



Building Energy Rating (BER) and Display Energy Certificates (DEC) Programme

Privacy Notice

November 2024

1. General statement - We respect your privacy

The Sustainable Energy Authority of Ireland ("SEAI") fully respects your right to privacy. This Privacy Notice ("Notice") is intended to help you understand what Personal Data SEAI collects about you, why we collect it, what we do with it, who we may share it with, and how we protect it. When we talk about "Personal Data" in this Notice, we mean any information relating to you, either directly or indirectly.

This Notice also details the rights available to you in relation to how we hold and use your Personal Data, how to exercise those rights, and what to do if you require more information or wish to make a complaint.

2. Who is responsible for your information

SEAI is a Data Controller and is responsible for your information.

SEAI is a public authority established under the Sustainable Energy Act 2002, located at Three Park Place, Hatch Street Upper, Dublin 2, D02 FX65.

The use of "we", "us", "our" and "ours" in this Notice refer to SEAI. For more information about us, please see our About webpage <https://www.seai.ie/about/>.

If you want to get in touch and seek to exercise your rights as described below, please contact us at dataprotection@seai.ie.

3. Who this notice applies to

In operating the BER Programme we collect and process information which relates to a variety of categories of individuals. These include individuals who may not have a direct relationship with SEAI. We have described below the main types of individuals whose information we collect, use and otherwise process in connection with the Programme.

- Building owner or agent acting on behalf of owner
- Occupants of buildings being assessed
- BER Assessors

4. Who we receive information from

We receive your information from a variety of sources, including directly from you and also from third parties. We receive information from the building owner or agent working on behalf of owner. We receive information from BER Assessors engaged by the building owner or agent working on behalf of the building owner. We may also receive information about you from the Strategic Banking Corporation of Ireland, if you apply for a low-cost loan under the Home Energy Upgrade Loan Scheme.

5. Information we collect and how we use it

In the course of administering the Programme, we collect or receive information in different ways and relating to various groups of individuals (described in section 3 above). We use this information for a number of purposes, including those described further below.

The types of personal data that we collect, and process include, but are not limited to:

Building owner or agent acting on behalf of owner;

- Information about your interactions with us, such as customer service records, including complaints, claims and queries;
- Meter Point Reference Number (MPRN);

- Building Address;
- Building data, documentation and records for the completion of the BER assessment;
- BER number;
- Evidence of identity received from third parties Trusted Partners that they might provide to use;
- Declarations of Consent obtained from you by third parties / TPs for sharing your data;
- Building owner knowledge to support BER calculations;
- Any other Personal Data relating to you that you provide to us.

Occupants of buildings being assessed;

- Information about your interactions with us, such as customer service records, including complaints, claims and queries;
- Meter Point Reference Number (MPRN);
- Building Address;
- Building data, documentation and records for the completion of the BER assessment;
- BER number;
- Any other Personal Data relating to you that you provide to us.

BER/DEC Assessors;

- Your name, address and contact details, including your mobile number and email address;
- Details supplied in TAX clearance certificate submitted;
- Details supplied in Insurance Certificate submitted;
- Details supplied in Identification Documentation submitted;
- Employer Details;
- Candidate training course records;
- Details supplied in proof of membership of professional organisation documentation;
- Information supplied within degree certificate submitted;
- Date of Birth;
- Your bank details;
- Information about your interactions with us, such as customer service records, including complaints and claims;
- Outcomes of any audits, inspections related to assessments carried out by you;
- Any other Personal Data relating to you that you provide to us.

We use this Personal Data to;

- Perform our functions as a public authority and, in particular, ensuring that registered assessors meet standards and requirements set by SEAI;
- To confirm identity of BER/DEC assessors and people applying to register as a BER/DEC Assessor;
- To collect fees due from registered BER/DEC Assessors;
- To maintain the register of BER/DEC assessors;
- To maintain the register of BER/DEC assessments;
- Provide customer service to you and contact you if required to respond to any communications you might send to us;
- Supporting the administration of the Home Energy Upgrade Loan Scheme (see *Sharing your information below*);
- Comply with our legal obligations;
- Protect or enforce our rights or the rights of any third party;
- Establish, exercise or defend legal claims;
- Improve the services which we provide to you;
- Improve our existing schemes;
- Support the calculation of the BER rating and any subsequent ratings of the property;
- Develop new schemes;
- Respond to requests and providing information;
- Monitor and evaluation of compliance with the terms and conditions of the Programme;

- Detect and prevent fraud and other crime;
- Range of other activities which we are obliged to undertake, or which we have gained your consent to complete;
- To formally declare the completion of a BER assessment by the relevant registered BER assessor.

6. Information you give us about other people

If you provide information to us about any person other than yourself, you should ensure that you have a legal basis for doing so and that you have complied with your transparency obligations under data protection law.

7. Our legal bases

In order to collect, use, share, and otherwise process your information for the purposes described in this Notice, we rely on a number of legal basis, including where:

- necessary for the performance of tasks that we carry out in the public interest or in the exercise of official authority vested in us by law (including the Sustainable Energy Act 2002 and S.I. No. 243/2012 - European Union (Energy Performance of Buildings) Regulations 2012;
- necessary for compliance with a legal obligation that applies to us.

Where you have provided consent for the use of your Personal Data, you can withdraw it at any time by informing dataprotection@seai.ie, however, this will not affect the lawfulness of processing which was carried out based on your consent prior to its withdrawal.

8. Sharing your information

We may share BER data relating to your property with other SEAI programmes where we have assessed it is appropriate and lawful to do so.

In the course of administering the Programme, we share information with various third parties, as set out below. We do this based upon the legal basis and exceptions mentioned in section 7 of this Notice.

BER data may be accessed and shared by BER employers with BER assessors from their own and other companies to provide BER services and quality assurance to customers.

- **Service Providers:** We may share your Personal Data to help us administer the Programme and communicate with you. Categories of service providers include companies who provide inspection services, outsourced business process providers, IT software and hosting providers and records-storage companies. Where such third parties are processors, these third parties are contractually required to use it only to provide their service to us and are contractually barred from using it for their own purposes.
- **Experts, auditors advisors, lawyers and others connected to the administration of the Programme:** We share your information with a variety of third parties so we can administer the Programme. This may include sharing your information with advisers, solicitors, law firms internal and external auditors and other experts.
- **Legal and safety reasons:** We may retain, preserve, or share your information if we have a good-faith belief that it is reasonably necessary to (a) respond, based on applicable law, to a legal request (e.g., a subpoena, search warrant, court order, or other request from government or law enforcement agency); (b) detect, investigate, prevent, and address fraud and other illegal activity, security, or technical issues; (c) protect our rights, property, or safety; (d) enforce the Grant Agreement or any other contracts we have with you or a third party which relates to you; (e) prevent physical injury or other harm to any person or entity, including you and members of the public.

- **Other Public Bodies:** We may share your information with other public bodies, in doing so we will have in place a data sharing agreement or some other legal basis to allow us to do so. Central Statistics Office (CSO) publish anonymised aggregated BER data. For example, if you apply for a low-cost loan under the Home Energy Upgrade Loan Scheme, we may share information with the Strategic Banking Corporation of Ireland. For more information see [here](#).

8.1 Research

SEAI has a legal basis for processing your personal data where it is necessary for the performance of tasks that we carry out in the public interest or in the exercise of official authority vested in us by law (including the Sustainable Energy Act 2002 and S.I. No. 243/2012 - European Union (Energy Performance of Buildings) Regulations 2012). The functions of SEAI include promoting and assisting certain research activities. The following provides examples of where and how your personal data may be used for research purposes.

- **Impact Research:** We may include your Personal Data in research studies to assess the impact and benefits of SEAI Programmes. The outcome of these studies may be published, or we may publish individual case studies. However, we will ensure that you will not be identifiable in any published material.
- **Other Research:** Where data may be required for research purposes, a process of de-identification of the data will be undertaken where possible. This process will remove any specific identification fields such as BER number, Meter Point Reference Number (MPRN), Specific Location Data (Address or Eircode) or any reference to the assessor or homeowner/ occupant. This process will also include rounding and banding of data along with any other method identified to further anonymise this data. Where anonymisation or pseudonymisation of the personal data is not possible in order to carry out the research and meet the research objectives, personal data will be used for research purposes only where it is appropriate and in compliance with data protection legislation. The output or publication of research will be fully anonymised and will never identify individuals.

9. Retention;

We may retain your information for as long as necessary in light of the purposes set out in this Notice, including for the purposes of satisfying any legal, accounting, or reporting requirements and, where required for SEAI to assert or defend against legal claims, until the end of the relevant retention period or until the claims in question have been settled.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements. We also consider regulatory guidance, as appropriate.

10. Your rights;

You have a number of rights in relation to your information that we process. To exercise these rights, please contact us at dataprotection@seai.ie. While some of these rights apply generally, certain rights apply only in specific circumstances. We describe these rights below.

- **Access:** You have the right to request access to your information that we control.
- **Data Portability:** You have the right to request that some of your personal information that you initially provided to us is returned to you or another controller in a commonly used machine-readable format.
- **Rectify, Restrict and Delete:** You have the right to ask us to restrict the processing of your information or to rectify or delete your information. Please note that despite a deletion request, we may continue to process your information if we have a legal basis to do so.
- **Object:** If we process your information in the public interest, you can object in certain circumstances. In

such cases, where legally required to do so, we will cease processing your information unless we have compelling legitimate grounds to continue processing or where it is needed for legal reasons.

- **Complain:** You have the right to submit a complaint about our use of your information with your local supervisory authority or SEAI's supervisory authority, the [Irish Data Protection Commission](#).

These rights are subject to a number of exceptions under law.

11. Amending the notice

From time to time, we may amend this Notice. This might happen, for example, where we make changes to the Programme. If we make material changes to the Notice, we will take steps to notify you, such as by posting an updated Privacy Notice on our website. The Notice was last updated at the date indicated further below.

12. Contact us

If you want to exercise your rights (described above), or if you have any questions about this Notice, please contact us as follows:

Data Protection Officer
Sustainable Energy Authority of Ireland
Three Park Place
Hatch Street Upper
Dublin 2 D02 FX65
Tel: +353-1-8082100 Email: dataprotection@seai.ie

Last updated: July 2024