
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 315

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

Disclosure of bulk access data

6. For regulation 13 (disclosure to enforcement authorities and/or the Scottish Ministers) substitute—

“Disclosure of bulk access data

13.—(1) The keeper of a register may disclose energy performance data to an authorised recipient if all of the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) the authorised recipient 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—
 - (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
- (e) the data does not relate only to a particular building or building unit.

(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)(d).”.