

## EPC Data Sharing: Questions and Answers

**From 24th June 2024, the Energy Performance of Building Regulation 2012 will allow energy assessors in England and Wales to share EPC data with the building owner, occupier or landlord (authorised person); or with a third party with the consent of an authorised person listed.**

**Before data is released to any person or third party the assessor should complete the [Release of Energy Certificate Data Form](#), to inform Elmhurst of the request.**

**Once shared, the recipient becomes the data controller and must comply with GDPR requirements.**

**Full Terms and Conditions are available on the following link:**

**<https://www.elmhurstenergy.co.uk/app/uploads/2024/06/Terms-and-Conditions-for-Sharing-EPC-Data-by-Energy-Assessors.pdf>**

**To view the full amendment to the Regulations, please click the following link:**

**<https://www.legislation.gov.uk/ukxi/2024/640/made>**

## EPCs Data Sharing Rules: Questions and Answers

### **What does this mean to our members (energy assessors):**

Elmhurst has put together some helpful information to explain the new regulation (the law). It is vital that energy assessors stay on the right side of the law and to that end, we have created a series of questions and answers, to act as guidance on what this change means.

### **What type of assessments does this cover?**

The Regulation covers all Energy Performance Certificates (EPCs), Display Energy Certificates (DECs) and Air-Conditioning Inspection Reports in England and Wales.

### **What data can be shared?**

Assessment data is any data that was collected during the energy assessment e.g. calculation data, site notes, floor plans and photographs etc.

### **Do you have to share the data?**

No, you are under no obligation to share this data. However, Elmhurst has put in place a structured mechanism for you to be able to perform this task.

### Who can you share the data with?

The Assessment Data can only be shared with:

1. The owner, landlord or occupier of that building /or
2. A third party, with the consent of the authorised person listed above (in point 1)

### What should the data NOT contain?

The Assessment Data MUST NOT include

1. Green Deal information
2. The name or any individual
3. Excluded buildings\* e.g. ministry of defence building.

\*Excluded buildings do not required an EPC

### What does 'the name of any individual' mean in practice?

The Government are ensuring that any data shared does not include the name of any individual. Therefore, it is essential to ensure that any names are removed (redacted) from any item shared. This includes your own name (the energy assessor), landlords, occupiers, estate agents, builders etc. This also includes photographs that contain individual names e.g. a fuel bill. This rule is included to cover any GDPR issues.

### Do you need proof of ownership?

Energy Assessors must have valid evidence that the authorised person is the owner, occupier or landlord for the property.

It is essential to store this information in a secure location and have it ready for audit should Elmhurst request this.

### Where do you log that you have shared this data?

Elmhurst and all Accreditation Schemes abide by the Scheme Operating Rules. These have been updated to ensure that, as 'Data Controllers', all schemes ensure that their members abide by the new regulations.

The sharing of this data must be conducted in a managed, controlled way. For ease, Elmhurst have created an online system to ensure that our professional members keep on the right side of the law.

Please simply complete the online process, disclosing who the authorised person is. This process will also give further guidance to ensure that all parts of the rules (regulations) are abided by.

### **Can you share the data without informing Elmhurst?**

No, the rules (law) is very clear, and you must disclose that you are abiding by it. By informing Elmhurst (the data controller) and by ensuring that you are following the correct guidance and agree to the Terms and Conditions (T&Cs) of sharing, you will be covered.

### **What happens if you share the data with someone without following the correct procedure?**

The simple answer is that that you are breaking the law. As an Accreditation Scheme we are here to help our members stay within the law and therefore, if you do intend to share assessment data, it is essential to follow the process in place.

### **Can you charge for this?**

We recognise that you may be contacted by persons whom you have had no contractual relationship with. The Regulations and guidance do not restrict the ability for you to charge for this service, as it will be an administrative burden. It might also be an idea to engage with your current and future customers and build this into your offerings and commercial opportunities moving forward.