

MCCP221 ANNEX 3: CMA Web Page Additions for GDPR

A.3.1 Data Protection Page

A new page should be established on the CMA Website, entitled 'Data Protection'. The page should be linked from the Home page, via a tab in the second set of headings, under 'Contact Us'. Style, layout and functionality should be identical to that for other pages on the website. The page should present the following text and additional links:

Data Protection

General Introduction

The Central Market Agency Ltd (CMA) is the organisation that administers the market for water and wastewater retail services in Scotland. The market arrangements include the use of data, some of which may constitute personal data and these market arrangements include compliance with data protection and privacy laws.

Summary of Data Processing

The market arrangements for water and waste water retail services in Scotland involve sharing information mainly via electronic transactions to identify and manage the switching of non-household customers from their current Licensed Provider(s) to their chosen provider. It also enables usage and settlement data to be provided to Scottish Water and Licensed Providers that will then be used in the billing process.

Furthermore, the administration of the Scottish Landlord Portal, which is also part of these market arrangements, allows landlords of Scottish commercial properties (Landlords) to correctly record the details, the tenants and the billing responsibilities for all of their premises.

In addition, the CMA, Licensed Providers and Scottish Water may operate help-desk facilities, to support the market arrangements and these may involve the collection of personal information from individuals making use of these facilities.

The other links should be;

- Market Privacy Notice
- Data Subject Request Pro-Formas
- Breach Notification Pro-Forma

Market Privacy Notice

The following Market Privacy Notice has been established in accordance with Schedule 25 of the Market Code and provides generic statements which constitute a template for use by the CMA and Trading Parties in their specific Privacy Notices (which should be consistent with the Market Privacy Notice):

Categories of personal data being processed.

Some non-household customers will be sole traders and market related systems will hold personal data about those sole traders. Information about other types of customer (e.g. companies and partnerships) is not personal data. Occasionally, market systems may also hold information indicating that, due to health needs, a non-household customer is a priority for re-connection if there is an interruption to the water supply.

Some tenants or landlords will be sole traders and the Scottish Landlord Portal (SLP) will hold personal data about those sole traders. Information about other types of tenants (e.g. companies and partnerships) is not personal data.

Market participants may collect data from users to help administer accounts and deal with helpdesk queries.

This data may include the name of an individual, a job title, the organisation that the individual works for, contact details and records of any communication with the individual. Data may also include details relating to the address of the sole trader or individual.

Purpose and legal basis of processing.

The information that is held in market related systems will be used to manage all of the electronic transactions involved in switching non-household customers from their current Licensed Provider(s) to their chosen provider. It will also provide usage and settlement data to Scottish Water and Licensed Providers that will then be used in the billing process.

The information held on the Scottish Landlord Portal (SLP) may be updated by a landlord and relates to tenants and the properties that the landlord owns or is responsible for and Licensed Providers then access and search for such data, enabling them to update market data, where required.

Account administration and help-desk facilities may use data about an individual in order to identify and respond such individuals, following a request or direct enquiry, to undertake business planning activities, or to make contact about other market related matters. Such information also enables the provision of advice regarding use of and access to relevant systems, web pages and portals, for internal operations such as audits, surveys and reviews of data security and to assist with service improvements.

The legal basis for the above use of data is that it is necessary (i) in administering the market in water and waste-water retail services in Scotland and (ii) to pursue statutory obligations pursuant to the Water Services (Scotland) Act 1995 and associated legislation.

Recipients of data collected.

Personal information held on market related systems and tenant related data held on the SLP will be shared amongst market participants, but such information will not be shared with third parties other than;

- Where the individual has agreed to their information being shared with a third party,
- Where there is a legal, regulatory or professional obligation to disclose this information, or in order to protect contractual or other rights, property, or safety or those of others,
- Where a market participant, or substantially all of the participant's assets, are merged or acquired by a third party, in which case this information may form part of the transferred or merged assets, or
- Where a market participant is using a third party service provider to provide services that involve data processing.

Security applied to data

Security arrangements are equivalent to or consistent with relevant international standards and include, where applicable;

- Pseudonymisation
- Encryption
- System controls to deliver ongoing confidentiality, integrity, availability, resilience of data management systems and system restoration following an event
- Processes for regular testing, assessment and the evaluation of the effectiveness of system processes and controls.

Transfers of personal data outside of the EEA

All Market Personal Data is held and processed within the EEA.

[If the above is not the case for a particular market participant, the statement should be amended accordingly.]

Retention of data

All Market Personal Data is retained in order to meet obligations associated with back-up and recovery and also to accommodate any disputes that may arise.

[If the above is not the case for a particular market participant, the statement should be amended accordingly.]

Details of individual rights

Individuals may request the following;

- Access to their data held on a market related system, or on the SLP, or on systems associated with account administration or help-desk queries

- Corrections to any of the above data
- Restrictions to processing of any of the above data
- Cessation of processing to any of the above data
- Erasure of any of the above data

Individuals may also lodge a complaint with the Information Commissioner’s Office and seek to pursue any such complaint via their Licensed Provider.

Automated decision making

The processing of data is undertaken based on pre-determined criteria, with no arbitrary decisions being made automatically.

Data Subject Request Pro-Formas

Three Data Subject Request pro-formas are required:

Data Subject Access Request

Data Subject Access			
Data Subject Request No.			
To be completed by the CMA			
Submitting Party Details	Name		
	User Privilege	I confirm that I am a DA for the given Org Name	
	Please tick the confirmation box		
	Org Name		
	Date		
Data Subject Details	Name		
	Data Subject Type	Customer	
	Please tick the appropriate types		
		Landlord	
		Party User	
	Date of Request to Party		
Report Details	Report Type	CMA CS Trading Party Listing	
	Please tick the appropriate types		
		SLP Org Details Listing	
		CMA CS Customer Name/SPID Listing	
		SLP Landlord/SPID Listing	
	Period From		
	Period To		

Data Subject Processing Change Request

Data Subject Processing Change	
Data Subject Request No.	
To be completed by the CMA	

Submitting Party Details	Name			
	User Privilege <small>Please tick the confirmation box</small>		I confirm that I am a DA for the given Org Name	
	Org Name			
	Date			
Data Subject Details	Name			
	Data Subject Type <small>Please tick the appropriate types</small>		Customer	
			Landlord	
			Party User	
Date of Request to Party				
Processing Change Details	Processing Change Type <small>Please tick one type</small>		Restrict Processing	
			Cease Processing	
			Erasure	
	Processing Change Limitations <small>Please identify any limits on the requested changes</small>		From Date	
			To Date	
			Data items excluded	
			Processes excluded	
		Other		

Confirmation pro-forma

Data Subject Request Confirmation				
Data Subject Request No.				
To be completed by the CMA				
Confirming Party Details	Name			
	User Privilege <small>Please tick the confirmation box</small>		I confirm that I am a DA for the given Org Name	
	Org Name			
	Confirmation <small>Please tick one of the confirmation boxes and add comments if only some or none of the requirements have been executed</small>		I confirm that I have executed all requirements identified against me for this request	
			I confirm that I have executed some of the requirements identified against me for this request	
			I confirm that I have not executed the requirements identified against me for this request	
		Comments		
Date				

Data Subject Details	Name		
	Data Subject Type Please tick the appropriate types	Customer	<input type="checkbox"/>
		Landlord	<input type="checkbox"/>
		Party User	<input type="checkbox"/>
	Date of Request to Party		
Request Type Please tick the appropriate box	Data Subject Access	<input type="checkbox"/>	
	Data Subject Processing Change	<input type="checkbox"/>	

Breach Notification Pro-Forma

Breach Notification				
Breach Notification No. To be completed by the CMA				
Notifying Party Details	Name			
	User Privilege Please tick the confirmation box	I confirm that I am a DA for the given Org Name	<input type="checkbox"/>	
	Org Name			
	Date			
Details of the Breach	Customer Names/Landlord Names			
	Data Please tick the appropriate data groups	CMA CS Trading Party Details	<input type="checkbox"/>	
		SLP Org Details	<input type="checkbox"/>	
		CMA CS SPID Data	<input type="checkbox"/>	
		SLP SPID Data	<input type="checkbox"/>	
	Date of Breach			
	Nature of Breach Please tick the appropriate type of breach and provide any comments	Destruction	<input type="checkbox"/>	<input type="checkbox"/>
Loss		<input type="checkbox"/>	<input type="checkbox"/>	
Alteration		<input type="checkbox"/>	<input type="checkbox"/>	
Unauthorised Access		<input type="checkbox"/>	<input type="checkbox"/>	
Unauthorised Issue		<input type="checkbox"/>	<input type="checkbox"/>	
Impact and Action	Impact Please tick the appropriate parties and describe the impact	Data Subject(s)	<input type="checkbox"/>	
		MC Parties	<input type="checkbox"/>	
		Other	<input type="checkbox"/>	
	Remedial Action Please list all steps to be taken	Step	By What Date	By Whom
		Urgent Action		

		Impact Mitigation		
		Data Management		
		System Management		
		Other		
	Notifications	Party	Date	By Whom
		Data Subject(s)		
		Information Commissioner		
		Trading Parties		
		Other		

A.3.2 CMA Website Privacy Statement and Notices

Privacy Statement

The following text identifies a new CMA website Privacy Statement, based on the Market Privacy Notice:

This Privacy Statement explains how the Central Market Agency Ltd uses any personal information collected about you when you contact us or visit our website.

Categories of personal data being processed.

Some non-household customers will be sole traders and the Central Systems, administered by the Central Market Agency Ltd (CMA) will hold personal data about those sole traders. Information about other types of customer (e.g. companies and partnerships) is not personal data. Occasionally, the Central Systems may also hold information indicating that, due to health needs, a non-household customer is a priority for re-connection if there is an interruption to the water supply.

Some tenants or landlords will be sole traders and the Scottish Landlord Portal (SLP) will hold personal data about those sole traders. Information about other types of tenants or landlords (e.g. companies and partnerships) is not personal data.

The CMA may collect data from users to help administer accounts and deal with helpdesk queries. We may take this information from you in a number of ways including email, telephone and from our Website (www.cmascotland.co.uk).

This data may include the name of an individual, a job title, the organisation that the individual works for, contact details and records of any communication with the individual. Data may also include details relating to the address of the sole trader or individual.

We also collect information automatically when you visit our Website through the use of cookies and email addresses. Cookies are small files that your Web browser places on your computer's hard drive. We use cookies for remembering user names and preferences, tracking click streams and for presenting members with personalised versions of the site. You have the option of setting your browser to reject cookies. You can read more about how we use cookies on our Cookies page. The information obtained in this way, which includes demographic data and appraising patterns, is only used in aggregate form. The Website uses an online measuring package, Google Analytics which uses cookies to identify repeat visits.

Monitoring

Telephone calls made and received by the CMA may be recorded or monitored and used for training to ensure excellent customer service.

Purpose and legal basis of processing.

The information that is held in market related systems will be used to manage all of the electronic transactions involved in switching non-household customers from their current Licensed Provider(s) to their chosen provider. It will also provide usage and settlement data to Scottish Water and Licensed Providers that will then be used in the billing process.

The information held on the Scottish Landlord Portal may be updated by a Landlord and relates to tenants and the properties that the Landlord owns or is responsible for and Licensed Providers then access and search for such data, enabling them to update market data, where required.

Account administration and help-desk facilities may use data about an individual in order to identify and respond such individuals, following a request or direct enquiry, to undertake business planning activities, or to make contact about other market related matters. Such information also enables the provision of advice regarding use of and access to relevant systems, web pages and portals, for internal operations such as audits, surveys and reviews of data security and to assist with service improvements.

The legal basis for the above use of data is that it is necessary in administering the market in water and waste-water retail services in Scotland.

Source of data collected

The information that the CMA uses on the Central Systems and on the Scottish Landlord Portal (SLP) is supplied by Licensed Providers, Scottish Water and for the SLP only, by Landlords. It is the responsibility of the organisation that provides the information to make sure it is accurate and kept up to date. CMA collates that information and makes it available to other Licensed Providers and Scottish Water for the purposes outlined above. CMA does not collect information directly from non-household customers.

Recipients of data collected.

Personal information held on market related systems and Tenant related data held on the Scottish Landlord Portal will be shared amongst market participants, but such information will not be shared with third parties other than;

- Where the individual has agreed to their information being shared with a third party,

- Where there is a legal, regulatory or professional obligation to disclose this information, or in order to protect contractual or other rights, property, or safety or those of others,
- Where a market participant, or substantially all of the participant's assets, are merged or acquired by a third party, in which case this information may form part of the transferred or merged assets, or
- Where a market participant is using a third party service provider to provide services that involve data processing.

Links to third party websites

Our Websites may contain links to other recognised and respected organisations' websites. We are not responsible for the privacy practices of these sites. This privacy policy applies solely to information collected on www.cmascotland.co.uk.

Security applied to data

Security arrangements are equivalent to or consistent with relevant international standards and include, where applicable;

- Pseudonymisation
- Encryption
- System controls to deliver ongoing confidentiality, integrity, availability, resilience of data management systems and system restoration following an event
- Processes for regular testing, assessment and the evaluation of the effectiveness of system processes and controls.

Transfers of personal data outside of the EEA

Data is held and processed within the EEA.

Retention of data

Data is retained in order to meet obligations associated with back-up and recovery and also to accommodate any disputes that may arise.

Details of individual rights

Individuals may request the following (via their Licensed Provider, if they are a Customer or Landlord);

- Access to their data held on a market related system, or on the SLP, or on systems associated with account administration or help-desk queries
- Corrections to any of the above data
- Restrictions to processing of any of the above data
- Cessation of processing to any of the above data
- Erasure of any of the above data

To submit any such request, please email info@cmascotland.co.uk with a duly completed Data Subject Request form, or Processing Change Request form, which can be obtained from our Website.

Customers, or Landlords, requiring further advice or information on water and sewerage services and charges should contact their provider. A list of suppliers and where to find more information is available on the Scotland on Tap Website.

Individuals may also lodge a complaint with the Information Commissioner's Office and seek to pursue any such complaint via their Licensed Provider.

Automated decision making

The processing of data is undertaken based on pre-determined criteria, with no arbitrary decisions being made automatically.

Changes to this policy

Central Market Agency Ltd may change this policy from time to time by updating this page. You should check this page from time to time to ensure that you are happy with any changes. This policy is effective from 30th. March 2018.

Agreement (for the Scottish Landlord Portal)

Please note that by registering an account with the Scottish Landlord Portal (SLP) and by providing any personal information pursuant to registration or usage of the SLP, you are accepting and consenting to the practices described in this policy, with respect to the SLP.

Privacy Notice for Non-Household Customers

This may be removed, as the necessary statements are now covered by the CMA Policy Statement.

Privacy Notice for Central Systems Helpdesk & Account Management

This may be removed, as the necessary statements are now covered by the CMA Policy Statement.

A.3.3 SLP Privacy Notice

The CMA Policy Statement can be used on the SLP and can replace the existing SLP Privacy Notice.