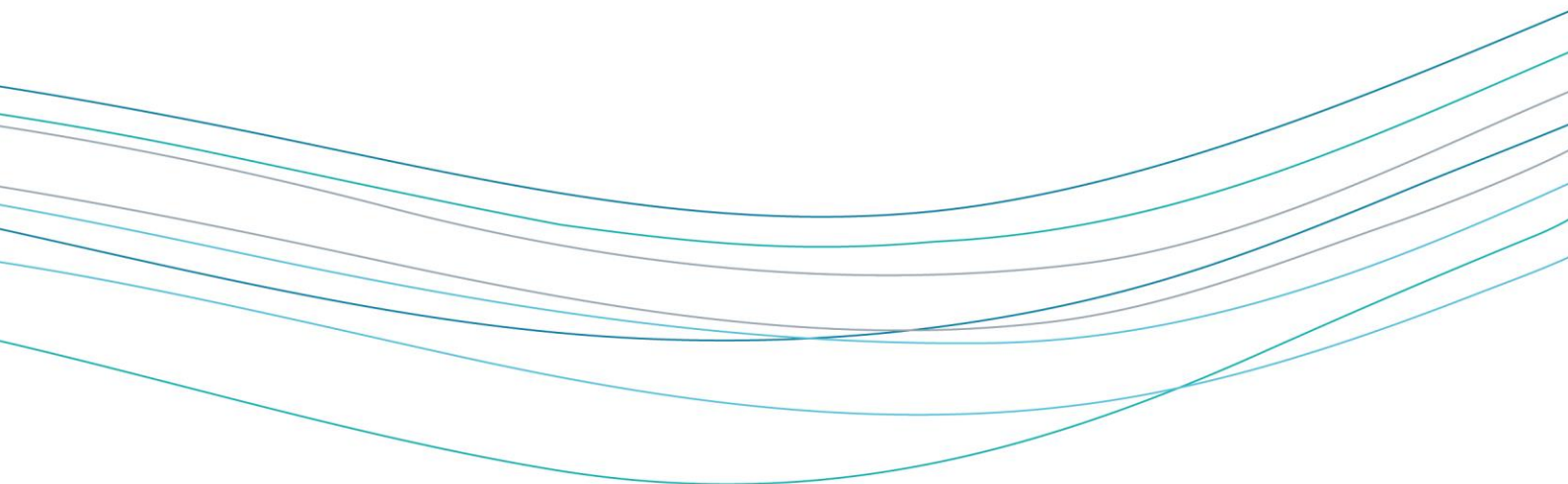


Processing Data Subject Requests in CMOS:
Right to Erasure
Guidance for Trading Parties



1. GDPR Article

GDPR puts individuals in control of their Personal Data by building on existing Data Subject rights. It establishes a right to erasure which allows for individuals to request that their data is erased on various grounds.

In particular, Article 17 of the GDPR states that data controllers must erase personal data following a request from a data subject where:

- ◆ the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
- ◆ the data subject withdraws the consent on which the processing is based¹ and where there is no other legal ground for the processing;
- ◆ the data subject objects to the processing pursuant to Article 21(1)² and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2)³;
- ◆ the personal data has been unlawfully processed;
- ◆ the personal data has to be erased for compliance with a legal obligation in Union or Member State law to which the data controller is subject;
- ◆ the personal data has been collected in relation to the offer of information society services referred to in Article 8(1).⁴

2. Rationale for processing

The Personal Data in CMOS is processed in order to comply with the Water Act and the Market Codes: i.e. it is processed based on fulfilling a contract (which are legitimate grounds for processing as identified in Article 21).

¹ According to point (a) of Article 6 (1), or point (a) of Article 9 (2) of the GDPR.

² Article 21 Section 1 refers to the Right to Object, which allows Data Subjects to object to the processing their Personal Data. Section 1 explains that this request is valid when the Data Controller cannot identify legitimate grounds for processing that data.

³ Article 21 Section 2 refers to the Right to Object, which allows the Data Subject to object to the processing of their Personal Data. Section 2 highlights this request is valid when objecting to the processing of Personal Data for the purpose direct marketing.

⁴ This clause references Article 8 Section (1) which highlights the need to obtain consent for processing data in relation to information society services (online sales platforms and other electronic purchasing systems) when the Data Subject is a child under the age of 16. In this case this clause highlights that such Personal Data should always be deleted on request.

Processing of the data held in CMOS is required in order to give effect to the non-household market. In particular, the registration of supply points, the switching of supply points between water retailers and the calculation of settlement charges.

However, there are data items which may contain Personal Data that are not essential to process supply point switches and calculate settlement charges (these are indicated in section 4). As such, a customer may legitimately expect that such items be erased on request.

CMOS also contains other Personal Data items that do not necessarily relate to customers. For example, CMOS contains information on the Contract Managers of each water company (Trading Party) including their full name and contact details. This data is not needed for processing supply point switches or calculating settlement charges, however, it is required to be held under the market codes to support the operation of the non-household market.

3. Solution

MOSL has concluded that, where there are legitimate grounds for processing, Data Pseudonymisation is a suitable alternative to erasure of Personal Data. This would achieve a similar result to removing the Personal Data without preventing the market from functioning.

When actioning a request to erase data in cases where there are legitimate grounds for processing MOSL will pseudonymise specified data fields in specified data records in CMOS and related databases. This will involve replacing the entire contents of the data field with a defined pseudonym.

The set of data items to be pseudonymised will be the entire set of data items in Section 4 of this document. In all cases, the pseudonym used will be as defined in Section 4.

The pseudonymisation script is only accessible to suitably authorised employees of MOSL in order to action Data Subject Right requests.

4. Personal Data Items

The GDPR applies to Personal Data and Special Categories of Personal Data, meaning specific Personal Data that is sensitive such as medical information. The definition of Personal Data is any information which can identify a natural person directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Given this wider definition of Personal Data, the GDPR Issues Committee⁵ reviewed the list of data items in CMOS and agreed to a list of data items that could be considered Personal data. That list of Personal Data Items is provided below, as well as flags indicating which items would be replaced with a pseudonym following a Right of Erasure request with a “✓” icon. These items are Personal Data items within CMOS and should be replaced with their pseudonym following an erasure request. Items marked with a “✗” icon would not be pseudonymised on request, as they are essential for operation of the market in line with the Water Act.

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|------------------------------|---|------------------------------|-----------|---|
| Customer name | The customer name associated with a given Supply Point | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Customer banner name | The Trading Name of the Customer at a given Eligible Premises | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Free descriptor | Free text descriptor for address/ location details. | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Secondary addressable object | BS7666 Secondary Addressable Object if available | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Primary addressable object | BS7666 Primary Addressable Object if available | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Address line 1 | First line of address, or first line of address after Secondary Addressable Object and Primary Addressable Object if used | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| | | | XXXXX | |

⁵ The GDPR Issues Committee was established in order to review the requirements of the GDPR, and the required amendments to the industry’s Market Codes. The Committee reviewed the Data Subject requirements of GDPR, including the Right of Erasure, in order to determine the requirements of MOSL and the industry to be compliant with the legislation.

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|----------------------------|---|------------------------------|-----------|---|
| Address line 2 | Second line of address, or second line of address after Secondary Addressable Object and Primary Addressable Object if used | ✓ | | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Address line 3 | Third line of address, or third line of address after Secondary Addressable Object and Primary Addressable Object if used | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Address line 4 | Fourth line of address, or fourth line of address after Secondary Addressable Object and Primary Addressable Object if used | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Address line 5 | Fifth line of address, or fifth line of address after Secondary Addressable Object and Primary Addressable Object if used | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Postcode | Postcode | ✓ | X1 1XX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Country | Country, if address is outside the UK | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| PAF address key | PAF Address Key if known | ✓ | 999999990 | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Contract Manager ID | Unique ID provided for each Contract Manager identified to the Market Operator | ✗ | | Unique identifier and necessary for system operation |
| Contract Manager Name | The name of the Contract Manager | ✗ | | Required information for obligations under the code |
| Contract Manager Email | The email address of the Contract Manager | ✗ | | Required information for obligations under the code |
| Contract Manager Telephone | The telephone number of the Contract Manager | ✗ | | Required information for obligations under the code |

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|--|--|------------------------------|-----------|---|
| SPID | Unique identifier allocated to each Supply Point by the Market Operator | ✗ | | Unique identifier and necessary for system operation |
| Customer Classification – Sensitive Customer | Customer classification for a Supply Point, for identification of where a Non-Household Customer is defined as a Sensitive Customer | ✗ | | Required as set out in Water Act |
| Standard Industrial Classification Code | Standard Industrial Classification Code applicable to a Supply Point | ✓ | XXXXX | Personal Data item and identifier that is unnecessary for supply point switching and calculation of settlement charges. |
| Disconnection/ Reconnection/ Deregistration | Declares a Supply Point Disconnection, Reconnection or Deregistration. Also enables the distinction between a Temporary Disconnection and a Permanent Disconnection. | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| VOA BA Reference | Valuation Office Agency Billing Authority Reference Number | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| VOA Reference Reason Code | Code to explain the absence or duplication of a Valuation Office Agency Billing Authority Reference Number | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| UPRN | Unique Property Reference Number (UPRN) as published in the NLPG | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| UPRN Reason Code | Code to explain the absence or duplicate of a UPRN | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| Landlord SPID | Identifies the Landlord Supply point in a multi-occupancy Eligible Premises | ✗ | | Impossible to pseudonymise a unique identifier. |
| Section 154A Dwelling Units | The number of dwelling units at an Eligible Premises that are eligible to receive Section 154A payments under the Water Industry Act 1991 | ✗ | | Required as set out in Water Act |

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|--|--|------------------------------|-----------|--|
| Public Health Related Site-Specific Arrangements Flag | Indication of whether or not a site-specific management plan is in place for public health related reasons | ✗ | | Required as set out in Water Act |
| Other SPID | Unique identifier for second supply point where required in a Data Transaction | ✗ | | Impossible to pseudonymise a unique identified. |
| Standard Industrial Classification Code Type | Identifies the version of the Standard Industrial Classification Code provided | ✓ | XXXXX | Not necessary for system operation. |
| Non-Public Health Related Site-Specific Arrangements Flag | Indication of whether or not a site-specific management plan is in place, and not for public health related reasons | ✗ | | Required as set out in Water Act |
| Non-Public Health Related Site-Specific Arrangements Free Descriptor | Free descriptor for indication of the nature of site specific management plan in place, when not for public health related reasons | ✗ | | Required as set out in Water Act |
| Meter Read | Register advance read from a meter in m3 | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| Meter Read Date | Date of meter read | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| GISX | Specifies the X coordinate of the location of the meter, in OSGB all numeric eastings from south west corner of SV square. This may be submitted to a resolution of 0.1m, however the measurement does not need to be to an accuracy of 0.1m. The accuracy of GISX data must be reasonable to facilitate finding the meter. GISX is validated in the Central Systems against a range which covers England and Wales. | ✓ | 82644 | Not necessary for system operation. |

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|--------------------------------|--|------------------------------|-----------|--|
| GISY | Specifies the Y coordinate of the location of the meter, in OSGB all numeric northings from south west corner of SV square. This may be submitted to a resolution of 0.1m, however the measurement does not need to be to an accuracy of 0.1m. The accuracy of GISY data must be reasonable to facilitate finding the meter. GISY is validated in the Central Systems against a range which covers England and Wales. | ✓ | 5186 | Not necessary for system operation. |
| Meter Location Free Descriptor | Retailer's Free Descriptor of the location of the meter | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| Meter Outreader GISX | Specifies the X coordinate of the location of the meter outreader, in OSGB all numeric eastings from south west corner of SV square. This may be submitted to a resolution of 0.1m, however the measurement does not need to be to an accuracy of 0.1m. The accuracy of GISX data must be reasonable to facilitate finding the meter outreader. GISX is validated in the Central Systems against a range which covers England and Wales. | ✓ | 82644 | Not necessary for system operation. |
| Meter Outreader GISY | Specifies the Y coordinate of the location of the meter outreader, in OSGB all numeric northings from south west corner of SV square. This may be submitted to a resolution of 0.1m, however the measurement does not need to be to an accuracy of 0.1m. The accuracy of GISY data must be reasonable to facilitate finding the meter | ✓ | 5186 | Not necessary for system operation. |

| Data item name | Description | Subject to Pseudonymisation? | Pseudonym | Justification |
|-------------------------------------|--|------------------------------|-----------|--|
| | outreader. GISY is validated in the Central Systems against a range which covers England and Wales. | | | |
| Meter Outreader Free Descriptor | Retailer's Free Descriptor for the location of the outreader. Can be provided by the Wholesaler on initial setup of the outreader. | ✓ | XXXXX | Not necessary for system operation. |
| Text Comment Field | Generic text field for (short) comments and notes related to the Data Transaction | ✓ | XXXXX | Not necessary for system operation. |
| Total Outstanding Amount on Account | Generic text field for (short) comments and notes related to the Data Transaction | ✗ | | Necessary information for operation of the market and compliance with the Water Act. |
| DPID | The unique identifier per Wholesaler allocated to each Discharge Point by the Wholesaler | ✗ | | Unique identifier and necessary for system operation |