

## ENERGY NETWORKS ASSOCIATION LIMITED

### Accelerated Loss of Mains Change Programme (ALoMCP) Portal

#### Privacy Notice

The Energy Networks Association (ENA) is committed to respecting your privacy and to complying with applicable data protection and privacy laws.

This Privacy Notice informs you about how we use and look after your personal data which is obtained in connection with your use of the **Accelerated Loss of Mains Change Programme Portal** (the **Portal**). This Notice also informs you about your privacy rights and how the law protects you.

ENA is hosting the Portal as part of its services to its members which include National Grid Electricity System Operator Limited (company number 11014226) (**NGESO**) and the distribution network operators (including independent distribution network operators (**IDNOs**)) (together, **DNO<sup>1</sup>s**). The Portal will be used by ENA, NGESO and DNOs to collect and collate personal and generation site specific data provided by generation equipment owners. The personal data being collected is among data being collected through the Portal so that NGESO can prioritise the ALoMCP payments and to help DNOs manage their ongoing contact with you as you make changes to your generation equipment.

Personal data refers to data relating to individuals who can be identified (directly or indirectly) from that data (or from that data and other data available to ENA).

This Notice applies to any individual whose personal data we hold or use as a result of their use of the Portal, including any data which may be provided to us when you communicate with us in relation to the Portal. The individuals concerned may include for example sole trader owners of generation assets and their employees, the employees of generation owners which are companies, and their agents.

This Notice does not apply to personal data collected and held by ENA in circumstances and for purposes other than in connection with the ALoMCP (the Programme) and the Portal.

#### Who we are

Energy Networks Association Limited (referred to as "ENA", "we", "us" or "our" in this Privacy Notice) is a data controller and responsible for the protection of your personal data for so long as it is held by ENA.

If you have any questions about this Privacy Notice, including any requests to exercise your legal rights (including any opt-out mentioned in this Privacy Notice), please contact ENA using the details set out below.

#### Contact details

Our full details are:

- Name of legal entity: Energy Networks Association Limited (registered in England and Wales with registered number 04832301)

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<sup>1</sup> The 14 original DNO licensees plus the 13 Independent DNO licensees.

- Telephone and email: +44 (0) 20 7706 5100; [info@energynetworks.org](mailto:info@energynetworks.org)
- Postal address: ENA, 4 More London Riverside, London SE1 4AU

In this Privacy Notice, the terms “personal data”, “processing”, “data controller” and “data processor” have the meanings ascribed to them in the General Data Protection Regulation ((EU) 2016/679).

## 1. Personal data collected

You will provide information by completing and submitting forms on the Portal, setting up a login profile, or by corresponding with us by phone, email or otherwise in relation to the Portal or the ALoMCP. You will provide personal data through the Portal either because you are an employee or other representative of a generator company, or because you are an individual owner of generator equipment. As well as information about your generating equipment which is not personal data covered by this Notice, the following personal information will be collected through the Portal:

- Name
- Contact details (e.g. phone number, email address, postal address)
- Login data (for example your user name and password)
- Meter Point Administration Number (MPAN) (which will be personal data only if you are a sole trader and you can be identified through your MPAN)

If you do not provide the personal data requested it may mean that NGENSO is unable to consider your application to participate in the Programme. Please ensure the information you provide is up to date. You can amend your personal data through the Portal until your application has been accepted, after which time you will need to contact your DNO or us, via the contact details shown above.

We also collect personal data automatically when you use the Portal, in the form of technical timestamps recording when you log in and enter data, which can be used as an audit trail of Portal use. For more information on these technologies, see <https://ico.org.uk/your-data-matters/online/cookies/>.

If you give us personal data about other people (for example business partners of sole traders) then please ensure that they are aware of the information in this Notice about how we will use their personal data. It remains our responsibility under the GDPR to provide them with this information, but it will help us carry out this responsibility if you tell them about how their information will be used.

## 2. How we use your personal data, and the legal basis for doing so

This section includes details of the purposes for which we collect and use personal data and also the different legal grounds upon which we process that personal data.

The personal data we are collecting is among data that we are collecting mainly through the Portal as part of our services to our members, the DNOs and NGENSO. As described in the introduction to this Privacy Notice, the purpose of doing this is so that NGENSO can prioritise

the ALoMCP payments and to help DNOs manage their ongoing contact with generation owners as they make changes to their generation equipment.

We can only process your personal data on a basis permitted by law. The lawful bases which can be relied under the GDPR include the following:

- to allow us to take actions that are necessary in order to perform an agreement with you;
- necessary to allow us to comply with our legal obligations; for example, to respond to a court order or regulatory requirement;
- necessary for our or your legitimate interests; for example, to help us provide our services (see below for more information about this);

Note that your personal data may be processed on more than one lawful basis depending on the specific purpose for which your data is being used. You are welcome to contact us for further information on the legal grounds that we rely on in relation to any specific processing of your personal information.

ENA processes your data for the purposes of the Portal and the Programme on the basis of legitimate interests and in order to comply with legal obligations, as explained below.

### Lawful basis for use

We use personal information for a number of **legitimate interests**, including to enable us to provide and improve our services in connection with the Programme and the Portal and to administer and carry out our responsibilities in relation to the Portal.

The Portal will enable NGENSO to prioritise a buy order of amendments to generator owners' technical settings and to allocate payments to assist generation owners in complying with their legal and contractual obligations for their generation equipment. These obligations are in the connection agreement with the DNO to which the generation equipment is connected, as well as in the Distribution Code of Great Britain and its daughter document Engineering Recommendation G59. ENA has a legitimate interest in processing generation owners' personal data to help generation owners comply with these obligations and objectives.

More detailed information about these legitimate interests is set out below. Personal data is processed by ENA in the legitimate interests of ENA (for example to protect its business, enable it to provide the Portal more efficiently and also for other reasons explained below), NGENSO, the DNOs and/or the generation owners. Personal data is also processed in some cases by ENA **to comply with legal obligations** to which we are subject: where this also applies, this is stated below:

- To set up and administer a registration on the Portal, provide user support, verify your identity, and send account and service information (such as details of Portal maintenance downtime and changes to this Privacy Notice)
- To administer our relationship with you (e.g. rectify problems and resolve queries)
- To meet our internal and external audit requirements, including our information security obligations; we do this also to ensure we comply with legal obligations to which we are subject
- To protect our rights, privacy, safety, networks, systems and property, or those of other persons; in some cases the law also requires us to do this
- For the prevention, detection or investigation of a crime or other breach of law or requirement, loss prevention or fraud (for example in relation to data breaches)

- To comply with regulatory and legal obligations, and cooperate with law enforcement agencies, regulatory agencies, and other public and government authorities, including where they are outside your country of residence
- To comply with laws and regulations that apply to us or third parties with whom we work.

Where we rely on legitimate interests as a lawful ground for processing your personal information, we balance those interests against your interests, fundamental rights and freedoms. For more information on how this balancing exercise has been carried out, please contact us.

### **3. Messages to you**

As a result of your application in the ALoMCP portal you will receive email alerts from the Portal and also from the relevant DNO to help you manage your Portal registration and to keep you informed about features of the Portal and the Programme. In addition your data will enable the DNO to communicate with you by telephone, mail, email or other electronic means in relation to ALoMCP.

### **4. Disclosure of personal data**

We will treat all your personal information as private and confidential. We will not reveal your name, address or any details of your relationship with us to anyone, other than as follows:

- The DNO to which your generation is connected (but not the others), solely in order for it and its subcontractors and service providers to process your application and perform its obligations in relation to the Programme;
- Our third party service providers, such as those we engage to host and maintain the Portal and our IT systems;
- Third parties where we have a duty to or are permitted to disclose your personal information by law (e.g. government agencies, law enforcement, courts and other public authorities);
- Third parties where reasonably required to protect our rights, users, systems and services (e.g. legal counsel and information security professionals); and
- Any person you have asked us to share information with (e.g. your employer or business partner).

Before we disclose personal data to a third party, we take steps to ensure that the third party will protect personal data in accordance with applicable privacy laws and in a manner consistent with this Notice. Third parties are required to restrict their use of this personal data to the purpose for which the data was provided.

Technical details of your generation site(s), but not ownership or other company or personal data relating to the Programme, will be shared with NGENSO for the purpose of the ALoMCP prioritisation.

The DNOs may also use aggregate information and statistics in order to help them manage the ALoMCP and they may provide such aggregate information to third parties. These statistics will not include information that can be used to identify any individual or company.

## 5. International transfers

We do not transfer your data outside the UK.

## 6. Reorganisations

If ENA were to undertake a reorganisation, for example if it were to merge with another organisation, this might involve the transfer of certain assets to another entity. Personal data relating to you would, where it is relevant to any such transfer, be transferred along with other relevant assets to the new entity or newly controlling party which would, under the terms of this Privacy Notice, be permitted to use personal data relating to you for the purposes set out in this Notice.

## 7. Security and data retention

### Security

The security of personal data regarding you is a high priority. We take such steps as are reasonable securely to store personal data regarding you so that it is protected from unauthorised use or access, misuse, loss, modification or unauthorised disclosure. The Portal is hosted on a UK based commercial cloud based service provided by Virtual Internet/UK2. These facilities are secured consistent with industry standards, involving both physical and electronic security measures such as the use of passwords and secured server rooms, and the robust management of boundary firewalls, access controls and malware protection.

### Retaining your data

Once our relationship with you has come to an end (for example if you cease to be a registered user of the Portal or following closure of the Portal which is expected to be around mid-2022), we will only retain your personal data for a period of time that is calculated depending on the type of personal data, and the purposes for which we hold that information.

We will only retain information that enables us to:

- maintain business records for analysis and/or audit purposes;
- comply with record retention requirements under the law;
- defend or bring any existing or potential legal claims;
- deal with any future complaints regarding the Portal or the services we have delivered; or
- assist with fraud monitoring.

The retention period for the personal data held on the Portal is three years after the closure of the ALoMCP. We will then delete the Portal and the personal data held on it. We will retain your personal data after this time if we are required to do so to comply with the law, if there are outstanding claims or complaints that will reasonably require your personal data to be retained, or for regulatory or technical reasons. If we do, we will continue to make sure your privacy is protected.

The data is contractual information relevant to the contracts between your generation installation and the DNO. The DNO will retain it for the life of the contract and thereafter for

a period determined by the DNO in accordance with its data retention policies. You should refer to your DNO's Privacy Notice or ask your DNO for its retention policy if you wish to know how long your DNO will hold your data.

## 8. Your rights

You have certain rights regarding your personal data. These include the rights to:

- request a copy of the personal data we hold about you;
- request that we supply you (or a nominated third party) with an electronic copy of the personal data that you have provided us with;
- inform us of a correction to your personal data;
- exercise your right to restrict our use of your personal data;
- exercise your right to erase your personal data;
- object to particular ways in which we are using your personal data; or
- understand the basis of international transfers of your data by us (if applicable).

Where we rely on our legitimate interests to obtain and use your personal data then you have the right to object if you believe your fundamental rights and freedoms outweigh our legitimate interests.

Your ability to exercise these rights will depend on a number of factors and in some instances we will not be able to comply with your request (e.g. because we have legitimate grounds for not doing so or where the right does not apply to the particular data we hold about you).

You should note that if you exercise certain of these rights we may be unable to continue to provide some or all of our services to you (for example where the personal data is required by us to comply with a statutory requirement).

We ask that you contact us to update or correct your information if it changes or if the personal data we hold about you is inaccurate.

Please contact us at the address specified above if you wish to exercise any of your rights.

If you have a complaint relating to your personal data, please contact ENA. Our contact details are at the beginning of this Notice. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (<https://ico.org.uk/concerns/>). We would, however, prefer to deal with your concerns before you approach the ICO so please contact us in the first instance.

## 9. Changes to this Notice

We review and amend our Privacy Notice from time to time. Any changes we make to this Notice in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to this Notice. The new terms may be displayed on-screen and you may be required to read and accept them to continue your use of the Portal.

**Last updated:** 2<sup>nd</sup> October 2019