



Department
of Energy &
Climate Change

National Energy Efficiency Data-Framework

Privacy Impact Assessment

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1. Introduction

This document sets out how the Department of Energy and Climate Change (DECC) is addressing privacy issues related to the department's National Energy Efficiency Data-Framework (NEED) including use of gas and electricity meter point data used for DECC's sub-national consumption publications.

The Government takes privacy issues seriously and considers privacy issues at an early stage of any policy design and/or database development. Projects that involve use of personal data inevitably give rise to privacy concerns. Privacy Impact Assessments (PIAs) should be carried out for all projects involving the use of personal data to help ensure the data are treated appropriately and to set out how data controllers are addressing privacy risks.

The Information Commissioner's Office describes a Privacy Impact Assessment as "a process which helps assess the privacy risks to individuals in the collection, use and disclosure of information". They "help identify privacy risks, foresee problems and bring forward solutions". PIAs help to ensure that any concerns are addressed appropriately and aim to minimise privacy impacts and ensure compliance with data protection law.

This PIA provides background on what NEED is, an assessment of the data privacy issues it give rise to and how these are being dealt with, including the measures being taken to reduce potential issues.

The PIA for NEED was first published in July 2013. It has now been updated to reflect the publication of anonymised data from domestic NEED, including use of Energy Performance Certificate (EPC) data.

In producing the PIA for NEED, views of a range of interested parties have been considered. Including discussions with energy suppliers and other parties contributing data used in NEED. It has also been informed by DECC's data access and ethics panel and by the responses to the consultation on proposals to make an anonymised dataset available .

This PIA covers DECC's practices in relation to NEED. Separate PIAs may be undertaken by other data controllers (such as suppliers or other Government Departments) contributing data to NEED or using data from NEED.

2. Background

One of DECC's priorities is to "save energy with the Green Deal and support vulnerable consumers". It aims to drive greater energy efficiency in households and business and help them use energy better. In order to achieve these aims and meet ambitious emissions targets it is important that DECC has a robust evidence base. The National Energy Efficiency Data-Framework (NEED) forms part of this evidence base.

NEED is a framework for combining data from a number of existing sources (including administrative systems and commercially available data) to provide insights into how energy is used and the impact of installing energy efficiency measures in homes. It supports DECC:

- develop, monitor and evaluate key policies (including the Green Deal);
- identify energy efficiency potential which sits outside the current policy framework;
- develop a greater understanding of the drivers of energy consumption; and
- gain a deeper understanding of the impacts of energy efficiency measures.

Data in NEED are gathered from a variety of sources including publically available data and data provided through commercial licences, voluntary agreements and service level agreements with dataset owners.

The data framework matches records at individual property level. It covers the domestic and non-domestic sectors and contains information for properties across the whole of Great Britain, though different datasets vary in their geographic coverage.

At the core of NEED is AddressBase, the national standard address system for all buildings and addresses in Great Britain. Datasets are combined within the framework using the AddressBase unique property reference number (UPRN) as a spine. Address data from each of the datasets included in NEED is used to assign a UPRN to each record within that dataset. The UPRN is then used to link records from one dataset to the corresponding record in each of the other datasets. No addresses are stored with the raw data in NEED itself, however the UPRN could be used to identify the address of a property if linked back.

The most important datasets in NEED are gas and electricity consumption data and information on energy efficiency measures installed. In addition it includes data relating to dwellings and households. Not all of the data in NEED are personal data, but there may still be privacy impacts and these are addressed as part of this assessment. The table below provides a summary of the data currently used and planned for use in NEED.

Table 2.1 Data in NEED

Category	Source	Description	Main function
Premises	AddressBase	Contains a unique identifier for each address in Great Britain.	Provided under the public sector mapping agreement. These data form the spine of the data-framework which allows matching between different datasets. Primarily used for the address and UPRN. UARN (VOA's unique identifier) variable also used to create look up for VOA data.
Geography	Office for National Statistics Postcode Look up (NSPD)	Provides information on postal and administrative boundaries (including Local Authority).	Non-personal publically available data. Used to assign properties to administrative areas.
Energy consumption	Energy suppliers, and Xoserve/Gemserv and independent gas transporters.	Gas and electricity meter consumption data for all domestic and non-domestic meters in GB, annual data for 2004 – 2013 and meter profile number for electricity meters. Gas data are weather corrected when received.	Provided under the Statistics of Trade Act. Fundamental to NEED for carrying out useful analysis. Data are at meter level, annual consumption since 2004 (2013 data included in NEED from February 2015) and meter profile are used. No information on energy supplier is held within NEED.
Measures installed	Homes Energy Efficiency Database (HEED)	Information on energy efficiency measures installed through government schemes (including EEC, CERT and CESP ¹).	Combined with the consumption data, these data enable analysis of the impact of energy efficiency measures, and where measures have been installed. Data were historically provided via a contract with the Energy Saving Trust (EST).

¹ http://www.decc.gov.uk/en/content/cms/funding/funding_ops/funding_ops.aspx

Category	Source	Description	Main function
	Energy Company Obligation (ECO)	Information on energy efficiency measures installed through ECO.	Data for more recent measures installed are based on ECO and Green Deal.
	Green Deal Energy Performance Certificates (EPCs)	Provides information on energy efficiency measures installed under the Green Deal.	Combined with the consumption data, these data enable analysis of the impact of energy efficiency measures (specifically of DECC policies) and analysis of where measures have been installed.
	Feed in Tariffs (FIT)	Information on measures installed as part of the Feed in Tariff scheme, predominantly solar PV.	Combined with the consumption data, these data enable analysis of the reduction in electricity consumption for households with solar PV installed and understanding of which types of properties/households have installed solar PV.
Property attributes	Valuation Office Agency (VOA) council tax and non-domestic rates (NDR) datasets	VOA is an executive agency of HM Revenue and Customs responsible for business rates and council tax. They collect property detail data for England and Wales in order to perform this function. The data include floor area (domestic and non-domestic), property type and property age (domestic only).	These data are used to understand consumption and savings from energy efficiency measures for different types of properties. They are necessary to improve the accuracy of savings estimates and to understand more about how technical predictions differ to reality. This is very important in informing DECC policy and understanding its impact. Data on council tax band itself is not included. VOA data are analysed by VOA staff on behalf of DECC. Only aggregate data leave VOA premises. Experian and HEED data are provided via contracts. The EPC data provide useful information
	Experian	Modelled data for domestic property attributes such as number of bedrooms, property age and type. Purchased for all UK households.	
	HEED	Includes wall construction and property type, but accuracy and coverage vary.	

Category	Source	Description	Main function
	Energy Performance Certificates (EPCs)	Anyone selling or renting a property, or having a Green Deal assessment, must get an EPC. It includes information about a property's typical energy use and costs and gives a property an energy efficiency rating. It also includes information about the property characteristics in order to produce the energy efficiency rating.	on the physical attributes of a property (e.g. property type and floor area) as well as how energy efficient it is. In future use of the EPC data may enable DECC to reduce its requirements for some of the other sources outlined. In the short term EPCs are essential for analysis of the Green Deal.
Households characteristics	Experian	Modelled data for household characteristics such as income and tenure. Purchased for all UK households.	These data are important to understand how a household's consumption varies based on the characteristics of occupants. Income and tenure are particularly important in order to understand the impact of DECC policy on low income households (including specifically for ECO and Fuel Poverty Policy). Experian data are modelled and provided via commercial contract.
	Output Area Classification (OAC)	Categorises geographic areas each containing approximately 125 households into 21 socio-economic groups, based on the 2001 census. NEED will be updated with 2011 census OAC once available.	
	Index of Multiple Deprivation	Measures relative levels of deprivation in small geographic areas.	The other datasets are not property level (they are published by Output Area or Lower Level Super Output Area) and available under the open Government Licence.
	Fuel Poverty indicator	Proportion of households in fuel poverty based on low income high cost definition.	
Business characteristics	Experian	Information for non-domestic properties, including; turnover, employment and standard industrial classification (SIC) code. Quality and coverage varies.	DECC's evidence on the non-domestic sector to date is limited. These data combined with the meter point consumption data provide the first robust source of evidence on consumption for

Category	Source	Description	Main function
	Display Energy Certificates (DECs)	Includes information about the amount of energy used in a property, size of property and type of heating and cooling systems. DECs are required for buildings in England and Wales with a useful floor area of over 1,000m ² which are occupied by public authorities and frequently visited by the public. Other building can have a DEC on a voluntary basis.	different sectors and types of non-domestic properties. It also supports other evidence being gathered in the non-domestic sector. Combined this evidence should allow DECC to understand the abatement potential in the non-domestic sector and develop effective policies to reduce emissions in this area.
New and developing DECC policies	Smart Meters	Data on whether a property has a smart meter and the date of installation. Currently only includes a gas flag which is yet to be tested for accuracy and therefore is currently unused. Electricity to be added in future.	It is important that data for new policies are included in NEED, as robust evaluation relies on being able to link the information on measures installed with information about consumption and property attributes. DECC are currently working through the process for including these schemes in NEED as they become more prevalent. Privacy notices for data subjects have been included from the outset where relevant.
	RHI/RHPP	Information on measures installed at a property and date of installation.	

The figures below shows the data flows for NEED, domestic and non-domestic NEED are shown separately, though there is some overlap in the data sources used.

Figure 2.1 Domestic NEED Data Flows

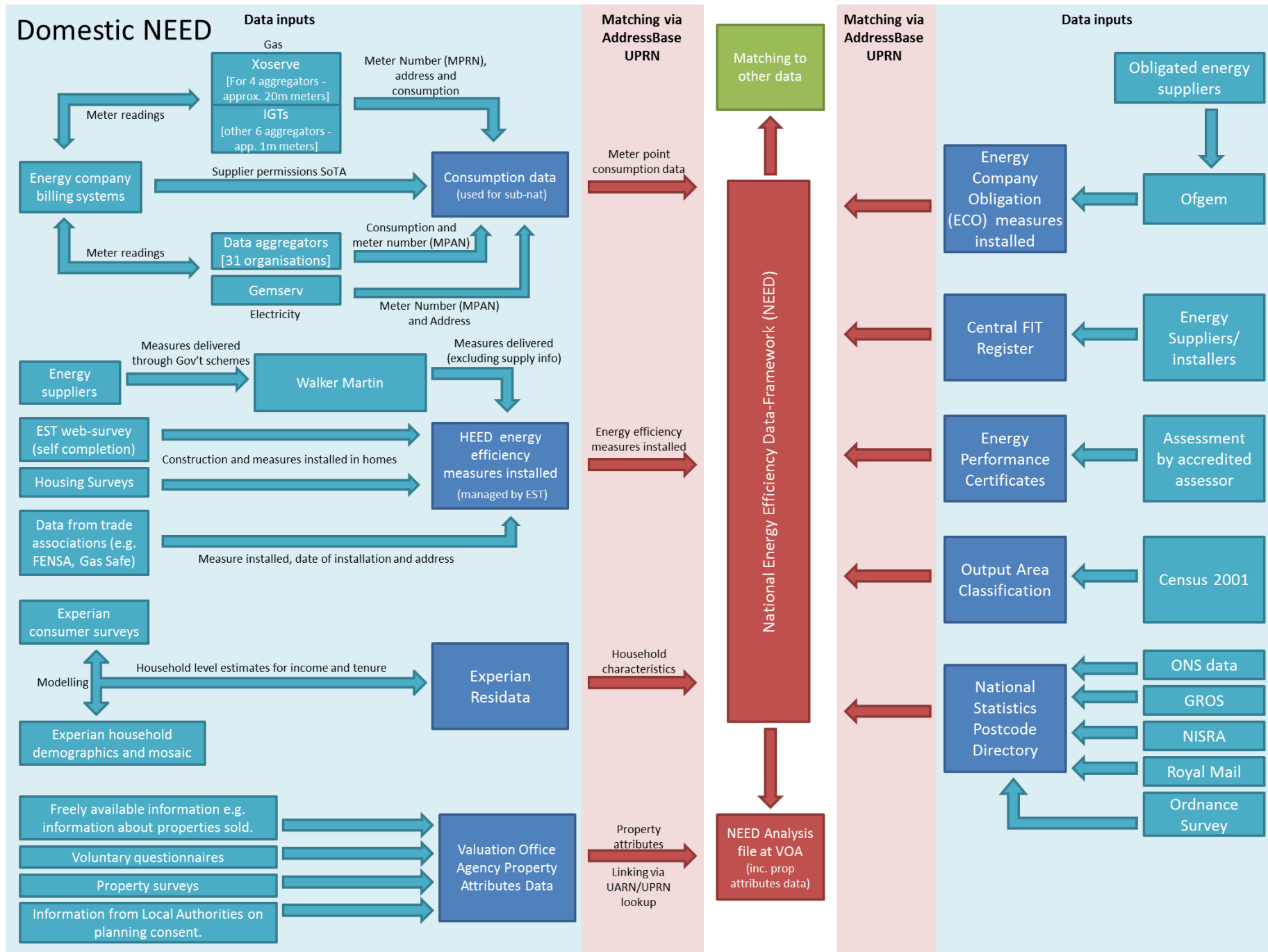
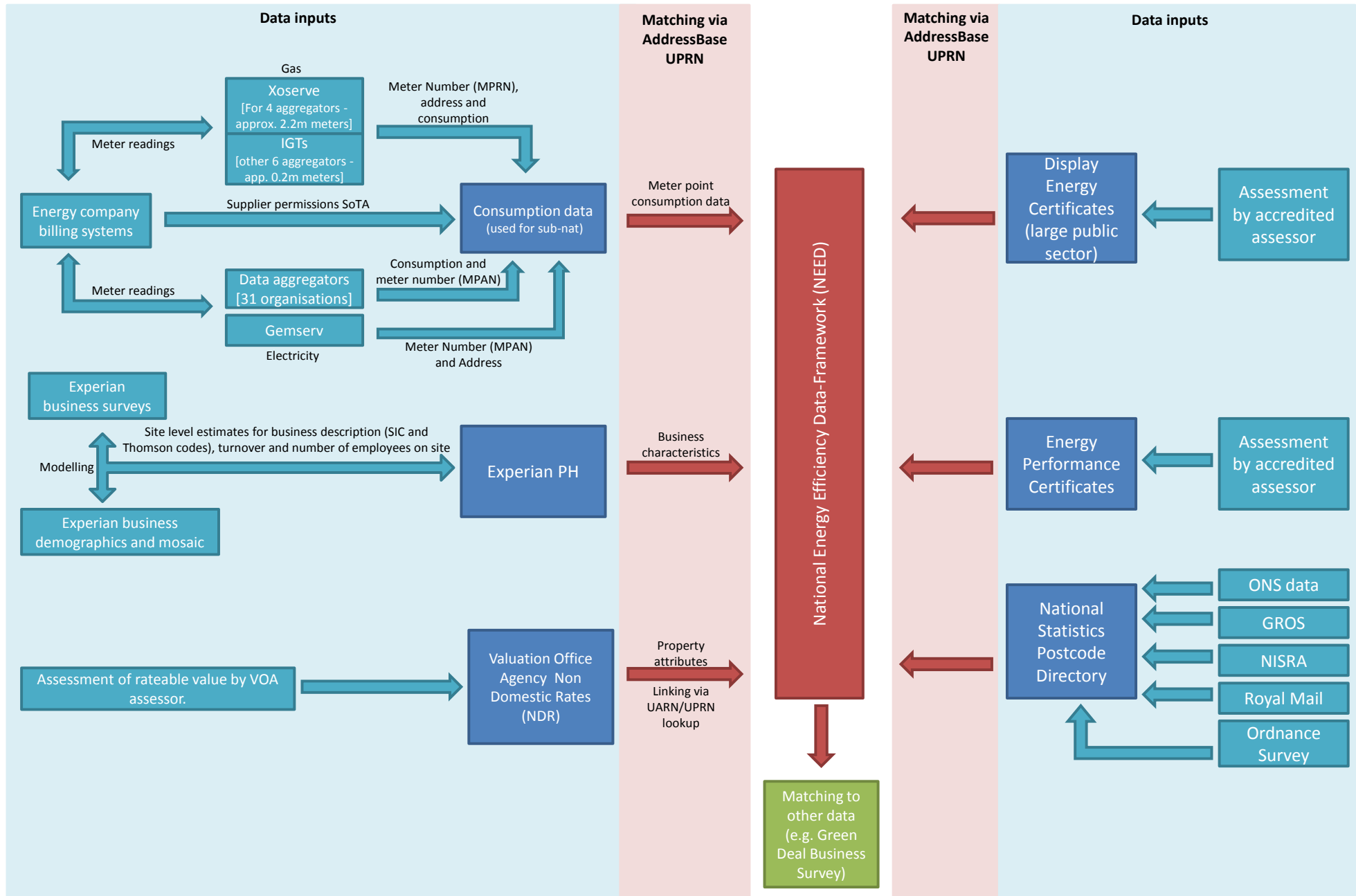


Figure 2.2 Non-domestic NEED data flows



3. Why NEED is important

The high level aims of NEED are outlined in section 2, it supports DECC:

- develop, monitor and evaluate key policies;
- identify energy efficiency potential which sits outside the current policy framework;
- develop a greater understanding of the drivers of energy consumption; and
- gain a deeper understanding of the impacts of energy efficiency measures.

The impact of NEED successfully achieving these aims leads to benefits for Government, business and households. NEED has already supported a number of DECC policies, with important consequences. For example, The Green Deal. NEED has been used to understand the reduction in consumption (and resulting reduction in energy bills) for households installing energy efficiency measures. To date NEED has looked at savings from a number of measures, including cavity wall insulation, loft insulation, installation of condensing boilers and solid wall insulation.

Evidence from NEED showed that the savings observed in real households are lower than the technical estimates previously assumed. Having this evidence meant DECC could use improved estimates of savings in the Green Deal and ECO which has given consumers a better indication of likely energy savings resulting from having measures installed.

NEED has also had a smaller, but still significant, part to play in a range of other DECC policies, for example, the Renewable Heat Incentive and Fuel Poverty. Data on consumption by property attributes, including the distribution of households consumption, has been used to help DECC understand the likely under or over payment if payments for the renewable heat incentive were to be based solely on property attributes available in NEED. It has informed Fuel Poverty analysis so there is a better understanding of actual consumption for different types of properties and households and therefore a better understanding on how policy options will impact on different households. Having this information enables DECC to provide better value for money and understand better the impacts of policy options, for both DECC and consumers.

NEED has also supported policy evaluation (e.g. CERT and CESP) helped DECC understand where further research should be focused. It provides high level results which have highlighted a need for further investigation, for example understanding why households which appear the same in physical property attributes use varying amounts of energy, and understanding how the use of heating controls impacts on the amount of energy households are using.

These examples of policy support would not have been possible without the use of property level data available as a result of the NEED project. No other source currently available can provide the extent of information provided by NEED and the matching at property level enables a deeper understanding of the distributions and impacts on different types of properties.

In future it is anticipated that the role of NEED in development and evaluation of DECC policy will continue to grow. In future NEED will continue to be important as it is a core component of the evaluation of the Green Deal and Smart Meters. The property level data only available through NEED is essential to these programmes to be able to isolate the impacts of specific policies. To undertake specific research with the same power would be prohibitively expensive.

NEED will also continue to support other DECC policies, such as Heat, Fuel Poverty and ECO. It will also support the development of new policies, helping to identify the potential focus of future policy, particularly in the non-domestic sector where DECC's evidence base and policy

development is less advanced. Externally, the publication of aggregated information derived from NEED and the published anonymised data from NEED are valued by a range of stakeholders, with energy suppliers seeing it as beneficial to have a trusted independent source, which can help them show the benefits of getting homes insulated. Academics use the published outputs to feed into and validate related research.

Alternatives to NEED include surveys and technical monitoring trials. These are important and compliment the data in NEED, but cannot alone provide the evidence required to support DECC policy. Technical trials give detailed insight into why things are happening, but cannot lead to the population wide conclusions that can be drawn from NEED. Technical trials can also mean that those participating in the trials may change behaviours as a result of knowing they are a participant and large trials are extremely expensive.

While survey data could provide an alternative to the data used in NEED, it would be costly to collect data which allows the detailed analysis that can be done using NEED. Sample sizes would need to be very large (many times larger than the current sample for the English Housing Survey) and the burden on households and businesses would be significant.

The approach of combining existing data sources is also consistent with the Government's ambitions to make more use of administrative data.

4. Privacy impacts

This section outlines the privacy impacts identified and some of the relevant guidance and legislation.

4.1 Identification of privacy impacts

The Privacy Impact Assessment screening tool was used to identify whether a PIA was required for the project. This tool was also used to identify some of the issues that need to be considered. Privacy impacts were also identified through discussions with suppliers and other stakeholders. It also builds on issues identified by DECC's data access and ethics panel.

In addition to compliance with the Data Protection Act, the following potential specific privacy impacts were identified:

- Transparency: Consumer awareness of data collection and usage
- Public acceptability: How people feel about data being used in this way
- Linking: Linking data from multiple sources
- Quantity: the large number of records (all properties in Great Britain)
- Multiple organisations: The involvement of multiple organisations in the supply and processing of the data
- Retention: The retention of historic data
- Data release: The publication of reports including outputs for aggregate data and release of an anonymised dataset
- Physical security: security of data when transferred to and held by DECC

4.2 Relevant guidance and legislation

The Data Protection Act 1998

The Data Protection Act 1998 (DPA) establishes a framework of rights and duties which are designed to safeguard personal data. "Personal data" is defined widely and it has been assumed that it covers household energy consumption information and that it can also sometimes cover information on energy efficiency measures installed at a domestic property. "Data processing" is defined to cover any handling of personal data including its disclosure to others². Schedule 1 of the DPA lists the Data Protection principles (see Annex 1).

In relation to NEED, DECC is the data controller. Each dataset which is used by NEED will also have a data controller, and they will continue to have to comply with relevant requirements under the DPA (for example, obligations to register with the Information Commissioner's Office and inform it about personal data being processed, and to comply with the eight data protection principles). Those involved with the provision of information to NEED will also continue to have to comply with relevant requirements under the DPA. Consumers will also retain their rights under the Act (including rights to access information held about them, to object to processing

² Processing means obtaining recording or holding data, or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, combining, erasing or destroying data

that is causing them distress, and to prevent processing for direct marketing). None of the data within NEED is sensitive personal data.

The Statistics of Trade Act 1947

There are general powers to obtain statistical information in the Statistics of Trade Act 1947³. Section 1 of the Act provides that a “competent authority” may serve a notice requiring undertakings to provide “periodical or other estimates or returns” about the matters set out in the Schedule. Section 1 provides that these powers may be exercised:

“for the appreciation of economic trends and the provision of a statistical service for industry and for the discharge by government departments of their functions”. Section 9 of the Act imposes restrictions on the disclosure of information obtained under this Act.

The Electricity Act 1989

Section 98 of the Electricity Act 1989 provides a statutory power for the Secretary of State to obtain statistical information relating to the generation, transmission or supply of electricity⁴. The Secretary of State has power to serve a notice on any licensees or any exempt generators, suppliers or interconnectors to provide specified information about that person's business. Information includes "accounts, estimates and returns", but not estimates as to future matters. There are restrictions on the disclosure of information obtained under this section.

Utilities Act 2000

Section 105 of the Utilities Act 2000 imposes general restrictions on the disclosure of information obtained from industry by Ofgem or by the Secretary of State using their powers in respect of CERT, CESP, carbon emissions reduction targets, home-heating cost reduction targets, FITs and RHI.

Protection of Freedoms Act 2012

Section 102 of this Act amends the Freedom of Information Act 2000 to impose requirements in relation to the release of datasets (or extracts from datasets) for reuse.

Energy Services Directive (2006/32)

Article 6(1)(a) of this directive states: Member States shall ensure that energy distributors, distribution system operators and/or retail energy sales companies:

(a) provide on request, but not more than once a year, aggregated statistical information on their final customers to the authorities or agencies referred to in Article 4(4) or to another designated body, provided that the latter in turn transmits to the former the information received. This information must be sufficient to properly design and implement energy efficiency improvement programmes, and to promote and monitor energy services and other energy efficiency improvement measures. It may include historical information and must include current information on end-user consumption, including, where applicable, load profiles, customer segmentation and geographical location of customers, while preserving the integrity and confidentiality of information that is either of private character or commercially sensitive, in compliance with applicable Community legislation;

This is due to be replaced from 5 June 2014 by article 7(8)(a) and (b) of the Energy Efficiency Directive (2012/27/EU).

Energy Act 2011

Section 71 inserts a new s.103B into the Utilities Act 2000 which enables the SoS to require information from gas transporters, gas suppliers, electricity distributors and electricity suppliers

³ See Annex 2

⁴ See Annex 3

to establish and maintain a record (“a measures record”) of properties in respect of which carbon emissions reduction measures or home-heating cost reduction measures have been taken and of the type of measure taken in respect of each such property.

However, information obtained using that power, if it relates to the affairs of any individual or to any particular business, shall not be disclosed during the lifetime of the individual or so long as the business continues to be carried on.

Energy Performance of Buildings (England & Wales) Regulations 2012

Regulation 31 enables the disclosure of information recorded in the register of energy performance certificates and display energy certificates to authorised recipients, such as Government departments. The disclosure is subject to various conditions in regulation 31 and schedule 2 of the regulations. Regulation 32 enables disclosure to the Secretary of State for statistical or research purposes. These regulations may be amended to expressly provide for the inclusion of EPC data in the publication of an anonymised NEED dataset.

Environmental Information Regulations

Regulation 3 requires public authorities to:

- (a) progressively make the environmental information that they hold available to the public by electronic means which are easily accessible; and
- (b) take reasonable steps to organize the information relevant to their functions with a view to the active and systematic dissemination to the public of the information.

This doesn't require the release of information which could be withheld under an information request.

4.3 The risk review process

DECC will ensure that further revisions of this PIA are undertaken as appropriate. As the Government's transparency agenda is taken forward attitudes and perceptions may change. Future updates will also reflect developments to NEED and changes to relevant legislation or guidance. It will review the impact of these changes on privacy and compliance.

5. Assessment of risks

This section provides more detail of the issues and concerns raised about potential privacy impacts and sets out what DECC and other organisations are doing to address these concerns and reduce risks. In addition it covers points relevant to the Data Protection Act 1998, specifically the 8 Data Protection Principles set out in schedule 1 of the Act, which ensure the fair and secure processing of personal data.

5.1 Transparency

Consumer awareness of data collection and usage has been identified as a potential privacy impact. The NEED project makes use of data in new ways, specifically by matching annual energy consumption data to data from other sources, at property level. There is a perception that data could be collected and used without the individual's knowledge. It is important that households are aware of the way in which their data are being used.

Recognising these potential concerns, it is important that energy suppliers and others are clear about the ways in which consumers' personal data will be processed. For example all energy suppliers have a privacy policy which provides information on how customers' data is handled. It should include a fair processing notice which states that data may be shared with Government. An example of the relevant part for British Gas⁵ is below:

3.1 We may allow other people and organizations to use information we hold about you (including other Centrica Group companies such as those using the British Gas, Scottish Gas and Dyno Group brands):

...

- as part of government data-sharing initiatives, for example, those designed to help stop fuel poverty (where people cannot afford to pay for heating and electricity);

...

Other suppliers have similar statements⁶. Energy suppliers have also made sure they have statements which cover the processing of data relating to measures delivered through Government schemes to HEED, and through that to DECC for use in NEED.

This is considered to be an appropriate way to cover fair processing of the data on energy efficiency measures delivered through Government schemes. Consumers are not asked whether they would like to opt in or to opt out, because DECC has a legitimate interest in the information.

The consumption data received by DECC for use in sub-national consumption statistics are provided to DECC under the statistics of trade act, which gives suppliers and data subjects some more certainty about how the data will be stored and processed. However, the privacy notices also cover DECC's use of these data.

DECC has also undertaken a public consultation on its proposals to publish an anonymised dataset of the data held in NEED⁷. This has provided an opportunity for any interested or concerned parties to give their views on how data are being used in NEED.

⁵ <http://www.britishgas.co.uk/privacy-policy.html>

⁶ For example NPower, "If we are asked, we may pass your information on for regulatory purposes to Ofgem (or any organisation which takes over Ofgem's role), or as part of a government data-sharing initiative." Available at: <http://www.npower.com/Home/Terms-and-conditions/Privacy-policy/index.htm>.

DECC also notifies the information commissioner about all personal information it holds.

As far as possible, the public are made aware of the outputs and how they are of benefit to households, with analysis outputs made available on the DECC website, and tools developed to make the outputs as user friendly as possible.

5.2 Public acceptability

There is a perception that the data could be used to target individuals – for policy interventions or direct marketing –without their prior knowledge or agreement.

Data in NEED are only ever used for statistics and research purposes. A consultation was carried out prior to publication of an anonymised dataset of the data held in NEED. Data in NEED are not “processed to support measures or decisions relating to particular individuals”, so data are never used to target specific households for marketing or policy interventions. The outputs from NEED are used to inform policy by providing information about groups or types of households.

The data in NEED, while some may be considered personal data, are at household level, and none are sensitive personal data. This means individuals are less likely to be concerned by the processing of these data, particularly given the measures in place to retain security, and anonymity in any published outputs.

To ensure that data in NEED continue to be appropriately dealt with, any changes to the way data are used are taken to DECC’s Data Access and Ethics Panel which reviews the proposals and seek advice from the Information Commissioners Office if required. The data access and ethics panel was set up to provide consistent and recorded outcomes for applications to access and use or share DECC data with a view to promoting open data whilst ensuring compliance with the Data Protection Act. The panel is made up of security, legal, knowledge and information management and analytical leads from within DECC.

5.3 Linking

NEED involves the linking of data from a number of separate sources. As a result of linking different sources there is more information available on each individual household and therefore, the chance of being able to identify a specific household through the outputs produced is increased. Linking data also means the data may be being used for purposes which were not originally identified when the data was collected.

Physical security is an important factor in mitigating some of the risk associated with linking multiple datasets together. This is covered separately in section 5.8. In addition, a number of measures are taken to reduce the risk of identification from linking data. Datasets for linking, and the final linked dataset for analysis, are stored without associated address information – the linked data have a unique property reference number which is matched to each of the component sources and then used to link the records together. While this UPRN can still be used to link to a corresponding address for anyone with access to AddressBase, it reduces the risk of including address information when transferring files. Also, the very limited number of individuals with access to the linked dataset reduces the likelihood of any identification.

Fair processing notices state that the data collected may be used for Government data-sharing initiatives. Section 33 of the Data Protection Act also provides a limited exemption from some of the requirements of the Act in respect of personal data used only for research purposes, which includes statistical purposes. This provides an exemption from part of the 2nd Data Protection Principle if the data are not “processed to support measures or decisions relating to particular

⁷ <https://www.gov.uk/government/consultations/national-energy-efficiency-data-framework-making-data-available>.

individuals”,⁸ (covered in section 5.2) and are not processed in such a way that substantial damage or distress is likely to be caused to any data subject. In this case, these conditions are met and therefore further processing of personal data for research purposes is not considered incompatible with the original purposes for which the data was obtained (2nd Data Protection Principle).

Data in NEED may be linked to data from other sources (e.g. survey data from DECC surveys), but this will only be done in circumstances where permission has been granted by the individual (e.g. through a survey response) or an appropriate privacy notice has been published. For example, from 2013 (Wave 6) of the English Housing Survey a question has been included to enable linking of data from the survey with NEED:

Information on the energy use and energy efficiency of different types of household is of great value to government in planning for the future. Would it be acceptable for the Department for Energy and Climate Change (DECC) to add information they hold on energy use and efficiency at this address to your survey responses to help with their research?

This matched information will be used for energy research and statistical purposes only.

Your personal details will, of course, be kept completely confidential and no individual person or household will be identifiable in any published results. Any results will be released in aggregate tables only.

INTERVIEWER: Please note consent can be gained from the HRP or partner or their appointed proxy.

Aggregated' means 'added together with data from other people'.

(1) Yes

(2) No

Data from this survey will provided to DECC for linking in 2015.

5.4 Quantity

While coverage of data in NEED varies for different sources, the source with the greatest coverage (gas and electricity annual consumption data) covers all properties in Great Britain. This means there are records for approximately 26 million households, and close to 30 million properties in the data-framework. The quantity of data available gives rise to privacy risks.

DECC has taken action to mitigate these risks in a number of ways. This includes holding the data in a secure infrastructure and ensuring any data transfer meet security guidelines (see section 5.8 for more details). In addition, for domestic analysis DECC carries out the majority of analysis on a sample of the data. The sample used is made up of just under four million households. It was decided a sample of data would be used for a number of reasons, including the reduction in the risk of data disclosure or loss. This is particularly relevant in the transfer of data to the Valuation Office Agency (see section 5.5).

The size of the analysis sample is determined by the detailed outputs required. Outputs are required by multiple variables and at detailed levels of geography (currently down to Local Authority level). In order to protect confidentiality and avoid publishing inaccurate data as a result of it being based on small numbers of observations, data are only included in outputs passed outside the statistics team (internally or externally) if the figure is made up of 30 or more observations. The number of households in the analysis sample is therefore chosen to try and

⁸ i.e. where the data is processed to determine *directly* whether a particular data subject should or should not receive any particular service or benefit, or will be subject to any particular obligation.

ensure only a small number of data points have to be suppressed, while also ensuring that it is not excessive (3rd DPA).

Only relevant data is included in the analysis sample. So, while many variables are available on the source datasets which are linked as part of the framework, only variables required for analysis are included in the analysis sample. The required variables are therefore determined by the policy and other user needs. For example, variables that are believed to have a significant impact on gas consumption in homes are included in the analysis sample, as these are the most important for the analysis required by DECC. The variables included have been determined by previous research and continue to be reviewed each time a new sample is created.

5.5 Multiple organisations

The input of multiple organisations increases the risk of disclosure and inconsistency/mismatches. This includes the provision of data by a number of different organisations, as well as the involvement of other organisations in the analysis or processing of the information, such as the Valuation Office Agency (VOA). In relation to NEED, the Valuation Office Agency is a data processor on behalf of DECC. The decision to share data with the Valuation Office Agency was made following consideration of a range of possible sources of property attribute data, no robust alternative source was available.

DECC has implemented measures to mitigate some of the risks the involvement of multiple organisations creates.

Only organisations with a specific need to access the data in order to achieve the aims of the NEED project are given access to the data, and within these organisations, the number of staff with access to the data is limited and time bounded under contract.

The physical transfer of data is carried out in accordance with government guideline for transferring information at IL3. Strict agreements are in place with relevant organisation, including a requirement that data is stored securely and not used for any purpose other than specified by DECC.

In line with the 7th Data Protection Principle the data controller (in this case DECC) must also ensure that anyone processing the data on its behalf is contractually obliged to comply with the data security requirements. The contract between DECC and VOA states that

Both Parties are governed by the Data Protection Act 1998 and the Computer Misuse Act 1990. Both Parties agree to comply with these Acts and any [other] government guidelines governing the handling of data.

Specifically VOA agreed that when processing personal data on behalf of DECC:

- They will comply with the requirements of the Data Protection Act 1998.
- ensure that all appropriate technical and organisational measures are taken against unauthorised or unlawful processing of Personal Data and against accidental loss or destruction of, or damage to, Personal Data in accordance with the Seventh Data Protection Principle of the DPA;
- deal with the Personal Data supplied by DECC only for the purposes and in accordance with the obligations set out in the Agreement, and (in particular) not transfer any Personal Data to any country or territory outside the European Economic Area;
- not disclose Personal Data to any third parties other than to VOA personnel to whom such disclosure is reasonably necessary in order for the VOA to provide the Services; or
- to the extent required under a court order provided that disclosure is made subject to written terms the VOA shall give notice in writing to DECC of any disclosure of Personal

Data that it is required to make as soon as is reasonably practicable upon the VOA becoming aware of such a requirement;

- not knowingly do anything, in connection with the provision of the Services, which shall of itself cause DECC to contravene any of the provisions of the DPA;
- not use or disclose Personal Data in respect of which VOA acts as Data Controller other than as permitted under the Agreement or otherwise in accordance with DECC's instructions; and
- procure, for any authorised representative of DECC, access to monitor the implementation of any procedures by the Supplier;
- In a manner that conforms to any time-scales set out in the DPA, and in any event as soon as reasonably practicable, the VOA shall comply with any written request by DECC to provide information about the Supplier's Processing of the Personal Data, Customer Data and/or DECC Data;
- VOA shall not, without DECC's prior written authorisation:
 1. use NEED Sample Data, for the VOA's own purposes, including any marketing purposes; or
 2. carry out any Processing of NEED Sample Data or other Personal Data, other than in accordance with the written instructions given by DECC (including as set out in the Agreement or its Schedules).

The proposals to publish an anonymised dataset would increase the number of organisations with access to some of the data. Testing of the dataset would be undertaken to ensure the data are adequately anonymised. As data would be anonymised they are not considered personal data. The publication of an anonymised dataset has the potential to benefit a range of households by improved understanding of energy consumption and energy efficiency. Limiting the anonymised dataset to historic data would further reduce the potential for any identification to cause distress for an individual household.

5.6 Retention

The retention of historic data is another potential risk. Principle 5 of the Data Protection Act states that "Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes".

In line with best practice, all data collections should have a retention policy. For any retention policy it is important to strike a balance between the risk associated with keeping data unnecessarily and the importance of keeping historic data which has significant value for research, including statistical analysis. As these data are used for statistical and research purposes only, historic NEED data will be kept indefinitely to allow trends over time to be analysed.

Organisations holding the data on behalf of DECC are required to delete all data (including backups) when the contract comes to an end.

This policy is in line with relevant legislation. Section 33 of the Data Protection Act provides a limited exemption from some of the requirements of the Act in respect of personal data used only for research purposes, which as stated in section 5.2 includes this project. This provides an exemption from part of the 5th Data Protection Principle where the data is not "processed to support measures or decisions relating to particular individuals",⁹ and are not processed in such a way that substantial damage or distress is likely to be caused to any data subject. In these

⁹ i.e. where the data is processed to determine *directly* whether a particular data subject should or should not receive any particular service or benefit, or will be subject to any particular obligation.

circumstances, personal data may be kept indefinitely. However, this is subject to article 8 of the European Convention on Human Rights which requires that any state interference with privacy e.g. through the processing of personal data, must be in the public interest, necessary and proportionate. Data Protection Principle 3 also states that data should be “not excessive in relation to the purpose or purposes for which they are processed.” The case for this retention will be periodically reviewed.

5.7 Data release

Data release leads to the potential for privacy impacts. As part of the NEED project, analysis based on the data framework is published. It has also been proposed that, subject to legal permissions, an anonymised dataset will be published.

All DECC releases of analysis undergo checks prior to publication to reduce the likelihood of disclosure of personal data. Currently, any cell counts of less than 30 properties (in the sample of approximately four million properties) are not included in published Tables. Tables are also checked to make sure there is no chance of identification of missing data based on the data which is provided. In future it is planned that more detailed tables will be produced. These will undergo additional checks to reduce the likelihood of disclosure of personal data. Publications of data from NEED are produced in line with the National Statistics Code of Practice.

The published anonymised dataset presents further potential for disclosure. All reasonable efforts have been made to ensure no individual property or household in the published dataset can be identified. The approach to anonymisation is set out in more detail in the documentation accompanying the anonymised dataset¹⁰. The approach was decided following a consultation and discussions with members of the UK Anonymisation Network (including the Office for National Statistics) to ensure they meet best practice and adequately protect against identification. The actions taken to protect against disclosure included banding variables, exclusion of some variables, providing limited geographic information and undertaking intruder testing prior to release of the dataset.

5.8 Physical security

It is important to ensure that personal data are kept and transferred securely, both by DECC and any organisations holding data on DECC's behalf. This is key concern of organisations that provide data to DECC and reinforced by the 7th Data Protection Principle which states that: “Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data”.

There are a number of measures in place within DECC to ensure that data are held securely. The NEED data are held on a server which can only be accessed by named individuals via DECC IT. DECC IT is accredited to official sensitive (formerly IL3) level, within that the SAS server which NEED data is held on is restricted to approximately 30 users, and within that, only a small number of individuals (currently six) have access to any of the NEED data, with two users having access to non-domestic data, two to domestic data and two with access to both domestic and non-domestic data.

Individuals to be given access must be approved by a named senior manager. Each of the individuals has to sign an agreement to show they have read and understood the conditions of access before being given access to any of the data. This agreement sets out requirements around security and sets out procedures for transfer of any record level data. Permission is required to transfer any record level data from the SAS server and a log of any transfers of

¹⁰ <https://www.gov.uk/government/statistics/national-energy-efficiency-data-framework-need-anonymised-data-2014>

record level data is kept. All users must also complete levels 1 and 2 of Government training “protecting information”.

Data transfers to and from the DECC IT system must be done securely (in line with guidance for official sensitive) this means they are hand delivered on encrypted media or transferred electronically via secure FTP.

Other options for hosting NEED were considered. These included sub-contracting the NEED hosting to an outside organisation and having a separate IT system within DECC which sat outside the standard DECC IT infrastructure. In considering the possible options security was a significant factor. The solution adopted, to have the NEED infrastructure integrated into the DECC IT system, but held on a separate server, combines ease of use and security requirements.

IT security and data transfer and storage processes are routinely reviewed.

5.9 Other DPA issues

There are a number of other elements of the data protection act which have not been explicitly addressed earlier in this section, including three further data protection principles.

The 4th Data Protection Principle states that “data shall be accurate and, where necessary, kept up to date”. Measures are taken to ensure that data in NEED are as accurate as possible. This includes quality assurance of data used. DECC is also reliant on the organisations collecting the data to ensure compliance with this data protection principle as DECC does not directly collect any of the information from data subjects. Data in NEED are kept up to date where reasonable. However for statistical purposes historic data are also retained and it is often necessary to carry out analysis on historic data.

The 6th Data Protection Principle requires respect for data subjects’ rights under the Act which includes the right to prevent processing likely to cause damage or distress (section 10), and the right to rectify or seek erasure of inaccurate data (section 14). Any requests relating to these areas will be processed in line with guidance. As NEED data is linked to properties, not individuals, DECC may need to request information to identify the personal data of the person seeking to exercise the right. For example, evidence of address and period of occupancy.

There is also a right of access to personal data (section 7). Section 33 of the DPA provides an exemption for data which is processed only for research purposes. The exemption only applies if (a) the data are not processed to support measures or decisions with respect to particular individuals (b) that the data are not processed in such a way that substantial damage or substantial distress is, or is likely to be, caused to any data subject and (c) the results of the research or any resulting statistics are not made available in a form which identifies data subjects.

Finally, the 8th data protection principle states “Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data”. DECC does not pass on NEED data to organisations outside the EU and would comply with this principle if such a circumstance arose in future.

In line with requirements set out in the Data Protection Act, DECC has registered with the Information Commissioner’s Office, registration number Z1742114.

6. Next steps

This document sets out the Privacy Impact Assessment for DECC's National Energy Efficiency Data-Framework including meter point gas and electricity consumption data. It will, as a minimum, be reviewed annually. It will also be reviewed if there is a significant event or change to the way data are held and processed. This may result from the inclusion of more data, as planned for Smart Meters, or as a result of a change in the way data are released. It will also be reviewed if other significant privacy impacts are identified as a result of discussion with stakeholders.

Annex 1: Data Protection Act Definitions and Principles

Personal data are defined in the Data Protection Act¹¹ as “...data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”. The department is assuming that household energy consumption and energy efficiency data constitutes personal data for the purposes of the Act¹² particularly when data sources are matched and build a profile of the occupants’ energy related activity and behaviour.

There are arguably some circumstances in which the household energy consumption and energy efficiency data used in NEED might not constitute personal data – for example where it relates to more than one individual in a household or where it relates to an attribute of the property, but the Government believes it appropriate to adopt a precautionary, protective approach.

Data Subject: The Data Protection Act defines the data subject as “the individual who is the subject of the personal data”

Data Controller: Data controllers must ensure that any processing of personal data for which they are responsible complies with the Act. The Act defines a data controller as “a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed”. It is the legal responsibility of all industry participants to ensure that they comply with the Data Protection Act (and any other relevant legislation) to the extent that it applies to them. Under the Data Protection Act, data controllers must ensure that any processing of personal data for which they are responsible complies with the Act.

Data Processor: The Act defines data processor as “in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller”.

The Data Protection Principles (DPP) are set out in Schedule 1 of the Act:

- 1 Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
- 2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

¹¹ Data Protection Act 1998, Part 1, Section 1(1)(e)

¹² Other data, that is not energy consumption data, may also be considered personal, if it can identify an individual from that data, such as financial data.

Annex 1: Data Protection Act Definitions and Principles

6 Personal data shall be processed in accordance with the rights of data subjects under this Act.

7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Annex 2: Extracts from the Statistics of Trade Act 1947

1. Power of competent authorities to obtain information

(1) For the purpose of obtaining the information necessary for the appreciation of economic trends and the provision of a statistical service for industry and for the discharge by government departments of their functions, it shall be lawful for a competent authority by notice in writing served on any person carrying on an undertaking to require that person to furnish, in such form and manner and within such time as may be specified in the notice, such periodical or other estimates or returns, about such of the matters set out in the Schedule to this Act as may be so specified.

(2) The notice shall state that it is served under this section of this Act and generally the purpose for which the estimates or returns are required.

4 Offences relating to returns

(1) If any person required to furnish estimates or returns under this Act fails to furnish those estimates or returns as required under this Act, he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction, to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence to a fine not exceeding [level 4 on the standard scale].

(2) If the failure in respect of which a person is convicted under the last foregoing subsection is continued after the conviction he shall be guilty of a further offence and may on summary conviction thereof be punished accordingly.

(3) If any person in purported compliance with a requirement to furnish such estimates or returns as aforesaid, knowingly or recklessly makes any statement in those estimates or returns which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [the prescribed sum] or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine [of any amount], or, in either case, to both such imprisonment and such fine.

5 Power to prescribe additional subjects of inquiry by Order of Council

(1) His Majesty may by Order in Council amend the Schedule to this Act by adding to the matters specified therein any other matter.

(2) An Order under this section may amend the said Schedule as aforesaid generally, or so far as it applies, under section one of this Act, to inquiries by competent authorities or, under section two of this Act, to censuses; or so far as it applies to any particular inquiry or census or to any class or description of inquiries or censuses.

(3) A draft of any Order in Council proposed to be made under this section shall be laid before each House of Parliament; and the draft shall not be submitted to His Majesty in Council unless each House of Parliament presents an address to His Majesty praying that the Order be made.

9 Disclosure of information

(1) No individual estimates or returns, and no information relating to an individual undertaking, obtained under the foregoing provisions of this Act, shall, without the previous

consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except—

[(a) where the estimates, returns or information are in the possession of a government department and the Minister in charge of the department so directs, to a government department or the Scottish Ministers for the purposes of the exercise by the department or, as the case may be, the Scottish Ministers of any of their functions,

(aa) where the estimates, returns or information are in the possession of the Scottish Administration and the Scottish Ministers so direct, to a government department for the purposes of the exercise by the department of any of their functions,] or

(b) for the purposes of any proceedings for an offence under this Act or any report of those proceedings.

(2) If any information to be obtained for the purposes of a census under this Act is also obtainable under any other enactment which restricts the disclosure of information obtained thereunder, and the Board of Trade are of opinion that similar restrictions should be applied to any information to be obtained for the purposes of the census, the Board shall by order provide for the application, without modifications or with such adaptations or modifications as the Board think fit, of those restrictions to the information to be so obtained, or any part thereof, in addition to the restrictions imposed by this section.

(3) Without prejudice to the provisions of the last foregoing subsection, if it appears to the Board of Trade that—

(a) the nature of the information to be obtained for the purposes of a census under this Act, or

(b) the nature of the undertakings to be covered by the census,

would make it desirable to impose restrictions on the disclosure of information obtained by means of the census additional to the restrictions imposed by this section, the Board of Trade may by order prohibit the disclosure of information relating to particular undertakings obtained by means of the census, or any part of that information, except to such persons or for such purposes as may be specified in the order.

(4) No order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(5) The following provisions shall have effect with respect to any report, summary or other communication to the public of information obtained under the foregoing provisions of this Act—

(a) no such report, summary or communication shall disclose the number of returns received with respect to the production of any article if that number is less than five;

(b) in compiling any such report, summary or communication the competent authority shall so arrange it as to prevent any particulars published therein from being identified as being particulars relating to any individual person or undertaking except with the previous consent in writing of that person or the person carrying on that undertaking, as the case may be; but this provision shall not prevent the disclosure of the total quantity or value of any articles produced, sold or delivered; so, however, that before disclosing any such total the competent authority shall have regard to any representations made to them by any person who alleges that the disclosure thereof would enable particulars relating to him or to an undertaking carried on by him to be deduced from the total disclosed.

[(5A) In subsection (5)(b) of this section the references to the total quantity or value of any articles produced, sold or delivered shall, in relation to coal of any particular description, include a reference to each of the following, that is to say—

(a) the total quantity or value of the coal of that description which is consumed in Great Britain by persons who carry on coal-mining operations;

(b) the total quantity or value of the coal of that description which, in Great Britain, is held as stocks by such persons; and

(c) the total quantity or value of the coal of that description which is delivered in Great Britain to persons who appear to the competent authority to be all of the same description;

and in this subsection "coal" means coal within the meaning of the [Coal Industry Act 1994](#) or any product of coal and "coal-mining operations" has the same meaning as in that Act.]

(6) If any person discloses any individual estimates or returns or any information contrary to the provisions of this section, or of any order made under this section, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding [the prescribed sum], or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine [of any amount], or, in either case, to both such imprisonment and such a fine.

13 Offences by bodies corporate

(1) Where a person convicted on indictment of an offence under the foregoing provisions of this Act is a body corporate, such of those provisions as limit the amount of the fine which may be imposed shall not apply; and the body corporate shall be liable to a fine of such amount as the court thinks just.

(2) Where any offence under the foregoing provisions of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

17 Interpretation

(1) In this Act the expression "undertaking" means any undertaking by way of trade or business, whether or not the trade or business is carried on for profit; and the exercise and performance by a local or other public authority of the powers and duties of that authority shall be treated as a trade or business of that authority.

(2) Where an undertaking is wholly or partly carried on by means of branches situated at several premises, the Board of Trade or other competent authority may agree with the persons carrying on the undertaking that for the purposes of all or any of the provisions of this Act a separate undertaking shall be deemed to be carried on at all or any of those branches by the branch manager or such other person as may be specified in the agreement.

Any such agreement may contain such supplemental provisions as may be expedient for giving effect thereto and shall continue in force for such term and shall be subject to such provisions as to variation and revocation as may be specified in the agreement.

[(3) For the purposes of this Act each of the following Ministers and authorities shall be a competent authority, that is to say, the Treasury, [the Chancellor of the Exchequer] a Secretary of State, the Board of Trade and the Minister of Agriculture, Fisheries and Food.]

(4) References in this Act to articles shall be construed as including references to substances, plant, vehicles, vessels and animals, and as including references to water, gas and electricity; and the expression "plant" includes any machinery, equipment or appliance.

(5) References in this Act to any other Act shall be construed as references to that Act as amended by any subsequent enactment including this Act.

**SCHEDULE MATTERS ABOUT WHICH PERSONS MAY BE REQUIRED TO FURNISH ESTIMATES OR RETURNS
UNDER THIS ACT**

Sections 1, 2, 5

The nature of the undertaking (including its association with other undertakings) and the date of its acquisition; the persons employed or normally employed (including working proprietors), the nature of their employment, their remuneration and the hours worked; the output, sales, deliveries, and services provided; the articles acquired or used, orders, stocks and work in progress; the outgoings and costs (including work given out to contractors, depreciation, rent, rates and taxes, other than taxes on profits) and capital expenditure; the receipts of and debts owed to the undertaking; the power used or generated; the fixed capital assets, the plant, including the acquisition and disposal of those assets and that plant, and the premises occupied.

[Assets (other than fixed capital assets) and liabilities of the undertaking, including the acquisition and disposal of those assets and the incurring and discharge of those liabilities; prices of articles and services.]

[In a case where the undertaking is related to a body situated outside the United Kingdom:—

the nature and extent of the relationship;

the nature and extent (and any changes therein) of the financial interest of the one body in the other;

the country in which the related body is situated;

particulars in respect of issued share capital, minority shareholders' interests, loans, reserves and provisions as recorded in the accounts of the undertaking or such particulars in respect of the related body where it is under the control of the undertaking;

net gains or losses of the undertaking attributable to changes in exchange rates, being gains or losses arising out of the relationship;

the profit or loss of the undertaking or related body attributable to the relationship and dividends declared by either body arising out of the relationship;

the profit or loss of the undertaking or related body attributable to the relationship and dividends declared by either body arising out of the relationship;

where the undertaking is not a company incorporated in the United Kingdom, its net value to the related body, and where the related body is not a body corporate, its net value to the undertaking.]

[Income (including rents, interest and investment income) received or receivable by the undertaking; dividends and interest paid or payable; profits; losses; taxes paid or chargeable on income or gains; services acquired or used.]

Annex 3: Electricity Act 1989

98 Provision of statistical information

(1) The Secretary of State may, if he considers it expedient for the purpose of obtaining statistical information relating to the generation, transmission or supply of electricity [or the use of electricity interconnectors], serve a notice under this section on any licence holder or any person who is authorised by an exemption to generate or supply electricity [or to participate in the operation of electricity interconnectors].

(2) A notice under this section may require the person on whom it is served to furnish, at a time and place specified in the notice, to the Secretary of State such statistical information about that person's business as may be so specified.

(3) Subject to subsections (4) and (5) below, no information with respect to any particular business which—

- (a) has been obtained under this section; and
- (b) relates to the affairs of any individual or to any particular business,

shall, during the lifetime of that individual or so long as that business continues to be carried on, be published or otherwise disclosed without the consent of that individual or the person for the time being carrying on that business.

(4) Subsection (3) above does not apply in relation to any disclosure which is made after consultation with the individual concerned, or the person for the time being carrying on the business concerned, and is of information relating to—

- (a) the quantities of electricity generated by particular methods or by the use of particular fuels;
- (b) the quantities of particular fuels used for the generation of electricity;
- (c) the quantities of electricity transferred between Great Britain and countries or territories outside Great Britain, or between England and Wales on the one hand and Scotland on the other; or
- (d) the quantities of electricity supplied in England, Scotland or Wales either generally or to persons of any particular class or description.

(5) Subsection (3) above does not apply in relation to any disclosure which is made to the Minister in charge of any Government department [or to the Scottish Ministers] or for the purposes of any proceedings under this section.

(6) The Secretary of State may, after consultation with persons or bodies appearing to him to be representative of persons likely to be affected, by order amend subsection (4) above so as to add other descriptions of information which may be disclosed notwithstanding that it may relate to a particular person or business.

(7) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(8) Any person who publishes or discloses any information in contravention of subsection (3) above or, in purported compliance with a requirement under this section, knowingly or recklessly furnishes any information which is false in any material particular shall be liable—

Annex 3: Electricity Act 1989

- (a) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (9) In this section "information" does not include estimates as to future matters but, subject to that, expressions which are used in Part I have the same meanings as in that Part.

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