



Owen Boswarva
owen.boswarva@gmail.com

Our Reference: 202200286805

31 March 2022

Dear Owen Boswarva,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 06/03/2022 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for a copy of any advice or other correspondence that the Scottish Government holds, from or with the Information Commissioner's Office, that relates to whether data made publicly available from the Scottish Energy Performance Certificate Register is personal data, particularly from 2018 or later.

Response to your request

I enclose a copy of some of the information you requested, however all correspondence on the topic is from 2013-2015.

An exception under regulation 11(2) of the EIRs (personal information) applies to some of the information requested because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to:

Kersti Berge [\[kersti.berge@gov.scot\]](mailto:kersti.berge@gov.scot)

Atlantic Quay 5, 150 Broomielaw, Glasgow, G2 8LU.

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely


HIB : Heat Networks & Investment Unit

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