

## NOTICE OF PROCESSING OF PERSONAL DATA

### PRIVACY NOTICE CONCERNING TRADING PARTY PERSONAL DATA

#### 1. WHO PROCESSES YOUR PERSONAL DATA?

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

**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").

**Passageways (UK) Limited ("Passageways")**, a company incorporated in England and Wales under company number 10261635 whose registered office is at 57 London Road, High Wycombe, HP11 1BS. Passageways provides MOSL with IT software and support services for this software, to help manage papers and the administration of our Board and Committee meetings. Passageways are acting in the capacity of 'processor' and will comply with MOSL's instructions.

**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 with whom data is shared, as outlined in section 8 of this privacy notice.

#### 2. SCOPE OF THIS NOTICE AND DEFINITIONS

**Personal Data** is that relating to 'an identified or identifiable living individual'.

**Trading Party Personal Data** is personal data collected by MOSL, about individuals, representatives or employees from Trading Parties, for the purposes of providing the services and fulfilling our obligations under the Market Codes.

**Market Personal Data** is personal data collected by Trading Parties and MOSL about non-household water customers, for the purposes of providing the services and fulfilling the obligations under the Market Codes.

**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 solely to MOSL.

## SCOPE OF THIS NOTICE

This Privacy Notice is the Trading Party Privacy Notice which relates to MOSL's use of Trading Party personal data. In addition, MOSL, as the market operator, also maintains a 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. The general Market Privacy Notice can be found [here](#).

This notice applies to the treatment of any information that could be used to identify an individual, which is collected by MOSL via direct interactions with you. 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 any rights individuals may 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 we operate our business. MOSL will keep 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. This version was last updated on 20 April 2021.

### 3. WHAT PERSONAL DATA DO WE COLLECT?

The personal data MOSL processes for the purposes of providing administrative and secretariat services to support the governance and operation of the Market under the Market codes includes the following:

- ◆ **Contact and communication details**, including full name, email address, address, telephone number, job title and the organisation/business that a person works for;
- ◆ **Access and dietary requirements**, including information regarding access requirements to buildings or meeting spaces in order to attend any committee, sub-group or panel meetings together with any dietary requirements for meetings; and
- ◆ **Detail within Minutes**, which may be attributable to an individual such as actions or tasks.

The data collected includes special categories of Personal Data, such as health, access and dietary requirements. We will only collect this data where essential and when we have an appropriate legal basis to do so.

We comply with the data minimisation principles of data protection laws and we will not collect any Personal Data that we do not need in order to provide the Market services.

#### 4. WHEN DO WE COLLECT YOUR PERSONAL DATA?

MOSL will collect information from data subjects where they are appointed to sit on or attend any committees, sub-groups or panel established under the Market Codes to the extent that MOSL provides administrative and secretariat support to those committees, sub-groups and panels.

MOSL will also collect information from Trading Party staff and representatives via direct interactions, including correspondence such as telephone calls, emails, letters, where we are required to do so under the Market Codes, and when MOSL are contacted for support through the CMOS Helpdesk. To the extent permitted by law, MOSL may also monitor and record telephone calls for training and assurance purposes when they call the CMOS Helpdesk directly for user support.

#### 5. WHAT PURPOSES DO WE USE YOUR DATA FOR?

We process contact and communication, account, and dietary and access information in order to:

- ◆ Support the effective operation of the market including, in particular, providing administrative and secretariat support to meetings of committees, sub-groups and panels established under the market codes. This may include organising meetings, ensuring papers are communicated to attendees and that attendees have the necessary access and dietary arrangements made in advance of their attendance;
- ◆ Communicate important information to trading parties relating to CMOS and the Non-Household Water Retail Market;
- ◆ Provide support services to Trading Parties, including CMOS helpdesk support services; and
- ◆ 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:

- ◆ Support '**Legitimate Interests**' that we, as market operator of the water retail market, are required to undertake for the general operation of the Market. This could include to:
  - ◆ Help delivery and performance of the services provided as market operator of the water retail market, in accordance with our obligations under the Market Codes;
  - ◆ Improve our services;
  - ◆ Provide help or support in connection with CMOS and the CMOS helpdesk;
  - ◆ Provide administrative and secretariat support for the efficient governance and operation of the Market;

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

- ◆ Comply with a **relevant legal or regulatory obligation** that we are subject to (e.g. to comply with Ofwat, Defra or ICO requirements).
- ◆ Where we are required to process access and dietary requirements, which are classed as special category data, we do so where it is **necessary to protect the vital interests** of the individual, such as to protect against allergies.

We will not usually rely on **consent** as a lawful basis, however, where we do rely on consent for processing Trading Party Personal Data, individuals may withdraw their consent to such processing at any time. If you choose to do so, we may be unable to continue to provide certain services to you. The withdrawal of consent shall not affect the lawfulness of the processing based on consent before the withdrawal, and will not necessarily result in processing being stopped in that instance.

## 6. 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 including but not limited to, CGI, Kissflow and Smartdesc, who help manage our IT and back office systems, Passageways, who provide software and associated IT support services to manage the papers for our Board and Committee meetings, and Mail Chimp, who enable us to communicate important information regarding the operation of the Market;
- ◆ Other Trading Parties (only where necessary); and
- ◆ Other members of the Board, Panel, Committees and Groups established under the Market Codes, and our Articles of Association, for the effective governance and operation of the Market.

## 7. WHERE IS YOUR PERSONAL DATA STORED?

All the Personal Data we process is processed by our staff, and our service providers, including CGI or Passageways. The data will be stored on our systems, in some cases at our premises or on cloud-based services. For the purposes of IT hosting and maintenance of CMOS and the CMOS helpdesk, and in respect of the provision by Passageways this information is located on servers within the EEA.

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).

## 8. HOW LONG DO WE KEEP IT?

We will retain Trading Party Personal Data in line with our data retention policy, and for no longer than is necessary for the purposes listed in this 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. 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.

## 9. WHAT ARE YOUR RIGHTS?

Individuals have a number of rights in relation to their Personal Data. These are defined in more detail as follows:

INDIVIDUALS RIGHTS	WHAT THIS MEANS FOR MOSL
<b>Access</b>	<p>You can ask us to:</p> <ul style="list-style-type: none"> <li>◆ confirm whether we are processing your Personal Data;</li> <li>◆ give you a copy of that data;</li> <li>◆ 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</li> </ul>
<b>Rectification</b>	<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 relation to Market Personal Data, these rights can be exercised by contacting us as set out below. 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 of 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.



## 10. 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](mailto: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 Personal Data, please contact MOSL 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.