

## Right to be Informed - Frequently Asked Questions

The questions below have been posed by our customers to the data protection team in Thames Water.

We have provided our responses to these as an additional, more case specific source of information which complements that included elsewhere in our Privacy Notice.

### Processing your personal data

#### 1. What specific evidence or explicit consent does Thames Water need to have from me/us to process our data?

There are six legal bases that we must use for processing your personal data, consent being one of them. However, we only need consent in a small number of cases, for example if you apply for financial support.

When we process your personal data to provide you with our water and/or wastewater services under the Water Industry Act 1991, we do not need to capture your consent, explicit or otherwise. For this purpose, we use the legal basis of public task to process personal data.

For some purposes, such as debt management, our legal basis for processing your personal data is legitimate interest which does not require your consent. We have a legitimate interest in running our business efficiently and effectively provided we do not unreasonably override your interests or rights.

Our Privacy Notice lists the purposes of processing and legal bases used in each case.

#### 2. Does Thames Water share my data outside the UK?

In some cases, your personal data may be processed by our support partners in countries outside the UK. These partners assist us with our service, to help us meet the level of service we legally must provide.

The companies we use have met all our security requirements, in line with UK GDPR and the Data Protection Act 2018 and we have taken steps to ensure we have appropriate measures and contractual obligations with them to ensure personal data is kept secure.

### 3. How do I find out which third parties you have shared my data with?

Our Privacy Notice outlines the key third parties with whom we may share your data.

<https://www.thameswater.co.uk/media-library/home/legal/privacy-policy/thames-water-privacy-notice-third-parties-with-whom-we-share-personal-data.pdf>

### What information can and cannot be provided when we respond to a Subject Access Request?

When you make a subject access request, you are entitled to a copy of your personal data and to other supplementary information (which largely corresponds with the information that we provide in a privacy notice). We will check your identity before we send you any data, to make sure we are sending the data to the right person. We may ask you to clarify your request if it's not clear what information you are looking for.

In some circumstances, we may have a legitimate reason for not providing all or some of the information as set out in the UK GDPR and DPA 2018. If this is the case, we will let you know why and the complaint escalation process.

We can only supply personal data that is about you. If another person can be identified within the data, then you'll notice that we've redacted (blacked out) parts of the document to protect their own personal data. This includes employee's names, contact details, neighbouring property information etc. For this, we rely on the exemption provided under Chapter 12, Schedule 2, Part 3 (Protection of rights of others) of the Data Protection Act 2018.

We do not provide any interactions you may have had with our social media teams, as these will be available from your own social media history.

### 4. I have concerns that my data is not correct, how do I update it?

You can make certain changes yourself by registering for an online account. Alternatively, you can update your details by contacting the Customer Services Contact Centre on 0800 316 9800, or by using the 'contact us' section of our website.

### 5. How do I request for my data to be deleted?

In most cases we will not take action to erase data upon request. This is because we will almost always have a legal or legitimate business interest for holding the information in line with our

retention standards. We retain personal customer account data and contact data for seven years from the date the last account service ticket/ activity was closed (whichever is later).

However, there may be circumstances where information can be deleted or anonymised without impacting on the ability to fulfil our obligations as a water undertaker. We will assess each request on a case-by-case basis and respond accordingly.

#### 6. Why am I receiving marketing material from British Gas and with the Thames Water logo on the letterhead?

Thames Water has partnered with British Gas, who under our instruction and as our processor, contacts our customers that are at risk of being affected by blockages in our network to offer them an insurance service that may be beneficial to them.

We share limited customer details (names, addresses and account numbers) of eligible Thames Water customers, e.g. home owners, with British Gas. We may also share postcode data of our blockage hotspots with them, so they can target affected customers more effectively. The communication will advise customers of the service available to them via British Gas, i.e. plumbing and drainage insurance, and how to sign up.

We work in partnership with British Gas and promote their activity as a 'legitimate interest' of our business and for our customers. We have a legitimate interest to protect our network and reduce blockages or leaks and our customers also have a legitimate interest in the services available, should a blockage or leak occur on their property that requires rectification.

#### 7. Does Thames Water share data with Credit Referencing Agencies and if so, why?

Like many other utility companies, we share your personal data with, and receive your personal data from, a Credit Reference Agency (CRA). This helps us maintain up-to-date customer records, prevent fraud and identify customers at risk of falling into debt, making it easier for us to find and help customers who need financial assistance. We also utilise CRA data to help us manage debt levels and identify individuals responsible for vacant properties where charges may apply.

We will share your personal information with the CRA's for as long as you are a customer. This will include details about your settled accounts and any debts not fully repaid on time. If you pay your bill on time, sharing your data will positively impact your credit rating. However, there can

also be a negative impact where bills are not paid, or payments are late. We outline this activity on the back of our bills and provide more detail in the Household and Business section of our Privacy Notice (<https://www.thameswater.co.uk/media-library/home/legal/privacy-policy/thames-water-privacy-notice-household-and-business-customers.pdf> ). You can find out more about the CRA's we use in their Information Notices via their websites (<https://www.equifax.co.uk/crain/>, <https://www.experian.co.uk/legal/crain/>, <https://www.transunion.co.uk/legal/privacy-centre/pc-credit-reference>). Their Information Notices will include details on the CRA's role as a fraud prevention agency, that data it holds and how it uses it, how long it keeps the data, how it shares data, and your data protection rights

The frequently asked questions and responses below are not directly related to how we process your personal data but have been included here for ease of reference.

## Charging and payments

### 8. I didn't sign a contract, so how do Thames Water have a right to charge me for water supplied?

Thames Water are a statutory water and sewerage undertaker, which means we don't operate under a contract for the services we provide you.

Our statutory powers and obligations can be found under the Water Industry Act 1991 ("The Act"). The Act gives us the power to set and recover charges for these services, which are regulated by the industry regulator, Ofwat (the Water Services Regulation Authority) and set out in our Charges Scheme, which is available from our website.

In other words, we can't choose which properties we supply, and likewise, customers can't choose their water supplier. Unlike a telephone, broadband or television subscription, which must be applied for, our service is already running and available to use when someone begins occupying a property.

As the occupier of a property in our supply area, you are responsible for paying the charges unless another party agrees with us that they will be responsible for paying the charges for the property.

### 9. Are Thames Water legally obliged to provide water and charge for it?

Thames Water is a statutory water and sewerage undertaker under the Water Industry Act 1991 and we are obliged to provide clean and wastewater services to the households outlined in our 'instrument of appointment', which can be found on the Ofwat website [here](#). The Act gives us the power to set and recover charges for these services, which are regulated by the industry regulator, Ofwat (the Water Services Regulation Authority) as set out in our Charges Scheme, which is available from our website.

The specific section of the act which provides these powers is contained within Section 142 of the Water Industry Act 1991, titled "Powers of undertakers to charge":

*(1) Subject to the following provisions of this Chapter, the powers of every relevant undertaker shall include power—*

*(a) to fix charges for any services provided in the course of carrying out its functions and, in the case of a sewerage undertaker, charges to be paid in connection with the carrying out of its trade effluent functions; and*

*(b) to demand and recover charges fixed under this section from any persons to whom the undertaker provides services or in relation to whom it carries out trade effluent functions.*

You can find out more about the Water Industry Act 1991 at the following website address: <https://www.legislation.gov.uk/ukpga/1991/56/contents>

## 10. Why is Thames Water allowed to charge for providing water?

We have a statutory obligation under the Water Industry Act 1991 to provide you with water and as part of that we must ensure it's safe to drink. This means the water supplied to your home goes through a six-stage process from collecting and storage through to screening, removing particles and bacteria before being pumped to your home. The Act gives us the power to set and recover charges for the services of providing you with clean water and also removing and treating your sewerage water.

To find out more about our treatment process please visit our website at [www.thameswater.co.uk/about-us/responsibility/education/the-water-treatment-process](http://www.thameswater.co.uk/about-us/responsibility/education/the-water-treatment-process)

## 11. Are Thames Water able to accept Bank Giro's?

Bank Giro's are attached to the end of our paper bills. You can take them to a bank or a post office to make your payment or you can send them to Thames Water together with your payment method.

Where we are unable to accept the Bank Giro, we will send this back to you with a covering letter outlining why we have been unable to accept it and what to do next. Thames Water will not retain a copy of the Bank Giro/returned document(s). Please note that a Bank Giro must come with a valid payment mechanism such as a cheque to be accepted.

We offer various ways to pay your bill, the simplest and most convenient is to set up a Direct Debit. To find out more visit our website as <https://www.thameswater.co.uk/help/account-and-billing/paying-your-bill>.

Can you provide evidence that the Bills of Exchange Act 1882 does not apply to Thames Water?

Thames Water is a statutory water and sewerage undertaker appointed by the Secretary of State in accordance with Section 6 of the Water Industry Act 1991 and as set out in our Instrument of Appointment. Under Section 142 of the Water Industry Act 1991, we have the statutory power to fix charges and to demand and recover charges for the water and wastewater services we provide. Our charges are regulated by the industry regulator, Ofwat (the Water Services Regulation Authority) and are set out in our Charges Scheme, which is available from our website. We ensure that our bills are compliant with the relevant legislative and regulatory requirements.

The Bills of Exchange Act 1882 does not apply in relation to our entitlement to recover charges for water and wastewater services. Whilst we acknowledge that under the Bills of Exchange Act 1882 a promissory note may be issued as a promise to pay, it is not one of Thames Water's accepted methods of payment. Therefore, a bill issued by us is not required to comply with the provisions under the Bills of Exchange Act 1882.

12. In what fiduciary capacity has Thames Water processed our data?

The most common fiduciary duties are relationships involving legal or financial professionals who agree to act on behalf of their clients. A lawyer and a client are in a fiduciary relationship, as are a trustee and a beneficiary, a corporate board and its shareholders, and an agent acting for a principal.

We are not a fiduciary, nor do we act in a fiduciary capacity in connection with the processing of your personal data. As a controller of your personal data, we are responsible for ensuring that your personal data is used in compliance with data protection laws.

## Other legislations and acts

### 13. Is Thames Water subject to the Freedom of Information Act?

The Freedom of Information Act 2000 is an Act of the Parliament of the United Kingdom that creates a public "right of access" to information held by public authorities. As Thames Water is not a public authority this Act does not apply to us. However, we are subject to the Environmental Information Regulations 2004 (EIR), enabling our customers and members of the public to ask us to supply environmental information about specific topics. To find out more about EIRs and how to make a request please visit our website at:

<https://www.thameswater.co.uk/about-us/regulation/environmental-information-requests>

### 14. Why does the Consumer Credit Act, section 123, not apply to non-commercial addresses?

We're governed under the Water Industry Act 1991, so the Consumer Credit Act does not apply to us.

## How to contact us

### 15. I've got a query about data protection, whom should I contact?

If you have a complaint, need more information or have a specific query relating to how we process your personal data, please email the data protection team via [data.protection@thameswater.co.uk](mailto:data.protection@thameswater.co.uk).

### 16. How do I raise a Data Subject Rights request?

If you would like to exercise one of your rights under the data protection legislation, please contact the Thames Water data protection team at [Subject.Access@thameswater.co.uk](mailto:Subject.Access@thameswater.co.uk)