

## NOTICE OF PROCESSING OF PERSONAL DATA

### WHO IS USING YOUR PERSONAL DATA

**Market Operator Services Limited**, a company incorporated in England and Wales under company number 09276929 whose registered office is at c/o Addleshaw Goddard LLP, Milton Gate, 60 Chiswell Street, London, EC1Y 4AG ("**MOSL**", "**we**", "**us**", "**our**").

MOSL is the market operator of the non-household retail water market, which opened on 1 April 2017. We are owned by all the water companies, both wholesalers and retailers, who trade in the competitive market.

Our role as market operator is to provide infrastructure, information and governance services to enable customers to switch retailer and for settlement to take place between wholesalers and retailers. MOSL has established a Central Market Operating platform ("**CMOS**") and related CMOS helpdesk to deliver these services.

CMOS manages all electronic transactions involved in switching customers from current retailers to their chosen provider (each a "**trading party**"), and provides usage and settlement data to such trading parties which is used by wholesalers so that they are able to bill retailers. In relation to the CMOS platform and the CMOS helpdesk, we will act as a "**controller**" in relation to personal data.

You can contact us using the details set out in section 'Contact and Complaints' below.

CMOS is maintained and supported by **CGI IT UK Limited**, company incorporated in England and Wales under company number 947968 whose registered office is at 14th Floor, 20 Fenchurch Street, London, EC3M 3BY ("**CGI**"). CGI is acting in the capacity as a 'processor', and will comply with our instructions.

### SCOPE OF THIS NOTICE

MOSL will process personal data about non- household water customers ("**NHH customers**") who are sole traders, as well as the personal data of the representatives and employees of trading parties registered to eligible water and sewerage supply points in the non-household retail water market (as defined in the Water Act 2014 and market codes).

Please read this notice carefully. It applies to the treatment of any information that could be used to identify an individual and which is collected through trading parties use of CMOS and the CMOS helpdesk. The protection of personal data is very important to us, and we understand our responsibilities to handle personal data with care, to keep it secure and to comply with legal requirements.

This notice is not intended to override the terms of any contract that NHH customers have with any trading party (or any rights they might have available under applicable data protection laws).

We may make changes to this notice from time to time, for example to keep it up to date or to comply with legal requirements or changes in the way we operate our business. We will notify trading parties about significant changes in accordance with our obligations set out in the market codes, and keep NHH customers informed of changes by prominently posting a notice on our website ([www.mosl.co.uk](http://www.mosl.co.uk)). We encourage you to regularly check back and review this notice so that you will always know what information we collect, how we use it, and who we share it with.

### WHAT PERSONAL DATA DO WE COLLECT?

The personal data we process via CMOS and the CMOS helpdesk, includes the following:

- **Contact and communication details**, including full names, email address, address, telephone number, job title, the organisation that a person works for, log-in details, records of any communication with trading parties; and
- **Account details and supply point details (where a sole trader)**, customer classifications including unique identifiers, meter information or market consumption data. The information we hold is described in detail in the market data catalogue (Code Subsidiary Document 0301).

Please see our separate privacy policy <https://www.mosl.co.uk/info/privacy> for further details on how we collect and process personal data collected through our website.

We comply with the data minimisation principles of data protection laws and we will not collect any personal data that we do not need in order to provide and oversee CMOS and the CMOS helpdesk. In particular, we do not collect any special categories of data, such as details relating to race, health, sexual orientation, in the general course of providing services in connection with CMOS and the CMOS helpdesk, unless required and only when we have an appropriate legal basis to do so. Occasionally, we may also hold information indicating that due to the health needs a NHH customer is a priority for re-connection if there is an interruption to the water supply, this information is provided by trading parties.

## WHEN DO WE COLLECT YOUR PERSONAL DATA?

### Trading Party staff and representatives

We will collect information from trading party staff and representatives *directly* when they contact us through the CMOS Helpdesk. To the extent permitted by law, we may also monitor and record telephone calls for training and quality assurance purposes when they call the CMOS helpdesk *directly* for user support.

### NHH Customers

Information about NHH customers will be provided to us *indirectly* by trading parties or a person acting on behalf of the trading parties in connection with a NHH customer switching retailers. We may also collect information about NHH customers *indirectly* from other sources, for example public registers, where we believe this is necessary to help ensure security of CMOS and the CMOS helpdesk. It is the responsibility of trading parties to ensure that information that is made available to use is accurate and kept up to date.

## WHAT PURPOSE DO WE USE YOUR DATA FOR?

We process **contact and communication, account and supply point details** in order to:

- operate CMOS
- to provide CMOS helpdesk support services
- to facilitate and manage all of the electronic transactions involved in switching customers from their current provider to a new provider
- provide usage and settlement data to the trading parties in connection with the billing process
- to comply with the requirements of the Market Arrangements Code or the Wholesale-Retail Code, to which we are a party and any additional regulatory requirements of regulators (such as Ofwat) to which we are subject.
- to communicate important information to trading parties relating to CMOS and the non-household water retail market

If trading parties do not provide this information, we may be unable to facilitate the switching of NHH Customer accounts from one trading party to another.

We have to establish a legal ground to use personal data, so we will make sure that we only use personal data for the purposes set out above, where we are satisfied that:

- our use of personal data is necessary to perform a contract or take steps to enter into a contract.
- our use of personal data is necessary to support 'Legitimate Interests' that we have as market operator of the water retail market (namely, to help delivery and performance of the services provided by trading parties to NHH customers who are part of the water retail market in accordance with our obligations under the market codes, to improve our service, to provide help or support in connection with CMOS and the CMOS helpdesk, to ensure that they operate efficiently and securely, to carry out analytics across our datasets), provided it is always carried out in a way that is proportionate, and that respects your privacy rights; or
- our use of your personal data is necessary to comply with a relevant legal or regulatory obligation that we are subject to (e.g. to comply with Ofwat, Defra or ICO requirements);

Before collecting and/or using any special categories of data we will establish an additional lawful ground to those set out above which will allow us to use that information. This additional exemption will typically be:

- where we have explicit consent;

- the establishment, exercise or defence by us or third parties of legal claims; or
- a specific exemption provided under local laws of EU Member States and other countries implementing the GDPR.

NHH customers may withdraw their consent to such processing at any time. However, in this instance, trading parties should also make NHH customers aware that if they choose to do so MOSL may be unable to continue to provide certain services to you and them. If they choose to withdraw your consent we will tell you more about the possible consequences. The withdrawal of their consent in this circumstance shall not affect the lawfulness of the processing based on consent before the withdrawal.

### WHO IS YOUR PERSONAL DATA SHARED WITH?

We will share personal data with third parties, to help manage our business and deliver services as outlined below:

- service providers such as CGI, who help manage our IT and back office systems
- trading parties, to manage the switching of supply points consistent with applicable laws and billing process.
- our regulators, including Ofwat, as well as law enforcement agencies in the EU where applicable, to enable the operation of the competitive retail market,
- solicitors and other professional services firms (including our auditors).
- service providers such as Mail Chimp, who enable us to communicate important information regarding the operation of CMOS and the non-household water retail market.

### WHERE IS YOUR PERSONAL DATA STORED?

All the personal data we process is processed by our staff and CGI. For the purposes of IT hosting and maintenance of CMOS and the CMOS helpdesk, this information is located on servers within the EEA. We will not share personal data outside the EEA unless it is a transfer to a country which is recognised as providing an adequate level of legal protection or by ensuring that transfers are protected by contractual commitments for additional security - for example, the EU - U.S. Privacy Shield for the protection of personal data transferred to the US. In those cases, you will have the right to ask us for more information about the safeguards we have put in place as mentioned above (e.g. to request a copy where the safeguard is documented, which may be redacted to ensure confidentiality).

No third parties have access to personal data unless authorised by law (for example a regulatory body) or where consent has been provided (for example where trading party employees or representatives have agreed to be contacted in relation to CMOS and water retail market updates). We take all reasonable steps to ensure that personal data is processed securely.

### HOW LONG DO WE KEEP IT?

We will retain personal data for as long as is reasonably necessary for the purposes listed in this notice.

In some circumstances we may retain personal data for longer periods of time where we are required to do so to meet legal, regulatory, tax or accounting requirements, in particular:

- where it forms part of an audit trail created to record use of CMOS
- so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a possibility of legal action relating to your personal data or dealings,

however in each case, this shall not exceed a period of 6 years from the date of the last correspondence with you. Where your personal data is no longer required we will ensure it is either securely deleted or stored in a way which means it will no longer be used by the business.

## WHAT ARE YOUR RIGHTS?

Individuals have a number of rights in relation to their personal data. In summary, they have the right to request access to their data, rectification of any mistakes in our files; erasure of records where no longer required; restriction on the processing of their data, objection to the processing of their data; data portability and various information in relation to any automated decision making and profiling or the basis for international transfers. They also have the right to complain to their supervisory authority (further details of which are set out section 'Contact and Complaints'). These are defined in more detail as follows:

INDIVIDUALS RIGHTS	WHAT THIS MEANS FOR MOSL
<b>Access</b>	<p>You can ask us to:</p> <ul style="list-style-type: none"> <li>confirm whether we are processing your personal data;</li> <li>give you a copy of that data;</li> <li>provide you with other information about your personal data such as what data we have, what we use it for, who we disclose it to, whether we transfer it abroad and how we protect it, how long we keep it for, what rights you have, how you can make a complaint, where we got your data from and whether we have carried out automated decision making or profiling, to the extent that information has not already been provided to you in this notice.</li> </ul>
<b>Rectification</b>	<p>You can ask us to rectify inaccurate personal data. We may seek to verify the accuracy of the data before rectifying it.</p>
<b>Erasure / Right to be Forgotten</b>	<p>You can ask us to erase your personal data, but only where:</p> <ul style="list-style-type: none"> <li>it is no longer needed for the purposes for which it was collected; or</li> <li>you have withdrawn your consent (where the data processing was based on consent); or</li> <li>it follows a successful right to object; or</li> <li>it has been processed unlawfully; or</li> <li>it is not necessary to comply with a legal obligation which MOSL is subject to.</li> </ul> <p>We are not required to comply with your request to erase your personal data if the processing of your personal data is necessary: for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.</p>
<b>Restriction</b>	<p>You can ask us to restrict (i.e. keep but not use) your personal data, but only where:</p> <ul style="list-style-type: none"> <li>its accuracy is contested, to allow us to verify its accuracy; or</li> <li>the processing is unlawful, but you do not want it erased; or</li> <li>it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or</li> <li>you have exercised the right to object, and verification of overriding grounds is pending.</li> </ul> <p>We can continue to use your personal data following a request for restriction, where:</p> <ul style="list-style-type: none"> <li>we have your consent; or</li> <li>to establish, exercise or defend legal claims; or</li> <li>to protect the rights of another natural or legal person.</li> </ul>
<b>Portability</b>	<p>You can ask us to provide your personal data to you in a structured, commonly used, machine-readable format, or you can ask to have it 'ported' directly to another Data Controller, but in each case only where: the processing is based on your consent or the performance of a contract with you; and the processing is carried out by automated means.</p>
<b>Objection</b>	<p>You can object to any processing of your personal data which has our 'legitimate interests' as its legal basis, if you believe your fundamental rights and freedoms outweigh our Legitimate Interests. Once you have objected, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights, however this does not apply as far as the objections refers to the use of personal data for direct marketing purposes.</p>

Individuals also have various rights in relation to any automated decision making and profiling, however we do not carry out these activities in connection with CMOS or the CMOS helpdesk.

These rights can be exercised by contacting us as set out below. Please note the following if you do wish to exercise these rights:

- **Identity.** We take the confidentiality of all records containing personal data seriously, and reserve the right to ask you for proof of your identity if you make a request.
- **Fees.** We will not ask for a fee to exercise any of your rights in relation to your personal data, unless your request for access to information is unfounded, repetitive or excessive, in which case we will charge a reasonable amount in the circumstances.
- **Timescales.** We aim to respond to any valid requests within one month unless it is particularly complicated or you have made several requests, in which case we aim to respond within three months. We will let you know if we are going to take longer than one month. We might ask you if you can help by telling us what exactly you want to receive or are concerned about. This will help us to action your request more quickly.
- **Exemptions.** Local laws, including in the UK, provide for additional exemptions, in particular to the right of access, whereby personal data can be withheld from you in certain circumstances, for example where it is subject to legal privilege.

## CONTACT AND COMPLAINTS

The primary point of contact for all queries arising from this notice is our Data Protection Officer. The Data Protection Officer can be contacted in the following ways:

Email:

[data\\_protection@mosl.co.uk](mailto:data_protection@mosl.co.uk)

Letter:

FAO Data Protection Officer,  
Market Operator Services Limited,  
4th floor,  
16-18 Monument Street,  
London,  
EC3R 8AJ

If you have a complaint or concern about how we use your personal data, please contact us in the first instance and we will attempt to resolve the issue as soon as possible. You also have a right to lodge a complaint with your national data protection supervisory authority at any time. In the UK, the supervisory authority for data protection is the ICO (<https://ico.org.uk/>). We do ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.

