
STATUTORY INSTRUMENTS

2012 No. 3118

**The Energy Performance of Buildings
(England and Wales) Regulations 2012**

PART 6

Registration and Disclosure of Data Relating to Certificates and Reports

Disclosure by keeper of register

32.—(1) The keeper of the register may disclose general access data or bulk access data—

- (a) to an enforcement authority for the purposes of their duty under regulation 34(2);
- [^{F1}(aa) to the building safety regulator for the purposes of its duty under section 91 of the Building Act 1984;]
- (b) to a local authority for the purposes of their duty under section 91 of the Building Act 1984 ^{M1};
- (c) to [^{F2}a registered building control approver for the purposes of the approver’s] functions under Part 2 of the Building Act 1984; or
- (d) for the purpose of—
 - (i) the prevention or detection of crime;
 - (ii) the apprehension or prosecution of alleged offenders;
 - (iii) any proceedings in a court or tribunal; or
 - (iv) complying with an order or a court or tribunal. [^{F3}; or
- (e) to the Office for National Statistics for statistical or research purposes]

(2) [^{F4}The keeper of the register] may disclose general access data or bulk access data to the Secretary of State [^{F5}, or to a person acting on behalf of the Secretary of State,] for the purpose of enabling the Secretary of State to carry out any function under or in connection with these Regulations, or for statistical or research purposes.

[^{F6}(2A) [^{F7}Where the keeper of the register discloses general access data or bulk access data to the Secretary of State or to the Office for National Statistics for statistical or research purposes, such data may be published by the Secretary of State or the Office of National Statistics (as the case may be) if—]

- (a) the data is published in anonymised form; and
- (b) the data does not include any information revealing the report reference number for an energy performance certificate.

(2B) In paragraph (2A) “anonymised form” means that the data is in a form calculated to prevent the data from being identified as relating to a particular person or building.]

[^{F8}(3) The keeper of the register may disclose general access data or bulk access data to—

- (a) the Secretary of State;
- (b) a person acting on behalf of the Secretary of State; or
- (c) the Green Deal Ombudsman,

for the purpose of enabling that person to carry out any function under or in connection with Part 8 of the Green Deal Framework Regulations.

(4) In this regulation, “Green Deal Ombudsman” has the meaning given in regulation 2(1) of the Green Deal Framework Regulations.]

[^{F9}(5) The keeper of the register may disclose to a person who operates an accreditation scheme approved by the Secretary of State under regulation 22—

- (a) any document entered onto the register; and
 - (b) any associated data.
- (6) Any document or data which is disclosed under paragraph (5)—
- (a) may only be disclosed to the operator of the accreditation scheme through which the energy assessor entered the document or data on the register; and
 - (b) shall not include any green deal information or any information revealing the report reference number for an energy performance certificate relating to a green deal property.
- (7) The keeper of the register may disclose bulk access data, which relates to a dwelling, to—
- (a) the Gas and Electricity Markets Authority (“the Authority”);
 - (b) the Secretary of State; and
 - (c) a person acting on behalf of the Authority or the Secretary of State;

for the purposes of enabling the Authority or the Secretary of State to carry out any function in relation to a scheme established under section 100 of the Energy Act 2008.

[^{F10}(7A) The keeper of the register may disclose bulk access data which relates to a building to a green deal relevant person if the data is to be used by that person solely for one or more of the following purposes—

- (a) promoting energy efficiency improvements in relation to buildings;
- (b) promoting and marketing energy efficiency improvements that may be made pursuant to a green deal plan;
- (c) 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.

(7B) The keeper of the register may disclose bulk access data which relates to a building to the Secretary of State, or to a person acting on behalf of the Secretary of State, for one or more of the following purposes—

- (a) the carrying out of any function of the Secretary of State under—
 - (i) sections 33BC (promotion of reductions in carbon emissions: gas transporters and gas suppliers) or 33BD (promotion of reductions in home-heating costs: gas transporters and gas suppliers) of the Gas Act 1986,
 - (ii) sections 41A (promotion of reductions in carbon emissions: electricity distributors and electricity suppliers) or 41B (promotion of reductions in home-heating costs: electricity distributors and electricity suppliers) of the Electricity Act 1989,
 - (iii) the Green Deal Framework Regulations, or
 - (iv) the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015;

(b) promoting energy efficiency improvements in relation to buildings.

(7C) The keeper of the register may disclose bulk access data which relates to a building to the Gas and Electricity Markets Authority, or to a person acting on behalf of the Authority, for one or more of the following purposes—

(a) the carrying out of any functions of the Authority under the Electricity and Gas (Energy Company Obligation) Order 2014;

(b) promoting energy efficiency improvements in relation to buildings.]

(8) Any data disclosed under paragraph (7) [^{F11}, (7A), (7B) or (7C)] shall not include any—

^{F12}(a)

(b) information revealing the address or postcode of an identifiable person where an opt-out has effect under regulation 30.]

Textual Amendments

- F1** Reg. 32(1)(aa) inserted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **19(2)** (with regs. 22-24)
- F2** Words in reg. 32(1)(c) substituted (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **39(1)** (with reg. 39(2)); and (W.) (25.4.2024) by The Building Safety Act 2022 (Commencement No. 5 and Consequential Amendments) (Wales) Regulations 2024 (S.I. 2024/447), regs. 1(1), **5** (with reg. 6)
- F3** Reg. 32(1)(e) and word inserted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(a)**
- F4** Words in reg. 32(2) substituted (6.4.2018) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018 (S.I. 2018/362), regs. 1(2), **5(a)**
- F5** Words in reg. 32(2) inserted (6.4.2018) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2018 (S.I. 2018/362), regs. 1(2), **5(b)**
- F6** Reg. 32(2A)(2B) inserted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **8(a)**
- F7** Words in reg. 32(2A) substituted (6.4.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(b)**
- F8** Reg. 32(3)(4) inserted (27.1.2013) by The Energy Performance of Buildings (England and Wales) etc. (Amendment) Regulations 2013 (S.I. 2013/10), regs. 1(1), **13**
- F9** Reg. 32(5)-(8) inserted (6.4.2014) by The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/880), regs. 1(2), **8(b)**
- F10** Reg. 32(7A)-(7C) inserted (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(5)(a)**
- F11** Words in reg. 32(8) inserted (1.10.2016) by The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2016 (S.I. 2016/888), regs. 1(2), **2(5)(b)**
- F12** Reg. 32(8)(a) omitted (6.4.2016) by virtue of The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2016 (S.I. 2016/284), regs. 1(2), **21(c)**

Marginal Citations

- M1** 1984 c.55. Section 91 was amended by Schedule 17 to the Local Government Act 1985 (c.51).

Changes to legislation:

There are currently no known outstanding effects for the The Energy Performance of Buildings (England and Wales) Regulations 2012, Section 32.