

Making better use of Energy Performance Certificates and data consultation

Small-scale Privacy Impact Assessment – screening

This screening process relates to the proposals for making better use of energy performance data as set out within the Making better use of Energy Performance Certificates and data consultation paper. A small-scale Privacy Impact Assessment will be prepared and amended in tandem with the development of the data strategy and likely Regulatory changes, taking into account the consultation responses.

Background to the project

1. We have made a commitment in the Low Carbon Transition Plan to 'consult on extending access to EPC information for all homes so government departments, local authorities and relevant agencies are able to target offers of support' (to improve energy efficiency).
2. The Energy Performance of Buildings Directive 2002/91/EC (EPBD) has been implemented in the UK. One outcome from the EPBD has been the collection of data on the energy performance of over 4.3 million domestic and non-domestic buildings in England and Wales since 2008 captured through EPCs, Display Energy Certificates (DECs) and Air Conditioning Reports (ACRs). This information is stored in the England and Wales domestic and non domestic EPC Register on behalf of the Secretary of State for Communities and Local Government.
3. There is a growing demand, from both other Government departments and external organisations, to gain access to this information as it is considered a useful tool in supporting efforts to tackle climate change, whether through research or programmes to support practical change. For example, it can be used to determine trends in the energy efficiency of different types of buildings and most effective ways to improve energy efficiency. More specifically, energy performance data can be used to provide tailored advice and support to building owners on how they can improve energy efficiency.
4. However, access to this data is tightly controlled by Part 6 of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 as amended, restricting it to the Department for Communities and Local Government (CLG), Local Weights & Measures Authorities, Trading Standards Officers (TSOs). In August 2009 we amended the Regulations to give the Energy Savings Trust (EST) access to the EPCs of properties with poor energy ratings (F&G ratings) to allow them to give tailored advice and support to households to improve their energy efficiency, fulfilling a Prime Ministerial commitment.
5. Recent Government consultations, *The Next Steps: EPCS and the establishment of the Green Homes Service* consultation paper (June 2008), and *The Heat and Energy Savings Strategy* consultation (2009) have also indicated widespread support for increasing access to the information.

6. The data strategy will establish a consistent approach to handling the data collected. The sharing of energy performance data raises data protection issues which we have taken account of in this small-scale Privacy Impact Assessment screening.
7. We have concluded that address-level data will need to be treated as personal data and will need to comply with the Data Protection Act 1998 (DPA). Strict controls would need to be placed on the sharing of this data to avoid breaches of confidentiality and to avoid unsolicited mailshots to individual and companies from those seeking to profiteer.
8. We are considering giving discretion to the Secretary of State to determine who might have access to address data, in accordance with the criteria that we would set out in the legislation. A 'fair processing notice' would be included on the EPC and DEC to advise the holder that selected organisations may be given their EPC data in accordance with any revised Regulations. Data use would be governed by a letter of agreement (along the lines of that governing disclosure of data to EST) setting out appropriate safeguards, including the purposes for which data will be used, the scope of data required and access granted and terms of disclosure and sanctions for misuse.
9. For data that is anonymised (i.e. no specific address or individual can be identified), there are fewer legislative constraints and the DPA would not apply, which gives us greater scope to share this data with a wider range of organisations and individuals for research and information purposes.
10. We can handle data relating to DEC's differently, as they are already publicly accessible documents under the current Regulations, which gives us greater scope to publish both address and anonymous data.
11. Based on these considerations we have concluded that a staged approach to access to data offers the best balance of providing organisations with the data they need to fulfil their roles, whilst protecting the privacy of individuals and organisations. This is also consistent with responses to previous consultations.

Project characteristics

1. Does the project involve new or inherently privacy-invasive technologies?

No.

2. Is the justification for the new data-handling unclear or unpublished?

No. The justification for new data handling proposals are clearly explained within the Making better use of Energy Performance Certificates and data.