not related to the data requester.

LAWFULNESS

Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis for processing is set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- ☐ **Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.
- ☐ **Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Consideration of Legitimate Interests

1. PURPOSE

As the disclosure of personal data under FOIA or EIR is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

2. NECESSITY

The right of access under FOI or EIR does not in itself constitute a **pressing social need**.

The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

CONCLUSION

Having considered all of the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of third party personal data falling within the scope of the request for correspondence relating to the requestor's report of fraud for the Rural Business Development Grant Scheme.

Elizabeth McIlwaine

Head of Branch, Tackling Rural Poverty and Social Isolation, Health & Wellbeing Branch (THWB)