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## Ofwat – Privacy Notice

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## Introduction

This privacy notice describes the handling of all personal data collected and used by Ofwat. This includes communications to Ofwat whether in electronic format, paper format or by telephone. By personal data, we mean any information relating to an identified or identifiable natural person<sup>1</sup>.

The purpose of this notice is to inform people what information is collected about them, by whichever means; how this information is used; if it is disclosed and ways in which we protect their privacy.

This policy only relates to the personal data that Ofwat collects and processes. We are not responsible for external organisations that may link to Ofwat's web pages. For more information concerning external agencies and stakeholders please visit the relevant privacy statement on their own web pages.

## When do we collect information about people?

We collect information about people falling into the following categories:-

- visitors to our websites;
- people who use our general information services, e.g. who subscribe to our RSS feeds, e-newsletters, social media sites, email alerts or request a publication from us;
- people who engage with Ofwat, or whose data we are provided with, as part of our carrying out of our regulatory functions and related organisational activities. This includes both customers of water companies, and also people who interact with us as employees or representatives of organisations we deal with;
- people who contact us in relation to information requests, complaints and general queries;
- job applicants and our current and former employees.

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<sup>1</sup> Article 4(1) of the General Data Protection Regulation

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## How and why we use your information

We will use the information you provide in a manner that complies with all relevant data protection law, primarily the General Data Protection Regulation (GDPR) and other relevant data protection and privacy laws. It is our responsibility to keep your information accurate and up to date and not keep it for longer than is necessary, and in accordance with our current [retention schedule](#). In some instances, the law sets the length of time information has to be kept.

The purpose for which your information is processed depends upon which category of person you fall into. Please see Annex 1 for a list of the purposes for which we process data and the relevant lawful bases under the GDPR.

## Information sharing

We will not pass any personal data on to third parties, other than those who either process information on our behalf, to comply with a legal requirement or in exceptional circumstances to protect individuals from harm or injury.

The types of organisations who process data on our behalf are those with whom we enter into contracts for services which require them to process personal data in order to deliver the contracted services, such as the companies who provide our outsourced IT services, our payroll provider, our outsourced HR information systems, and our records management services/hard copy storage provider.

The types of situations where we may pass personal data to a third party to comply with a legal requirement include passing employee details to HMRC (for example when notified of any employees' pregnancy), or to the DWP.

All contracts with third party data processors include contractual safeguards to ensure protection of personal data and compliance with the GDPR<sup>2</sup>.

Whenever we process personal information in a way that may result in the information being shared overseas, we will ensure that the data processing agreements in place ensure any processor meets the same standards as those imposed under the GDPR. This applies to any information which Ofwat controls or processes, because we use web services hosted outside the EEA.

Please see the section on "your rights" at page 6 of this document for information on how to obtain a copy of the safeguards put in place.

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<sup>2</sup> As at the date of publication, the work of agreeing contract variations inserting the terms required by GDPR into all of Ofwat's relevant contracts which pre-dated GDPR is still ongoing in the case of some contracts.

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## Information processed via different media

### Telephone calls

Telephone calls to and from Ofwat are not currently recorded. We do have a voicemail system where messages for call back are received. Once the information has been retrieved for assigning to the relevant department they are then deleted from the voicemail system. Anybody calling the Ofwat direct line (0121 644 7500) will hear an automated version of Ofwat's privacy statement before they continue their call.

### Emails

Emails to Ofwat are received via our mailbox enquiry line, Press Office team, Freedom of Information mailbox, consultation email addresses, programme specific emails or direct to members of staff. Emails to our enquiry lines are recorded against a name, in order for us to respond and deal with your query. When we respond to an email on a new matter for the first time, we will set out our privacy statement and link to this policy. Once your enquiry is complete we will keep your details in accordance with Ofwat's retention schedule. For more information on Ofwat's retention schedule please visit our [website](#).

### Using our website

Our website contains cookie devices through Google Analytics, which we use to track and report Ofwat's web traffic. Google's privacy policy explains how people's data is used, including their IP address and how Google Analytics uses IP addresses to provide and protect the security of the service and to give website owners general information on where in the world their users are based. For more information please see our [cookies policy](#).

### Social Media

Ofwat uses LinkedIn, Facebook, Instagram, YouTube and Twitter to interact directly with customers and its stakeholders focusing on improving communication flows in an open and transparent manner. If you choose to contact us through social media we will assume you are happy for us to respond to you via this mode of communication. These social media sites are not operated or owned by us, so the site owners are responsible for the retention and security of data posted on them.

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Wherever information is provided to us through these sites in a non-public way (e.g. through Facebook messenger) we will treat it and protect personal data in the same way as information we receive through any other means, for example as if it were received via email. If we consider that social media is not the most appropriate method for responding we will direct you to an alternative communication form.

## **CCTV**

Ofwat has two offices located in Birmingham and London. CCTV operates at both sites. Requests for copies of images and further information regarding the CCTV operations at either site should be addressed to the site owners. For site owner details please contact us at [mailbox@ofwat.gsi.gov.uk](mailto:mailbox@ofwat.gsi.gov.uk) or telephone 0121 644 7500.

## **Protecting your information**

Our aim is not to be intrusive, and we will not ask irrelevant or unnecessary questions. The personal information you provide will be subject to rigorous measures and procedures to make sure it cannot be seen, accessed or disclosed to anyone who shouldn't see it.

We have a suite of policies which outline our commitments and responsibilities in relation to privacy. These are: Access to Information Policy, Data Protection Policy, Freedom of Information (including Environmental Information), Privacy Policy (this document) and Information Security Policy.

We provide training to staff who handle personal information, including temporary staff. All staff are subject to our [code of conduct](#) and are subject to disciplinary procedures if they misuse or do not look after your personal information properly.

Paper records are held securely on site or with our storage provider and subject to stringent contractual protections. Where information is no longer required to be retained, we are responsible for disposing of paper records securely via shredding and deleting any electronic personal information in a secure way in accordance with our [retention and disposal policy](#).

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## Your rights

You have following rights concerning the processing of your personal data.

### Right of access

You have the right to request that we provide you with a copy of any information about you that we hold about you, and be informed of (a) the source of your personal information; (b) the purposes for which we are processing it, and the legal basis and methods of processing; (c) the data controller's identity; and (d) the entities or categories of entities to whom your personal data may be transferred.

### Right of rectification

We try to ensure that any information we hold about you is correct. There may be situations where you find the information we hold is no longer accurate and you have the right to inform us of this. We will then suspend any processing while we have this corrected.

### Right to erasure

You have the right to request that Ofwat erase any personal information which relates to you, in limited circumstances, where:-

- it is no longer needed for the purposes for which it was collected; or
- you have withdrawn your consent (only where the processing was based on consent); or
- you have successfully exercised your right to object to processing (see below); or
- the personal information has been processed unlawfully; or
- to comply with a legal obligation to which Ofwat is subject.

Please note that we are not required to comply with a request to erase personal information where the processing of that information is necessary for compliance with a legal obligation, or for the establishment, exercise or defence of legal claims.

Please also note that erasing your personal information may cause delays or prevent us delivering a service or response to you.

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## **Right to object to the processing of your personal information**

Where we process your personal information on the basis that it is necessary for our legitimate interests or for performance of our tasks in the public interest, you have the right to object where you believe that your fundamental rights and freedoms outweigh these interests, on grounds relating to your particular situation.

If you raise an objection, we have the opportunity to demonstrate that we have compelling legitimate grounds to continue processing your personal data. Otherwise we still cease to process your personal data.

If we have been processing your data for marketing purposes and you object to this processing, we will cease to process it for those purposes upon receiving your objection.

## **Right to restrict processing**

You have the right to ask us to restrict how we process your personal information, instead of asking us to erase it, but only where:-

- the accuracy of the information is contested (to allow us to verify its accuracy); or
- the processing is unlawful, but you do not want us to erase the information; or
- the information is no longer needed for the purpose for which it was originally being processed, but we need it to establish, exercise or defend legal claims; or
- you have exercised the right to object to the processing of your personal information as set out above, and verification as to whether overriding grounds for processing apply is pending.

We can continue to use your personal information following a request for restriction where we have your consent, where we need it to establish, exercise or defend legal claims, or to protect the rights of another natural or legal person.

## **Right to obtain a copy of safeguards used for transfers outside the EEA**

You can ask to obtain a copy of, or reference to, the safeguards under which your personal information is transferred outside of the European Economic Area. We may redact any information provided under this right to protect commercial confidentiality.



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## **DPO, first point of contact, and right of complaint to the ICO**

As a public authority, Ofwat has a designated Data Protection Officer who is responsible for the tasks set out under the GDPR.

As a first contact if you wish to exercise any of the rights listed above, or if you have a question or complaint about how your information has been used, please contact: [FOI@ofwat.gsi.gov.uk](mailto:FOI@ofwat.gsi.gov.uk)

Our Data Protection Officer's contact details are: Jenny Block, [jenny.block@ofwat.gsi.gov.uk](mailto:jenny.block@ofwat.gsi.gov.uk).

If you require general information about data protection or wish to make a complaint to the supervisory authority, information is available on the Information Commissioner's web site: <https://ico.org.uk/>.

We suggest that you discuss your complaint with us in order to see if it can be resolved in the first instance, using the email address above, before you consider complaining to the ICO. However you have the right to complain to the ICO at any time.

## **Changes to this privacy notice**

We will review and update this privacy notice to reflect changes in our services and feedback, as well as to comply with changes in the law. When such changes occur, we will revise the 'last updated' date on this notice and the current version will be available on our [website](#).

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## Annex 1

In all cases, data is retained and destroyed in accordance with our current [retention schedule](#).

<b>Category of person</b>	<b>Why we process your data</b>	<b>Legal basis for data processing</b>
Visitors to our website	<p>To operate and improve our website service and to track and report our web traffic.</p> <p>The personal data we hold about visitors to our website is limited to: IP addresses.</p>	This processing is necessary for the performance of a task carried out in the public interest (Article 6(e)GDPR) i.e. operating our website and providing public information about our work
People who use our general information services	<p>To engage with stakeholders in a way which is efficient and transparent in providing information.</p> <p>The personal data we hold about those using our general information services (such as email contact lists) is limited to: name and contact details (generally email address).</p>	This processing is necessary for the performance of a task carried out in the public interest i.e. keeping interested parties informed about our work (Article 6(e) GDPR).
People who engage and communicate with Ofwat, or about whom we receive personal data, in their capacity as customers for water and/or wastewater services.	<p>To carry out our relevant statutory functions, principally those under the Water Industry Act 1991, in relation to resolution of customer complaints.</p> <p>The personal data we process about customers generally consists of name and contact details,</p>	This processing is necessary for the performance of a task carried out in the public interest (Article 6(e) GDPR), i.e. the carrying out of Ofwat's statutory functions. It is rare that this processing will involve any sensitive personal data: in the event that this does apply, the legal basis is that this is necessary for reasons

	<p>although in some cases a customer may give us additional personal information.</p> <p>We may also use information collected and processed in order to monitor and improve our performance in carrying out our functions.</p>	<p>of substantial public interest, on the basis of Member State law (Article 9(g) GDPR). By way of hypothetical example, a customer's personal circumstances may in some circumstances be relevant to the impact of the alleged breach of duty by their water/sewerage company, and to how we can best interact with the customer.</p>
<p>People who engage with Ofwat in their capacity as employees and representatives of water and/or wastewater companies or of other organisations in relation to our or their regular activities (including other government departments)</p>	<p>To carry out our relevant statutory functions and connected activities, and also to carry out the organisational activities necessary to enable our work as a regulator (such as entering into contracts for goods and services, for example).</p> <p>The personal data we process about those who engage with us as employees or representatives of companies or other organisations that we engage with is generally limited to name and contact details.</p>	<p>This processing is necessary for the performance of a task carried out in the public interest (Article 6(e) GDPR) i.e. the carrying out of our statutory functions, activities supporting these functions and operational activities to ensure that Ofwat operates efficiently as an organisation.</p>
<p>People who contact us in relation to information requests, complaints and general queries (other than customers we engage with in carrying out our statutory functions – see above).</p>	<p>To allow us to respond to the information requests, and to monitor and improve Ofwat's performance in responding requests.</p>	<p>This processing is necessary for the performance of a task carried out in the public interest (Article 6(e) GDPR) i.e. assisting stakeholders to engage with Ofwat's work.</p>
<p>Job applicants</p>	<p>To allow Ofwat to recruit suitable staff.</p>	<p>Ofwat will process data about prospective employees which is</p>

		necessary to take steps prior to entering into a contract (Article 6(b) GDPR) such as arranging interviews, checking references and populating contracts.
Current employees	To allow Ofwat to remunerate, manage and support our staff	<p>Where Ofwat processes personal data about employees in order to ensure that the employees' contractual rights are met (e.g. payment of salary), this processing is necessary for the performance of a contract to which the employee is party (Article 6(b) GDPR).</p> <p>Ofwat may process personal data about employees to comply with legal requirements (e.g. processing flexible working requests).</p> <p>Ofwat may process personal data about employees where this is necessary for the purposes of its legitimate interests in managing and discharging its functions, e.g. to decide resource allocation (Article 6 (f) GDPR).</p> <p>Special category data may be processed in relation to current employees, on the basis that it is necessary to carry out obligations or exercise specific rights in the field of employment, social security and social protection law as authorised by EU or UK law (Article 9(b) GDPR).</p>

		<p>Personal data collected from current employees may be passed to third parties such as Her Majesty's Revenue and Customs and the Department for Work and Pensions.</p>
Former employees	To allow Ofwat to maintain appropriate records	<p>In some cases data about past employees may be retained and processed in order to comply with legal requirements (e.g. pension information for the DWP). In other cases, retaining and processing this data is necessary to Ofwat's legitimate interest in keeping appropriate records and providing references. Special category data will only be processed to the extent that is necessary for the purposes of obligations and rights in the field of employment law and social security/social protection law (Article 9(b) GDPR).</p>

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## Document Control

### Version history

Version	Status	Date	Author	Summary of changes
0.1	Draft	18/03/2016	C Manise	
0.2	Draft	12/04/2016	R Eden	Minor amendments
0.3	Final draft	15/04/2016	C Manise	Minor amendments
0.4	Draft	25.5.2016	C Manise	Minor amendments
0.5	Draft	23.01.2017	C Manise	Amendments to incorporate GDPR
0.6	Draft	21.03.2018	R Bolton	Amendments for GDPR
0.7	Draft	6.5.2018	R Bolton	Further amendments for GDPR compliance

### Sign off

Name	Date	Version No.	Date of Next review
Jenny Block	May 2018	0.8	May 2019