

NOTICE OF PROCESSING OF PERSONAL DATA

NON-HOUSEHOLD RETAIL WATER MARKET PRIVACY NOTICE

1. WHO PROCESSES YOUR PERSONAL DATA?

Your personal data will be processed by the listed organisations defined as follows:

Trading Parties, which are the wholesalers and retailers providing water and sewerage services.

Market Operator Services Limited, a company incorporated in England and Wales under company number 09276929 whose registered office is at White Building, 1-4 Cumberland Place, Southampton, England, SO15 2NP ("**MOSL**"). MOSL is owned by all the water companies, both wholesalers and retailers, who trade in the competitive market. You can contact MOSL using the details set out in section 'Contact and Complaints' below.

CGI IT UK Limited, a company incorporated in England and Wales under company number 947968 whose registered office is at 14th Floor, 20 Fenchurch Street, London, EC3M 3BY ("**CGI**"). CGI is acting in the capacity as a 'processor' and will comply with MOSL's instructions.

Third Party data processors, these being other organisations that process data on behalf of MOSL or the Trading Parties, or with whom data is shared, as outlined in section 8 of this privacy notice.

2. SCOPE OF THIS NOTICE AND DEFINITIONS

Market Personal Data is personal data collected by Trading Parties and MOSL, for the purposes of providing the services and fulfilling our obligations under the Market Codes, which is stored in the MO Systems and/or shared between parties in accordance with the Market Codes. This does not include any personal data a Trading Party may collect for purposes outside of this scope, such as for their own marketing. For this please see the individual Trading Parties' privacy notice. Personal data is that relating to 'an identified or identifiable living individual'. As such, much of the market data is not personal data, as defined under Data Protection Legislation.

We may process personal data about non-household water customers ("**NHH customers**") where these are sole traders or unincorporated partnerships, or relating to the individual employees of NHH customers, as well as the personal data of developers, and the representatives and employees of Trading Parties registered, or which may become registered, to eligible water and sewerage supply points in the non-household retail water market (as defined in the Water Act 2014 and Market codes).

MO System(s) is the central Market operating system, such as settlement, myMOSL, supplier point and the bilaterals market hub, where Market personal data is processed and stored, in addition to Trading Parties' own systems. Elements of the MO System are maintained and supported by **CGI IT UK Limited**.

Data Protection Legislation is the UK-GDPR, the Data Protection Act 2018, and any other relevant UK legislation.

References to **'we'**, **'us'** or **'our'** refer both to Trading Parties in the Market and MOSL.

This Privacy Notice is the general Market Privacy Notice (as prescribed in the Market Arrangements Code) which relates to all Trading Parties and MOSL, in their use of Market Personal Data. However, each Trading Party also maintains its own privacy notice, that relates to their specific processing and aligns to this Privacy Notice, which can be found on their website or by contacting your retailer or wholesaler. In addition, MOSL, as the market operator, also maintains its own Privacy Notice, which relates to its processing of personal data related to Trading Parties. The Market Operator Privacy Notice for Trading Parties can be found [here](#).

This notice applies to the treatment of any information that could be used to identify an individual and which is collected by MOSL or the Trading Parties, via direct interactions with you and including through their use of the MO Systems and the MO Systems helpdesk. The protection of personal data is very important to us, and we understand our responsibilities to handle personal data with care, to keep it secure and to comply with legal requirements.

This notice is not intended to override the terms of any contract that NHH customers have with any Trading Party (or any rights they might have available under applicable data protection laws).

MOSL may make changes to this notice from time to time, for example to keep it up to date or to comply with legal requirements or changes in the way MOSL, or Trading Parties operate our businesses. MOSL will notify Trading Parties about significant changes in accordance with our obligations set out in the Market Codes and keep NHH customers and other relevant data subjects informed of changes by prominently posting a notice on MOSL's website (<https://www.mosl.co.uk/info/gdpr>).

We encourage you to regularly check back and review this notice so that you will always know what information we collect, how we use it, and who we share it with. We will review this notice at least annually.

3. WHAT PERSONAL DATA DO WE COLLECT?

The personal data we process for the provision of water and sewerage services, including, as applicable, for managing NHH customer accounts, and the general operation of the Market in compliance with the Market Codes (including via MO Systems, and the MO Systems Helpdesk), includes the following:

- ◆ **contact and communication details**, including full names, email address, address, telephone number, job title, the organisation/business that a person works for, log-in details, records of any communications whether written or spoken; and
- ◆ **billing information**, including billing contact, email address, billing address, contact number and information relating to credit ratings or credit scores; and
- ◆ **account details and supply point details**, including customer classifications including unique identifiers, meter information or Market consumption data.

The information we hold is described in detail in the Market data catalogue ([Code Subsidiary Document 0301](#)) and the Bilateral Data Catalogue ([Code Subsidiary Document 0601](#)).

data that we do not need in order to provide the Market services, including updating the MO Systems and using the MO Systems helpdesk

4. SPECIAL CATEGORIES OF PERSONAL DATA

We do not typically collect any special categories of personal data, such as details relating to health, in the general course of providing services in connection with the Market, unless essential and only when we have an appropriate legal basis to do so. Occasionally, we may hold information indicating that, due to their health needs, a NHH customer is a priority for re-connection if there is an interruption to the water supply.

5. WHEN DO WE COLLECT YOUR PERSONAL DATA?

Trading Parties will collect information from NHH Customers via direct interactions with you, including correspondence such as telephone calls, emails, webforms or letters. Market Personal Data is stored in the MO Systems where it can be shared by Trading Parties and MOSL, and Trading Parties may also collect information which is stored in accordance with their own privacy notices. To the extent permitted by law, we may also monitor and record telephone calls for training and quality assurance purposes.

MOSL may also collect information about NHH customers indirectly from other sources, for example public registers, where we believe this is necessary to help ensure the security of the MO Systems and the MO Systems helpdesk.

6. WHAT PURPOSES DO WE USE YOUR DATA FOR?

We process contact and communication, account/billing and supply point details in order to:

- to provide new and ongoing water and sewerage services, such as meter reading or repairs;
- to administer the billing and provision of these services, including switching retailers and the provision of billing contact information to MOSL in case of a retailer failure; and
- to comply with the requirements of the Market Arrangements Code or the Wholesale-Retail Code, to which we are a party and any additional regulatory requirements of regulators (such as Ofwat) to which we are subject.

We have to establish a **lawful basis** to use personal data, so we will make sure that we only use personal data for the purposes set out above, where we are satisfied that:

- our use of personal data is necessary to **perform a contract** with that individual or take steps to enter into a contract with that individual;
- our use of personal data is necessary to support '**Legitimate Interests**' that we, as a Trading Party or MOSL, which is responsible for the provision of water and sewerage services and the general operation of the Market, are required under the Market codes and our licence to undertake, including the billing and administration of these. For MOSL, as market operator of the water retail market, this may include:
 - to help delivery and performance of the services provided by Trading Parties to NHH customers

who are part of the water retail market in accordance with our obligations under the Market codes;

- ◆ to improve our service;
- ◆ to provide help or support in connection with the MO Systems and the MO Systems helpdesk;
- ◆ to ensure that they operate efficiently and securely; and
- ◆ to carry out analytics across our datasets, including to enrich, improve or can further insight into such datasets;

where that this is not outweighed by the rights of the individual;

- ◆ our use of your personal data **is necessary to comply with a relevant legal or regulatory obligation that we are subject to** (e.g. to comply with Ofwat, Defra or the Information Commissioner’s Office (“ICO”) requirements);
- ◆ before collecting and/or using any **special categories of personal data we will establish an additional lawful basis** to those set out above which will allow us to use that information. This additional exemption will typically be:
 - ◆ for the establishment, exercise or defence by us or third parties of legal claims; or
 - ◆ where there is a specific exemption provided under Data Protection Legislation, such as substantial public interest; or
 - ◆ where we have explicit consent from a data subject, although Trading Parties will typically rely on the other lawful bases.

7. CONSENT

We will not usually rely on consent as a lawful basis, however, where we do rely on consent as a lawful basis for processing personal data, NHH customers may withdraw their consent to such processing at any time. In this instance, Trading Parties will also make NHH customers aware that if they choose to do so, we may be unable to continue to provide certain services to you. If they choose to withdraw their consent, we will tell you more about the possible consequences. The withdrawal of their consent in this circumstance shall not affect the lawfulness of the processing based on consent before the withdrawal. Withdrawal of consent will not necessarily result in processing being stopped where consent was not the lawful basis for the processing.

8. WHO IS YOUR PERSONAL DATA SHARED WITH?

We will share personal data with third parties, to help manage our business and deliver services, as outlined below:

- ◆ service providers who help manage our IT and back office systems, including, but not limited to, CGI;
- ◆ third Party data processors outside the EEA for providing back-office support services;
- ◆ other Trading Parties and MOSL;
- ◆ our regulators, including Ofwat, government departments, such as the Environment Agency, the Drinking Water Inspectorate and Natural Resources Wales, as well as law enforcement agencies in the United Kingdom and EU where applicable, to enable the operation of the competitive retail market;

- ◆ solicitors and other professional services firms (including our auditors);
- ◆ service providers who enable us to communicate important information regarding the services across the non-household water retail market;
- ◆ third parties, such as brokers, for the purposes of their providing services to you for switching purposes;
- ◆ the Consumer Council for Water (CCWater);
- ◆ Third party data processors, such as consultancies, technology companies, and other data providers who can provide analytics and data enrichment across our datasets; and
- ◆ other third parties, where authorised by law, such for the prevention of fraud, or with law enforcement or taxation authorities.

9. WHERE IS YOUR PERSONAL DATA STORED?

All the personal data we process is processed by our staff, and/or by selected third party service providers, such as for the provision of IT services. As such it will be stored on our systems (including the MO Systems), and in some cases at our premises, including those of our third-party service/data providers. Personal data may be stored using cloud based services.

We take all reasonable steps to ensure that personal data is processed securely. Where data is shared with third parties a data processing or data sharing agreement will be agreed between us and the third party.

We will not share personal data outside the EEA unless (a) it is a transfer to a country or organisation which is recognised by Data Protection Legislation as providing an adequate level of legal protection for your information, or (b) we have put in place appropriate contractual arrangements with the organisation with whom we are sharing your information on terms recognised under Data Protection Legislation as offering an adequate level of protection for your information. In those cases, you will have the right to ask us for more information about the safeguards we have put in place as mentioned above (e.g. to request a copy where the safeguard is documented, which may be redacted to ensure confidentiality).

10. HOW LONG DO WE KEEP IT?

We will retain Market Personal Data in line with our data retention policy, and for no longer than is necessary for the purposes listed in this notice or as otherwise stated in the relevant Trading Party's privacy notice.

In some circumstances we may retain personal data for longer periods of time where we are required to do so to meet legal, regulatory, tax or accounting requirements, in particular:

- ◆ where it forms part of an audit trail on system use; and
- ◆ so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a possibility of legal action relating to your personal data or dealings.

Where your personal data is no longer required, we will ensure it is securely deleted in a way which

means it will no longer be used by the business.

11. WHAT ARE YOUR RIGHTS?

Individuals have a number of rights in relation to their Market Personal Data. In summary, they have the right to request access to their data, rectification of any mistakes in our files, erasure of records where no longer required, restriction on the processing of their data, objection to the processing of their data, data portability and various information in relation to any automated decision making and profiling or the basis for international transfers. They also have the right to complain to their supervisory authority (further details of which are set out section 'Contact and Complaints'). These rights are not absolute, and the right of access only entitles individuals to their own personal data, and not to any commercial data. These rights are defined in more detail as follows:

INDIVIDUALS RIGHTS	WHAT THIS MEANS FOR MOSL
Access	<p>You can ask us to:</p> <ul style="list-style-type: none">confirm whether we are processing your personal data;give you a copy of that data;provide you with other information about your personal data such as what data we hold, the purposes for which we use it, who we disclose it to, whether we transfer it abroad and how we protect it, how long we keep it for, what rights you have, how you can make a complaint, where we got your data from and whether we have carried out automated decision making or profiling, to the extent that information has not already been provided to you in this notice
Rectification	<p>You can ask us to rectify inaccurate personal data. We may seek to verify the accuracy of the data before rectifying it.</p>

Erasure / Right to be Forgotten

You can ask us to erase your personal data, but only where:

- ◆ it is no longer needed for the purposes for which it was collected; or
- ◆ you have withdrawn your consent (where the data processing was based on consent); or
- ◆ it follows a successful right to object; or
- ◆ it has been processed unlawfully; or
- ◆ it is not necessary to comply with a legal obligation which MOSL or the Trading Party is subject to.
- ◆ We are not required to comply with your request to erase your personal data if the processing of your personal data is necessary: for compliance with a legal obligation; or for the establishment, exercise, or defence of legal claims.

Restriction

You can ask us to restrict (i.e. keep but not use) your personal data, but only where:

- ◆ its accuracy is contested, to allow us to verify its accuracy; or

- ◆ the processing is unlawful, but you do not want it erased; or
- ◆ it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or
- ◆ you have exercised the right to object, and verification of overriding grounds is pending.

We can continue to use your personal data following a request for restriction, where:

- ◆ we have your consent; or
- ◆ to establish, exercise or defend legal claims; or
- ◆ to protect the rights of another natural or legal person

Portability

You can ask us to provide your personal data to you in a structured, commonly used, machine-readable format, or you can ask to have it 'ported' directly to another Data Controller, but in each case only where: the processing is based on your consent or the performance of a contract with you; and the processing is carried out by automated means.

Objection

You can object to any processing of your personal data which has our 'legitimate interests' as its legal basis if you believe your fundamental rights and freedoms outweigh our legitimate interests. Once you have objected, we have an opportunity to demonstrate that we have compelling grounds to process it which override your rights, however, this does not apply as far as the objections refers to the use of personal data for direct marketing purposes.

Individuals also have various rights in relation to any automated decision making and profiling, however we do not carry out these activities in connection with the MO Systems.

In relation to Market Personal Data, these rights can be exercised by contacting us as set out below, and MOSL will coordinate with your retailer and wholesaler, as required. Alternatively, you may also wish to contact your retailer or wholesaler directly. Please note the following if you do wish to exercise these rights:

- ◆ **Identity.** We take the confidentiality of all records containing personal data seriously and reserve the right to ask you for proof of your identity if you make a request;
- ◆ **Fees.** We will not ask for a fee to exercise any of your rights in relation to your personal data, unless your request for access to information is unfounded, repetitive, or excessive, in which case we will charge a reasonable amount in the circumstances;
- ◆ **Timescales.** We aim to respond to any valid requests as soon as possible after receipt and within one calendar month. If we need longer to respond to your request, we will notify you of this within a month of your request, explaining the reasons for the delay. We will not extend the timeframe for our response for any more than an additional two months. We might ask you if you can help by telling us what exactly you want to receive or are concerned about. This will help us to action your request more quickly;
- ◆ **Exemptions.** Local laws, including in the United Kingdom, provide for additional exemptions, in particular to the right of access, whereby personal data can be withheld from you in certain circumstances, for example, where it is subject to legal privilege. Requests which are manifestly unfounded or excessive may be refused.

12. CONTACT AND COMPLAINTS

The primary point of contact for all queries arising from this notice, including exercising data subject rights, is MOSL's Data Protection Officer. The Data Protection Officer can be contacted in the following ways:

Email:

dataprotection@mosl.co.uk

Letter:

FAO Data Protection Officer,
Market Operator Services Limited,
4th floor,
White Building,
1 - 4 Cumberland Place,
Southampton,
SO15 2NP

If you have a complaint or concern about how we use your Market Personal Data, please contact MOSL, or your retailer or wholesaler as applicable, in the first instance and we will attempt to resolve the issue as soon as possible. You also have a right to lodge a complaint with your national data protection supervisory authority at any time. In the UK, the supervisory authority for data protection is the ICO (<http://ico.org.uk/>). We do ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.