

SECTION I: DATA PRIVACY

I1 DATA PROTECTION AND ACCESS TO DATA

Without Prejudice

- I1.1 The obligations of the DCC and each User under this Section I1 are without prejudice to any other obligations they each may have under the Relevant Instruments, including any such obligations they each may have concerning Processing of Personal Data.

Consumption Data, User Obligations

- I1.2 Each User undertakes that it will not request, in respect of a Smart Metering System, a Communication Service that will result in it obtaining Consumption Data, unless:
- (a) the User has the Appropriate Permission in respect of that Smart Metering System; and
 - (b) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System) the User has, at the point of obtaining Appropriate Permission and at such intervals as are reasonably determined appropriate by the User for the purposes of ensuring that the Energy Consumer is regularly updated of such matters, notified the Energy Consumer in writing of:
 - (i) the time periods (by reference to length) in respect of which the User obtains or may obtain Consumption Data;
 - (ii) the purposes for which that Consumption Data is, or may be, used by the User; and
 - (iii) the Energy ~~Customer~~ Consumer's right to object or withdraw consent (as the case may be) to the User obtaining or using that Consumption Data, and the process by which the Energy Consumer may object or withdraw consent.

Verification of Energy Consumer

- I1.3 Each User shall put in place and maintain arrangements designed in accordance with Good Industry Practice to ensure that the person from whom they have obtained consent pursuant to Section I1.2 is the Energy Consumer.

Processing of Personal Data by the DCC

- I1.4 It is acknowledged that, in providing the Services to a User, the DCC may act in the capacity of ‘data processor’ (as defined in the Data Protection Act) on behalf of that User in respect of the Personal Data for which that User is the ‘data controller’ (as defined in the Data Protection Act).
- I1.5 The DCC undertakes for the benefit of each User in respect of the Personal Data for which that User is the ‘data controller’ (as defined in the Data Protection Act) to:
- (a) only Process that Personal Data for the purposes permitted by the DCC Licence and this Code;
 - (b) undertake the Processing of that Personal Data in accordance with this Code, (to the extent consistent with this Code) the instructions of the User and (subject to the foregoing requirements of this Section I1.5(b)) not in a manner that the DCC knows (or should reasonably know) is likely to cause the User to breach its obligations under the Data Protection Act;
 - (c) implement appropriate technical and organisational measures to protect that Personal Data against unauthorised or unlawful Processing and against accidental loss, destruction, damage, alteration or disclosure (such measures to at least be in accordance with Good Industry Practice and the requirements of Section G (Security));
 - (d) not Process that Personal Data outside the European Economic Area;
 - (e) provide reasonable assistance to the User in complying with any subject access request with which the User is obliged to comply under the Data Protection Act and which relates to the Processing of that Personal Data pursuant to this Code;

- (f) provide reasonable assistance to the User in complying with any enquiry made, or investigation or assessment initiated, by the Information Commissioner or any other Competent Authority in respect of the Processing of that Personal Data pursuant to this Code;
- (g) promptly notify the User in the event that the DCC Processes any of that Personal Data otherwise than in accordance with this Code (including in the event of unauthorised access to such Personal Data);
- (h) notify the User of any complaint or subject access request or other request received by the DCC with respect to the Processing of that Personal Data pursuant to this Code, and to do so within 5 Working Days following receipt of the relevant complaint or request; and
- (i) notify the User of any a complaint or request relating to the DCC's obligations (if any) under the Data Protection Act in respect of the Processing of that Personal Data pursuant to this Code.

Records

- I1.6 The DCC and each User will each maintain in accordance with Good Industry Practice all such records and other information as is necessary to enable the DCC and each such User to demonstrate that it is complying with its respective obligations under Sections I1.2, I1.3 and I1.5.