

Mr Roberts

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Our ref: IV/SC

By email: request-367846-be9e3692@whatdotheyknow.com

29 November 2016

Dear Mr Roberts,

INTERNAL REVIEW – INFORMATION

I write to set out South West Water Limited's ("SWW") response to your request made on 10th November 2016 through the 'What Do they Know' website for an internal review of its decision regarding your request for information under the Environmental Information Regulations 2004 ("**the Regulations**").

Internal Review Decision

I have reconsidered SWW's response of 10 November 2016 as part of the internal review and in principle, I uphold SWW's original decision that it considers the request to be exempt from disclosure on the grounds that the information requested does not fall within the definition of '*environmental information*' pursuant to the Regulations.

Whilst I note the time and measured consideration which has gone into your communication requesting an internal review, I would comment as follows:

1. In respect of the document entitled '*Important Data Protection – 'A Guide to the use of your personal data by South West Water and Credit reference and Fraud prevention Agencies'*

Thank you for drawing this document to SWW's attention. Having discussed it with the appropriate managers within SWW, I understand that this 'policy' was uploaded to SWW's website in 2012 in anticipation of adopting the policies referred to within it. However, SWW ultimately decided against the use of credit checking customers but unfortunately, the document was never removed. As such, it is not applicable or relevant to SWW's policy on the use of credit reference agencies or fraud prevention agencies. Both the document and references to it have therefore been removed from the SWW website.

I can confirm that SWW does not use credit reference and fraud prevention agencies in respect of any domestic customer who requests a supply of water and/or sewerage services. All domestic customers are provided with a SWW account on 'good faith'. I cannot comment however on the credit analysis arrangements between business account holders (non-household (NHH) customers) and their chosen Retailers. Please see below.

By way of information, the following summarises SWW's current 'debtor' policy in respect of Credit Reference Agencies and Debt Collection Agencies which is contained in SWW's 'Code of Practice on Payment and Debt Recovery and approved by OFWAT':

Credit Reference Agencies

If we (SWW) consider that your account is in default and we need to refer your account to a third party debt recovery agency because you have not paid us, the third party agent may supply information about your payment default to other organisations, such as, a credit reference and fraud prevention agencies to perform similar checks, and to trace your whereabouts if for example you have moved without telling us a forwarding address.

Debt Collection Agencies

Where a debt collection agency has been asked by us (SWW) to recover money, any disputes or offers of payment must be made to the agency using the contact telephone number or address on correspondence the agency has sent you. The debt collection agencies we use are regulated by the Office of Fair Trading, are rigorously vetted by the company and operate within strict codes of practice. If you have any concerns or complaints about a debt collection agency please write to South West Water, PO Box 4762, Worthing, BN11 9NT.

2. Classification of Environmental Information

With reference to the points raised in your request of 10th November, you have referred to the Information Commissioner's view that for a factor (SWW's *redundant* Credit Reference Policy) to be *likely* to affect one of the elements of the environment (supply and pricing of water and sewerage services), the *likelihood* must be "more substantial than a remote possibility". In practice this means that the policy must give rise to a real chance of an impact occurring on the pricing, availability or supply of water and/or waste services rather than a hypothetical or theoretical one that is unlikely to materialise in order to fall within the definition of Reg. 2(1)(c).

It is my belief that there would not be a 'remote possibility' that a policy for credit reference checks (had SWW adopted one) would or could affect the state of water quality or the availability of supply of water/sewerage services to domestic customers, and as such, the information requested would not fall within the definition of 'Environmental Information' within the Regulations. This is because all statutory water and sewerage undertakers are required under Section 37 of the Water Industry Act 1991 to provide domestic customers with a supply of water and/or sewerage services regardless of an individual's credit standing or any legitimate concerns which water companies might have about an individual's ability to pay for water or sewerage services.

Therefore, such a policy could not have any impact or bearing on the availability of supply of water or sewerage services to domestic customers. Neither would a customer's credit status in anyway be reflected in pricing levels or the charges to that customer.

3. Business Customers

For clarity, under the new competition regime in the water sector, SWW no longer has a direct financial or contractual relationship with business customers (NHH customers) in respect of its billing or credit reference arrangements and so any policies held by SWW do not apply to those NHH customers. The NHH customer's appointed retailer (chosen by the NHH customer) will have its own policies in respect of credit arrangements with NHH customers.

If you are dissatisfied with the outcome of this internal review, you can apply, without charge, to the Information Commissioner, who will consider whether SWW has complied with its obligations under the Regulations and can require us to remedy any problems. You can find out more about how to do this, and about the EIRs in general, on the Information Commissioner's website at: www.ico.org.uk. Complaints to the Information Commissioner can be made via the "report a concern" section of the Information Commissioner's website.

Yours sincerely,

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

Iain Vosper
Regulatory Director

