



elmhurst
energy

Terms and Conditions for Sharing EPC Data by Energy Assessors

Effective Date: 24th June 2024



Elmhurst Energy

16 St Johns Business Park,
Lutterworth, Leicestershire, LE17 4HB
01455 883 250

In accordance with the Energy Performance of Building Regulation 2012, energy assessors in England and Wales are permitted to share Energy Performance Certificate (EPC) data with authorised individuals. Please review the following terms and conditions carefully.

1. Scope and Definitions

- 1.1 These Terms and Conditions shall apply to all contracts for the supply of Services by the Supplier to the Customer and shall prevail over any other documentation or communication from the Customer.
- 1.2 Any variation to these Terms and Conditions shall not be applicable unless agreed in writing by the Supplier.
- 1.3 Nothing in these Terms and Conditions shall prejudice any condition or warranty, express or implied, or any legal remedy to which the Supplier may be entitled in relation to the Services, by virtue of any statute, law or regulation.
- 1.4 Nothing in these Terms and Conditions shall affect the Customer's statutory rights as a Consumer.
- 1.5 In this document the following words shall have the following meanings:
 - "Authorised Person" means the owner, landlord or occupier of the building that the data relates to.
 - "Audit" means checks on the sharer of data to ensure correct protocols have been followed.
 - "Energy Assessor" means and qualified and accredited energy assessor with Elmhurst Energy.
 - "EPBR" means the Energy Performance of Buildings Regulation 2012 (as amended)
 - "GDPR" is the UK General Data Protection Regulation.
 - "Regulation" means the Energy Performance of Buildings (England and Wales) Regulations 2012 paragraph 29a (as amended).
 - "SOR" means the Scheme Operating Requirements for the production of Energy Certificates.

2. Terms and Conditions

- 2.1 Data Sharing Authorisation: Energy assessors may share EPC data with the building owner, occupier, or landlord (referred to as the "authorised person"). Data may also be shared with a third party, provided the authorised person gives explicit consent.
- 2.2 Procedure Before Data Release: Prior to releasing any data, energy assessors must complete the Release of Energy Certificate Data Form. This form must be submitted to Elmhurst to notify them of the data sharing request.
- 2.3 GDPR Compliance: When data is held by Elmhurst it is in strict compliance of GDPR, in a secure environment and with processes to manage losses or the unauthorised release of data. When it is shared that that responsibility is transferred to the recipient within a

legal agreement. Accredited energy assessors are required to record their acceptance of this legal responsibility and declare to Elmhurst, in advance, what data that they intend to share, to whom and why. This is retained by Elmhurst.

- 2.4. Types of Assessments Covered: The regulation covers all EPCs, Display Energy Certificates (DECs), and Air-Conditioning Inspection Reports in England and Wales.
- 2.5. Data That Can Be Shared: Assessment data includes any data collected during the energy assessment, such as energy calculation data, site notes, floor plans, and photographs.
- 2.6. Voluntary Data Sharing: Energy assessors are not obligated to share data. However, Elmhurst provides a structured mechanism to facilitate this process.
- 2.7. Permissible Data Recipients:

Data can be shared with:

 - i. The owner, landlord, or occupier of the building.
 - ii. A third party, with the authorised person's consent.
- 2.8. Prohibited Data Inclusions:

Assessment data must not include:

 - i. Green Deal information.
 - ii. Names of any individuals.
 - iii. Information related to excluded buildings (e.g., Ministry of Defence buildings).
- 2.9. Redaction of Personal Information: To comply with GDPR, ensure all names (including those of the energy assessor, landlords, occupiers, estate agents, builders, etc.) are removed from shared data. This includes redacting names from documents and photographs, such as fuel bills.
- 2.10. 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.
- 2.11. Logging Data Sharing: Elmhurst and all accreditation schemes follow the Scheme Operating Rules. All members must log all data sharing activities using Elmhurst's online system. The online process will guide members to ensure compliance with all regulations.
- 2.12. Mandatory Notification to Elmhurst: Assessors must inform Elmhurst when sharing data to ensure compliance with the law. By following the correct guidance and agreeing to these T&Cs, assessors will be covered.
- 2.13. Auditing: Energy assessors sharing data may be subject to a random audit by Elmhurst to ensure that records of sharing have been completed correctly, and that the assessor understands the process of sharing, responsibilities and limitations.
- 2.14. Consequences of Non-compliance: Sharing data without following the correct procedure is a violation of the law. Elmhurst is committed to helping members stay compliant; hence, adherence to the process is essential.
- 2.15. Charging for Data Sharing: Assessors may charge for data sharing services, particularly if contacted by individuals with whom they have no prior contractual relationship. It is advisable to incorporate this service into current and future offerings for commercial opportunities.

2.16 Disclosure of Data: Assessors must not store, share, sell or disclose data that is collected for EPB purposes in any manner not compliant with EPBR and other statutory instruments, licensing, copyright, IPR and data protection requirements, Accreditation Scheme Letters of Approval or the SORs.

For more details, view the full amendment to the Regulations here: [Link to Regulations](#).

EPCs Data Sharing Rules: Questions and Answers

What type of assessments does this cover?

The Regulation covers all EPCs, DECs, and Air-Conditioning Inspection Reports in England and Wales.

What data can be shared?

Any data collected during the energy assessment, including calculation data, site notes, floor plans, and photographs.

Do you have to share the data?

No, sharing data is voluntary, but Elmhurst has provided a mechanism to facilitate this.

Who can you share the data with?

The owner, landlord, or occupier of the building, or a third party with their consent.

What should the data NOT contain?

Green Deal information, names of any individuals, or data from excluded buildings.

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

All names must be removed from shared data, including names on documents like fuel bills.

Where do I log that I have shared this data?

Use Elmhurst's online system to log data sharing and ensure compliance with regulations.

Can I share the data without informing Elmhurst?

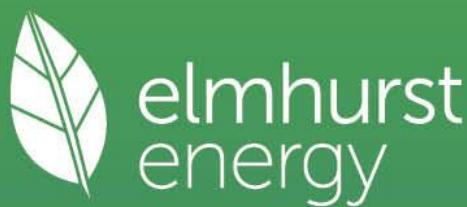
No, you must inform Elmhurst and follow the correct guidance to comply with the law.

What happens if I share the data without following the correct procedure?

You would be breaking the law. Elmhurst aims to help members stay compliant, so following the process is essential.

Can you charge for this?

Yes, assessors can charge for this service. It is recommended to incorporate this into your service offerings for commercial benefits.



Contact Details

Should you require any further clarification, please contact us at:

 Elmhurst Energy
16 St Johns Business Park,
Lutterworth,
Leicestershire,
LE17 4HB

 01455 883 236

 enquiries@elmhurstenergy.co.uk

 www.elmhurstenergy.co.uk