

SCHEDULE

Regulation 8

“SCHEDULE 1

Regulations 2, 12A(2)(c) and 13(2)(d)

Disclosure of data

PART 1

The following persons or bodies are authorised recipients—

- (a) the Scottish Parliament;
- (b) the Scottish Ministers;
- (c) either House of Parliament;
- (d) any department of the Government of the United Kingdom;
- (e) the Welsh Ministers;
- (f) the National Assembly for Wales;
- (g) the Northern Ireland Assembly or a Northern Ireland department;
- (h) an enforcement authority;
- (i) an approved organisation;
- (j) a green deal relevant person;
- (k) the holder of a licence under section 6(1)(c) or (d) of the Electricity Act 1989⁽¹⁾ (distribution and supply licences) which has been modified by the Secretary of State under section 41(1) of the Energy Act 2008⁽²⁾ (power to amend licence conditions etc: feed-in tariffs).

PART 2

The purposes are—

1. Promoting energy efficiency improvements in relation to buildings.
2. Conducting research into, or developing or analysing policy (or policy proposals) in relation to, the energy efficiency of buildings.
3. Conducting research into the effectiveness or impact of energy efficiency improvements.
4. Identifying geographic areas where the energy efficiency of buildings is low relative to other areas, or conducting research into the extent, causes or consequences of such lower levels of efficiency.
5. Promoting and marketing energy efficiency improvements that may be made pursuant to a green deal plan.
6. Identifying and analysing the impact of carbon emissions on the environment resulting from buildings with low levels of energy efficiency.
7. Determining whether energy efficiency improvements that may be made pursuant to a green deal plan have or have not been made in respect of a particular building or buildings.

(1) 1989 c.29.

(2) 2008 c.32.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 3

The conditions are—

1. The authorised recipient is, until the data is deleted from the authorised recipient's records and systems (so that the personal data is no longer accessible by any means by the authorised recipient) a data controller within the meaning of section 1(1) of the Data Protection Act 1998⁽³⁾ in relation to the information disclosed.

2. The authorised recipient must not—

- (a) disclose any personal data contained in or derived from data disclosed to the authorised recipient under regulation 12A or 13 to any other person without the consent of the person who is the subject of the data;
- (b) use such personal data in order to contact an individual for the purpose of marketing or promoting products or services which do not relate to energy efficiency;
- (c) use such personal data in order to make contact with an individual where an opt-out is in effect.

3. The authorised recipient must not make contact with any person whose identity or contact details (or both) have become known to the authorised recipient from data disclosed to the authorised recipient under regulation 12A or 13 unless—

- (a) the authorised recipient advises that person, at the time contact is first made that—
 - (i) the identity or contact details (or both) of that person have been obtained from the keeper of the register under regulation 12A or 13, as the case may be, and
 - (ii) that person is entitled to refuse to receive any further communications from the authorised recipient; and
- (b) the first contact with that person is made by means of written communication (including electronic communication) only.

4. The authorised recipient must not make further contact with a person if that person has informed the authorised recipient that that person does not wish to receive any further communications from the authorised recipient.

5. If the authorised recipient has on three separate occasions made contact with a person whose identity or contact details (or both) have become known to the authorised recipient from data disclosed to the authorised recipient under regulation 12A or 13 and received no response from that person within fourteen days of the date of the third contact, the authorised recipient—

- (a) must not attempt to contact that person again; and
- (b) must, as soon as reasonably practicable (and in any event within fourteen days of the receipt of a request made by or on behalf of that person to do so) delete any personal data contained in or derived from data disclosed to the authorised recipient under regulation 12A or 13 from its records and systems (so that the personal data is no longer accessible by any means by the authorised recipient).

6. If a person, whose identity or contact details (or both) have become known to the authorised recipient from data disclosed to the authorised recipient under regulation 12A or 13, requests the authorised recipient to do so, the authorised recipient must, as soon as reasonably practicable (and in any event within fourteen days of the receipt of a request) delete any personal data contained in or derived from data disclosed to the authorised recipient under regulation 12A or 13 from its records and systems (so that the personal data is no longer accessible by any means by the authorised recipient).

(3) 1998 c.29 as amended by section 68 of and Schedule 8 to the Freedom of Information Act 2000 (c.36) and S.I. 2004/3089.

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7. The authorised recipient must ensure that its officers and employees comply with the conditions in paragraphs 1 to 6 above.

Interpretation

8. In this Schedule—

“energy efficiency improvements” has the same meaning as in section 2 of the Energy Act 2011⁽⁴⁾;

“personal data” has the meaning given in section 1(1) of the Data Protection Act 1998⁽⁵⁾.”

⁽⁴⁾ 2011 c.16.

⁽⁵⁾ 1998 c.29. Section 1(1) has been amended by sections 68 and 86 of and Schedule 8 to the Freedom of Information Act 2000 (c.36).