
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 315

**The Energy Performance of Buildings (Scotland)
Amendment (No. 3) Regulations 2012**

Disclosure of general access data

5. For regulation 12 (disclosure to approved organisation) substitute—

“Disclosure of documents

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

- (a) the energy performance certificate; and
- (b) the recommendations report,

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

(2) The conditions are that—

- (a) a request for disclosure of the document to the person has been made by means of a website operated by the keeper; and
- (b) the request includes the report reference number for the energy performance data relating to the document.

Disclosure of data relating to a particular building or building unit

12A.—(1) The keeper of a register may disclose energy performance data relating to a particular building or building unit to an authorised recipient if all of the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) a request for disclosure of the data to the authorised recipient 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 the energy performance data relating to the building or building unit;
- (c) the disclosure is made subject to—
 - (i) 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; and
 - (ii) the conditions set out in Part 3 of Schedule 1; and

(d) the particular building or building unit to which the data relates is not an excluded building.

(3) Where an opt-out is in effect in respect of data relating to the building or building unit, the keeper must, when disclosing information under paragraph (1), inform the authorised recipient that an opt-out is in effect.

(4) 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).

(5) For the purposes of this regulation, regulation 13 and Schedule 1, an opt-out is in effect in respect of data relating to a building or building unit where—

- (a) the owner or occupier of the building or building unit has notified the keeper that the data is not to be disclosed so as to enable contact to be made with the owner or occupier by a person to whom data is disclosed;
- (b) the notice to the keeper was given in writing, or by electronic communication sent to an address or location specified by the keeper for the purpose of the receipt of such notices; and
- (c) the notice has not been withdrawn by the owner or occupier (by the means referred to in sub-paragraph (b)).”.