

RETAIL ENERGY CODE COMPANY LIMITED

Privacy Notice

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Key Summary

This Privacy Notice is provided by the Retail Energy Code Company Limited.

We are responsible for the governance of the Retail Energy Code (the Code), which is one of the key governance and market operation arrangements (including the new central switching service arrangements) enabling the operation of a competitive energy retail market in Great Britain.

The key personal data for which we are the controller relates to:

- employees of the Retail Energy Code Company Limited;
- individuals who are representatives of parties and other market participants under the Code, whose data we process in relation to arranging meetings, recording meeting minutes, submitting invoices, Code changes, other Code management matters, and notifying Code related developments;
- individuals who serve on the REC Board, the REC Panel or sub-committees of the REC Board or the REC Panel, whose data we process in relation to arranging meetings, recording meeting minutes and notifying Code related developments;
- individuals who are or who represent our service providers, whose data we process in relation to contract management;
- individuals who are or who represent potential service providers, whose data we process in relation to potential future contracts;
- individuals who use our website; and
- individuals who send general enquiries to us.

This notice explains what data we process, why, how it is legal and the rights of data subjects.

About Us and This Notice

This Privacy Notice is provided by the Retail Energy Code Company Limited ("**RECCo**" or "**we**" or "**us**"). We are a controller for the purposes of the **Data Protection Laws**. We take your privacy very seriously and ask that you read this Privacy Notice carefully as it contains important information about our **processing** and your rights.

How to contact us

If you would like this Privacy Notice in another format (for example audio, large print, braille) please contact us at the details below:

Contact: Company Secretary

Address: 27 Old Gloucester Street, London, England, WC1N 3AX

Email: info@retailenergycode.co.uk

Changes to this Privacy Notice

The latest version of the Privacy Notice can be found at: www.retailenergycode.co.uk/privacy_policy. We may change this Privacy Notice from time to time. We will alert you on our **website** when changes are made.

Current version: 18 October 2022

Useful Words and Phrases

Please familiarise yourself with the following words and phrases (used in **bold**) as they have particular meanings in the **Data Protection Laws** and are used throughout this Privacy Notice:

TERM	DEFINITION
CODE	This means the Retail Energy Code, which can be found on our website at www.retailenergycode.co.uk .
CONTROLLER	This refers to the company or other entity which determines the purposes for which, and the manner in which, any personal data is processed .
CRIMINAL OFFENCE DATA	This means personal data relating to criminal convictions and offences or related security measures. It covers a wide range of information about offenders or suspected offenders in the context of criminal activity; allegations; investigations; and proceedings. It may also include personal data about unproven allegations and information relating to the absence of convictions.
DATA PROTECTION LAWS	This means the laws which govern the handling of personal data . This includes the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018 and any other national legislation that relates to data protection and privacy.
ICO	This means the UK Information Commissioner's Office, which is the UK regulator responsible for implementing, overseeing, and enforcing the Data Protection Laws .
MPxN	This means the unique reference number used to identify electricity Metering Points or gas Supply Meter Points.
PERSONAL DATA	<p>This means any information from which a <u>living individual</u> can be identified.</p> <p>This will include information such as telephone numbers, names, addresses, e-mail addresses, photographs, and voice recordings. It will also include expressions of opinion and indications of intentions about individuals (and their own expressions of opinion/intentions). It will also cover information which on its own does not identify a living individual, but which would identify them if put together with other information which we have or are likely to have in the future.</p>

PROCESSING	<p>This covers virtually anything anyone can do with personal data, including:</p> <ul style="list-style-type: none"> • obtaining, recording, retrieving, consulting, or holding it; • organising, adapting, or altering it; • disclosing, disseminating, or otherwise making it available; and • aligning, blocking, erasing, or destroying it.
PROCESSER	<p>This refers to the company or other entity which processes the personal data on behalf of the controller.</p>
REC	<p>The Retail Energy Code</p>
REC BOARD	<p>This refers to the board of directors of RECCo.</p>
REC PANEL	<p>This refers to the panel established under the Code.</p>
REC PARTIES	<p>This means each 'Party' under and as defined in the Retail Energy Code.</p>
REC PORTAL	<p>The secure portal provided on behalf of RECCo to REC parties.</p>
SPECIAL CATEGORIES OF DATA	<p>This means any information relating to:</p> <ul style="list-style-type: none"> • racial or ethnic origin; • political opinions; • religious beliefs or beliefs of a similar nature; • trade union membership; • physical or mental health or condition; • sexual life; or • genetic data or biometric data for the purpose of uniquely identifying you.
THEFT DETECTION INCENTIVE SCHEME	<p>This is as described in Annex 3 of the Energy Theft Reduction Schedule</p>
WEBSITE	<p>This means our website at www.retailenergycode.co.uk.</p>

What Personal Data Do We Collect?

Personal Data Relating to You

Employees of the Retail Energy Code Company Limited (The Company)

Throughout employment and sometimes after the termination of employment, the Company will need to process data about employees. The kind of data that the Company will process includes:

- any references obtained during recruitment;
- details of terms of employment;
- payroll details;
- tax and national insurance information;
- details of job duties;
- details of benefits elected or amended;
- details of health and sickness absence records;
- details of holiday records;
- information about performance;
- details of any disciplinary and grievance investigations and proceedings;
- training records;
- contact names and addresses including those of next of kin and other persons identified for the purposes of administering employee benefits (e.g., beneficiaries, family members covered by insurance arrangements etc.)
- correspondence with the Company and other information that you have given the Company.

The Company believes that those records are consistent with the employment relationship between the Company and yourself and with the data protection principles.

In some cases, the Company may hold sensitive data, which is defined by the legislation as **special categories of personal data**, about you. For example, this could be information about health, racial or ethnic origin, criminal convictions, trade union membership, or religious beliefs. This information may be processed not only to meet the Company's legal responsibilities but, for example, for purposes of personnel management and administration, suitability for employment, and to comply with equal opportunity legislation. Since this information is considered sensitive, the processing of which may cause concern or distress, you will be asked to give express consent for this information to be processed, unless the Company has a specific legal requirement to process such data.

Representatives of parties and other market participants under the Code

Parties and other market participants under the **Code** are required or permitted to propose contract managers and other representatives to act on their behalf in relation to the **Code**. If you are one of these representatives, we will collect your **personal data** from you when you make a general enquiry about acceding to the **Code** (for which please see below) and/or when you register on the **REC Portal**. We will **process** your **personal data** for the purposes described in the **Code**. This includes **processing** your **personal data** in relation to arranging meetings, recording meeting minutes, submitting invoices, progressing **Code** changes, and providing notices under the **Code**. We will also **process** your **personal data** for other **Code** management related matters, such as notifying **Code** related developments or any other purposes relating to the operation of the **Code** or the role of the party you represent as a RECCo shareholder. For this purpose, we **process** the following **personal data**: name, contact details, job title, place of work.

Those who serve on the REC Board, the REC Panel, or sub-committees of either of them

We collect your **personal data** from you when you apply for the role of board director, **REC Panel** member or sub-committee member and at the time of your appointment to the role. We will **process** your **personal data** as part of that application and for the purposes of arranging meetings, recording meeting minutes, notifying **Code** related developments, and for all other matters relating the operation of RECCo. For this purpose, we **process** the following **personal data**: name, contact details, job title, place of work, date of birth and personal address.

Service provider contract management

If you are one of our service providers, or if you represent one of our service providers, then we will collect your **personal data** from you when we communicate with your organisation and/or when we appoint your organisation as a service provider and we will process your **personal data** in relation to our management of the service provider contract. For this purpose, we **process** the following **personal data**: name, contact details, job title, place of work. If you are a self-employed contractor, we will also process your personal address if you do not have a separate business address.

Potential service provider list

If you are, or if you represent, a potential service provider that has indicated a willingness to be considered for future contracts which we may enter into, then we will collect your **personal data** from you when we communicate with your organisation and/or when we first appoint your organisation as a service provider. We will process your **personal data** so that we can alert you to future contracting opportunities and use your **personal data** in relation to the tender process for those contracting opportunities. For this purpose, we process the following **personal data**: name, contact details, job title, place of work. If you are a self-employed contractor, we will also process your personal address if you do not have a separate business address, and we will keep records of how and when you contacted us and a description of your areas of expertise that are potentially relevant to our business.

Individuals connected with energy theft investigations

We are obliged under the **REC** to collect **criminal offence data** relating to investigations of suspected or actual cases of energy theft. These investigations are undertaken by the **REC party** appointed as the registered supplier for the **MPxN** where the suspected energy theft is taking place.

We will **process** the **criminal offence data** for the effective operation of the **Theft Detection Incentive Scheme**, to support the effective analysis of energy theft trends and for associated performance assurance activities.

For this purpose, we **process** the following **personal data**: **MPxN**, supply address, supplier account number, account holder name, account holder date of birth, billing address, meter serial number, and full investigations data relating to the alleged theft.

The **criminal offence data** is retained for a maximum of 18 months and is deleted as soon as it is no longer needed for the above purposes.

Energy consumers

We are obliged under the **REC** to undertake performance assurance functions which we do through our appointed provider (which we refer to as the RPA). The RPA function is designed to assess parties to the **REC** against particular Retail Risks (as defined in the **REC**) in order to improve consumer experience and reduce consumer detriment. In order to assess compliance of **REC parties** against the **REC**, the RPA requires data to perform performance assurance and testing activity. All analysis is performed in relation to **REC parties** or overall **REC Market Activities** (as defined in the **REC**) and no analysis is performed in respect of individual consumers. The processing of the data is necessary for RECCo to fulfil its obligations under the **REC** to facilitate the efficient and effective operation of the retail energy market.

For this purpose we process the following personal data: **MPxN**, complaints information (including in relation to status, dates, category), switching-related meta data and master data (mapping of **MPxN** to supplier, meter point address data, prepayment portfolio data) relating to meter points.

The personal data we process for performance assurance functions will vary depending on the type of operation by energy suppliers and other market participants that we are assessing, however a full list of the data fields used for our RPA function is set out in the Performance Assurance Report Catalogue which we will make available to you without charge if you contact us using the contact information set out at the start of this privacy policy.

Website usage information

If you are just visiting our **website**, we will not collect **personal data**.

However, we do use cookies. Cookies are small files saved to your computer's hard drive that track, save, and store information about your interactions and usage of our **website**. Cookies allow us to store your preferences to correctly present content, options, or functions throughout our **website**. They also enable us to see information like how many people use our **website** and what pages they tend to visit.

Overall, cookies help us provide you with a better **website** by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can set your browser to refuse all or some browser cookies, or to alert you when **websites** set or access cookies. If you disable or refuse cookies, please note that some parts of this **website** may become inaccessible or not function properly. We also give you the option of disabling all cookies other than those which are categorised as “Necessary” for the functioning of the website. If you would like more information about this practice, including how to prevent it, please visit www.aboutcookies.org, www.allaboutcookies.org or optout.networkadvertising.org.

Below is a list of all cookies utilised within our **website**:

Cookie Name	Duration	Category	Description
cookielawinfo-checkbox-functional	1 year	Others	The cookie is set by GDPR cookie consent to record user consent for the cookies in the category “Functional”.
cookielawinfo-checkbox-necessary	1 year	Necessary	The cookie is set by the GDPR Cookie Consent plugin. This cookie is used to store user consent for the cookies in the category “Necessary”
cookielawinfo-checkbox-non-necessary	1 year	Necessary	The cookie is set by the GDPR Cookie Consent plugin. This cookie is used to store user consent for the cookies in the category “Non-necessary”
cookielawinfo-checkbox-performance	1 year	Necessary	The cookie is set by the GDPR Cookie Consent plugin. This cookie is used to store user consent for the cookies in the category “Performance”
cookielawinfo-checkbox-analytics	1 year	Necessary	The cookie is set by the GDPR Cookie Consent Wordpress plugin. This cookie is used to store user consent for the cookies in the category “Analytics”
cookielawinfo-checkbox-advertisement	1 year	Necessary	The cookie is set by the GDPR Cookie Consent plugin. This cookie is used to store user

			consent for the cookies in the category "Advertisement"
cookieinfo-checkbox-others	1 year	Others	The cookie is set by the GDPR Cookie Consent plugin. This cookie is used to store user consent for the cookies in the category "Others"
_ga	2 years	Analytics	This cookie is installed by Google Analytics. The cookie is used to calculate visitor, session, campaign data and keep track of site usage for the site's analytics report. The cookies store information anonymously and assign a randomly generated number to identify unique visitors.
_gid	1 day	Analytics	This cookie is installed by Google Analytics and is used to store information about how visitors use a website and helps in creating an analytics report of how the website is doing. The data collected includes the number of visitors, the source where they have come from, and the pages visited in an anonymous form.
_gat_gtag_[Property-ID]	1 minute	Others	This cookie is part of Google Analytics and is used to limit requests (throttle request rate)

** We categorise all cookies to allow you to select which categories of cookies (other than Necessary) you wish to disable.*

General enquiries

We always welcome general enquiries concerning the **Code**, or from prospective parties considering acceding to the **Code**. During this interaction we **process** the following: name, contact details including email address, place of work, job title and details of the enquiry. We do not actively request **special categories of data**, but we may come across them if you provide them to us.

Personal data about other individuals

If you provide us with information about other individuals, you confirm that you have informed the relevant individuals accordingly.

Why Do We Process Your Personal Data?

We use your **personal data** for the following purposes listed in this section. We are allowed to do so on certain lawful bases – please see section 'How is processing your data lawful' on page 14 for further detail.

Personal Data Relating To	Purpose	Lawful Basis
Employees of the Retail Energy Code Company Limited	For management and administrative use only. The Company may, from time to time, need to disclose some data it holds about you to relevant third parties (e.g. where legally obliged to do so by HM Revenue & Customs, where requested to do so by yourself for the purpose of giving a reference or in relation to maintenance support and/or the hosting of data in relation to the provision of benefits including but not limited to insurance).	Contract: Our processing of this personal data is necessary to fulfil the terms under the employment contract, enrol you in employee benefit plans and to pay you. Legal Obligation: In certain circumstances our processing of this personal data is necessary to meet legal obligations, e.g., to comply with taxation or pensions legislation.
Representatives of parties and other market participants under the Code	For the purposes described in the Code , for notifying Code related developments and for any other purposes relating to the operation of the Code or the role of the party you represent as a RECCo shareholder, as further described on page 6.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring the proper governance of the Code .
Those who serve on the REC Board , the REC Panel , or sub-committees of either of them	To arrange meetings, record meeting minutes and notify Code related developments, as further described on page 6.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring the proper governance of the Code .
Service provider contract management	To manage contracts with our service providers.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring the proper operation and management of contracts to which RECCo is a party.

Potential service provider list	To alert you of and to manage future contracting opportunities.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring an efficient and transparent approach to procuring services from potential suppliers.
Website usage information	To provide website functionality.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring the functionality of and accessibility to our website .
General enquiries	To assist and respond to enquiries.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in the dissemination of information regarding the REC and RECCo's governance role relating to the REC .
Energy consumers	To enable Performance Assurance analysis of REC Parties (Energy Suppliers) against specific Retail Risks identified in the REC Retail Risk Register. Personal data is sourced from REC Parties (Energy Suppliers) directly. All analysis is performed in relation to REC Parties or overall REC Market Activities. No analysis is performed in respect of individual consumers.	Legitimate Interests: Our processing of this personal data is necessary for our legitimate interests in ensuring the proper governance of the Code .
Criminal Offence Data	Data relating to theft of energy investigations conducted by REC Parties (Energy Suppliers) and their agents is collected and processed.	<p>Compliance with a legal obligation under the REC to which the controller is subject.</p> <p>Legitimate Interests: Our processing of this criminal offence data is necessary for our legitimate interests in the implementation, management and operation of the REC to facilitate the efficient and</p>

		<p>effective running of the retail energy market.</p> <p>In addition to the lawful bases set out above, RECCo's processing of criminal offence data meets the following 2 conditions of Schedule 1 of the Data Protection Act 2018:</p> <ul style="list-style-type: none">• Condition 10 (Preventing or detecting unlawful acts)• Condition 12 (Regulatory requirements relating to unlawful acts and dishonesty etc.)
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How is Processing Your Personal Data Lawful

Personal Data

We are allowed to **process** your **personal data** for the following reasons and on the following lawful bases:

- **Contract**

We are permitted to process employees' **personal data** when it is necessary to comply with a contract we have in place with the employee.

- **Legal Obligation**

We are permitted to process employees' **personal data** when it is necessary to comply with the law.

- **Legitimate Interests**

We are permitted to process your **personal data** when it is necessary for our 'legitimate interests'.

We have considered the impact on your interests and rights and have placed appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible. You can object to any of the processing that we carry out on the grounds outlined above (see the section "[Your Rights](#)" on page 17 to find out how).

Who Will Have Access To Your Personal Data?

Like any business, we use external providers to operate our business, such as website hosting, enquiry functionality and chat functions. Some of these providers will **process** your **personal data** as part of the services they offer to us as our **processors**. We take steps to ensure that our service providers **process** your data in accordance with the **Data Protection Laws**, only use it in accordance with our contract with them and keep it secure. If you would like more information about our processors, please contact us using the details at the "How to contact us" section.

We will also share your **personal data** with the police, other law enforcements or regulators where we are required by law to do so.

We do not transfer your **personal data** outside the European Economic Area.

How do we keep your personal data secure

We strive to implement appropriate technical and organisational measures in order to protect your **personal data** against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of **processing**. We aim to ensure that the level of security and the measures adopted to protect your **personal data** are appropriate for the risks presented by the nature and use of your **personal data**. We follow recognised industry practices for protecting our IT environment and physical facilities.

Personal data relating to representatives of parties and other market participants under the **Code** is securely stored on servers located in the United Kingdom operated by or on behalf of Capgemini plc, Gemserv Limited and Deloitte LLP. All other **personal data** is securely stored on servers located in the United Kingdom.

When Will We Delete Your Data

The following categories of **personal data** will be kept for the following periods.

Personal Data Relating To	Retention Period
Employees of the Retail Energy Code Company Limited	Unless we have agreed to remove certain information sooner (e.g., records relating to performance, grievances or disciplinarys), or the law requires us to remove certain records sooner, 6 years following the termination of employment.
Representatives of parties and other market participants under the Code	During the course of the data subject's position as a representative and 13 months after leaving the position.
Those who serve on the REC Board , the REC Panel , or sub-committees of either of them	During the course of the data subject's position and for 7 years after leaving the position.
Service provider contract management	During the course of the contract with the service provider and for 7 years after termination of the contract.
Potential service provider list	For period of 18 months from date of initial contact.
Website usage information	Not currently stored.
General enquiries	During the course of dealing with the enquiry and for 18 months afterwards.
Individuals connected with energy theft investigations	A maximum of 18 months from the date of receipt of the data from the relevant REC party.
Energy consumers	Data will be subject to lifecycle management, with most data expected to be retained for 14-28 months

At the end of the relevant retention period we will securely destroy the relevant **personal data**.

Your Rights

As **data subjects** you have the following rights under the **Data Protection Laws**:

- Right to object to **processing** of your **personal data**;
- Right of access to personal data relating to you;
- Right to correct any mistakes in your information;
- Rights in relation to automated decision making (note this does not apply);
- Right to prevent your personal data being processed;
- Right to have your personal data ported to another controller; and
- Right to erasure.

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see "**How to contact us**" above). You are not required to pay any charge for exercising your rights.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within three months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the **Data Protection Laws**.

● Right to object to processing of your personal data

You may object to us **processing** your **personal data** where we rely on a legitimate interest as our legal grounds for **processing**.

This is not relevant to you because we do not rely on legitimate interests as a ground for **processing** your **personal data**.

● Right to access personal data relating to you

You may ask to see what **personal data** we hold about you and be provided with:

- a copy of the **personal data**;
- details of the purpose for which the **personal data** is being or is to be **processed**;
- details of the recipients or classes of recipients to whom the **personal data** is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which the **personal data** is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and whether we carry out an automated decision-making, or profiling, and where we do information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us as much information as possible about the type of information you would like to see.

● Right to correct any mistakes in your information

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

● Right to restrict processing of personal data

You may request that we stop **processing** your **personal data** temporarily if:

- you do not think that your data is accurate. We will start **processing** again once we have checked whether or not it is accurate;
- the **processing** is unlawful, but you do not want us to erase your data;
- we no longer need the **personal data** for our **processing**, but you need the data to establish, exercise or defend legal claims; or
- you have objected to **processing** because you believe that your interests should override our legitimate interests.

● Right to data portability

You may ask for an electronic copy of your **personal data** which we hold electronically and which we **process** when we have entered into a contract with you. You can also ask us to provide this directly to another party.

● Right to erasure

You can ask us to erase your **personal data** where:

- you do not believe that we need your data in order to **process** it for the purposes set out in this Privacy Notice;
- if you had given us consent to **process** your data, you withdraw that consent, and we cannot otherwise legally **process** your data;
- you object to our **processing**, and we do not have any legitimate interests that mean we can continue to **process** your data; or
- your data has been **processed** unlawfully or have not been erased when it should have been.

What will happen if your rights are breached?

You may be entitled to compensation for damage caused by contravention of the **Data Protection Laws**.

Complaints to the Regulator

It is important that you ensure you have read this Privacy Notice – and if you do not think that we have **processed** your data in accordance with this notice – you should let us know as soon as possible. You may also complain to the **ICO**.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: www.ico.org.uk.