
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Energy Performance of Buildings (England and Wales) Regulations 2012 ([S.I. 2012/3118](#)) (“the principal regulations”), which implement [Directive 2010/31/EU](#) of the European Parliament and of the Council on the energy performance of buildings (recast) (OJ No L 153, 18.6.2010, p. 13).

Regulation 3 removes the definition of “personal data” in regulation 2 of the principal regulations as the term is no longer used in the principal regulations.

Regulation 4 amends fees for entering data onto the register of energy performance certificates, display energy certificates and air conditioning inspection reports kept under regulation 27 (registration of certificates etc) of the principal regulations.

Regulation 5 amends regulation 32 (disclosure by keeper of register) of the principal regulations to clarify that where general or bulk access data may be disclosed by the keeper of the register to the Secretary of State, it may also be disclosed to a person acting on behalf of the Secretary of State.

Regulation 6 adds items to Schedule B1 (specified data items for online publication) to the principal regulations, which lists items taken from the bulk data, that is the whole set of data in relation to any building that is entered onto the register in relation to the production of certificates and reports. The keeper of the register may publish any of those items on a website in accordance with regulation 30A (publication of bulk access data on a website) of the principal regulations, unless the building is the subject of an opt-out by the owner or occupier in accordance with regulation 30(3) (disclosure of general access data).

A privacy impact assessment for the provisions relating to disclosure of information from the register was undertaken before Schedule B1 was inserted in the principal regulations by [S.I. 2016/284](#). It is available with the explanatory memorandum for those Regulations at www.legislation.gov.uk/. A copy is also available from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

An impact assessment has not been produced for this instrument as no impact, or minimal, impact, on the public, private or voluntary sectors is foreseen.