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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016**

**PART 5**

**Register of energy improvement data**

**Registration of energy improvement data**

**14.**—(1) There must be one or more registers of energy improvement data from which the following documents may be produced—

- (a) an action plan;
- (b) a display energy certificate;
- (c) an advisory report; and
- (d) a document of confirmation of improvement.

(2) A register referred to in paragraph (1) is to be maintained by a keeper.

(3) A register may be maintained for different purposes or for different classes of buildings or building units.

(4) Where a member of an approved organisation issues any document referred to in paragraph (1) (a) to (d), that person must ensure that the energy improvement data relating to that document is sent to the relevant register before the document is issued.

(5) Any energy improvement data entered onto a register—

- (a) must be registered under a unique reference; and
- (b) must not be altered once registered.

(6) Any energy improvement data entered onto a register must be kept on the register for a period of at least 10 years beginning on the date on which it is entered onto the register.

**Disclosures generally**

**15.** The keeper of a register may only disclose—

- (a) energy improvement data;
- (b) any document produced from that data; and
- (c) any information derived from that data,

if authorised by, or required to do so by, regulations 16 to 19.

**Disclosure of documents**

**16.**—(1) The keeper of a register may disclose—

- (a) an action plan;

- (b) a display energy certificate;
- (c) an advisory report; or
- (d) a document of confirmation of improvement,

for a building or building unit to any person if the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) the request is made by means of a website operated by the keeper; and
- (b) the request includes—
  - (i) the full address (excluding the postcode) of the building or building unit;
  - (ii) the full postcode of the building or building unit; or
  - (iii) the report reference number for the energy improvement data relating to the document.

#### **Disclosure of data relating to a particular building or building unit**

17.—(1) The keeper of a register may disclose energy improvement data relating to a particular building or building unit to an authorised recipient or an approved organisation if all of the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) a request for disclosure of the data is made—
  - (i) by means of a website operated by the keeper; or
  - (ii) by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such requests;
- (b) the request includes—
  - (i) the full address (excluding the postcode) of the particular building or building unit to which the data relates;
  - (ii) the full postcode of that building or building unit; or
  - (iii) the report reference number for energy improvement data relating to the building or building unit;
- (c) the disclosure is made subject to the condition that the data is to be used by the recipient solely for one or more of the purposes described in Part 2 of Schedule 1 to the 2008 Regulations; and
- (d) the particular building or building unit to which the data relates is not an excluded building.

(3) The keeper may refuse to disclose information under paragraph (1) where the person who requests the disclosure has previously failed to comply with a condition of the kind referred to in paragraph (2)(c).

#### **Disclosure of bulk access data**

18.—(1) The keeper of a register may disclose energy improvement data to an authorised recipient or an approved organisation if all of the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) the authorised recipient or an approved organisation has made a request for one or more specific descriptions of data to the keeper;
- (b) the request is made—
  - (i) by means of a website operated by the keeper; or

- (ii) by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such requests;
  - (c) the data does not include any information revealing the location of an excluded building (or any information from which the location of such a building can be deduced);
  - (d) the disclosure is made subject to the condition that the data is to be used by the recipient solely for one or more of the purposes described in Part 2 of Schedule 1 to the 2008 Regulations; and
  - (e) the data does not relate only to a particular building or building unit.
- (3) The keeper may refuse to disclose information under paragraph (1) where the person who requests the disclosure has previously failed to comply with a condition of the kind referred to in paragraph (2)(d).

### **Disclosure of data**

- 19.** The keeper of a register must when requested to do so disclose energy improvement data—
- (a) to the Scottish Ministers;
  - (b) to an enforcement authority for the purposes of its duty to enforce these Regulations; or
  - (c) where the disclosure is required by or under any enactment, by any rule of law or by the order of a court.