The Energy Performance of Buildings (Scotland) Regulations 2025, as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026

Data Protection Impact Assessment (DPIA)

August 2026

Scottish Government
Riaghaltas na h-Alba

Impact Assessment Update – August 2026

The Energy Performance of Buildings (Scotland) Amendment Regulations 2026 make amendments to the Energy Performance of Buildings (Scotland) Regulations 2025. These amendments adjust the coming into force date and transitional and savings provisions of the 2025 Regulations.

The amendments made by the 2026 Regulations do not alter the underlying policy intent, scope or requirements of the Energy Performance of Buildings (Scotland) Regulations 2025. The changes are limited to the timing of implementation, including the coming-into-force date and associated transitional arrangements, reflecting dependencies on UK Government technical and operational infrastructure (the 'Home Energy Model' and 'Energy Calculation as a Service' functions which will support the statutory calculation methodology and register of certificates) that will underpin the delivery of the Regulations.

The Scottish Government is committed to investing in the elements of the programme to support consumers. As such, lodgement fees will rise as planned, on 31 October 2026, which will ensure technical and operational infrastructure is ready, and consumers are further protected by the development of an effective audit regime.

The suite of Impact Assessments prepared for the original Regulations, including the Data Protection Impact Assessment (DPIA) has been reviewed, in light of these amendments, to ensure they remain accurate and appropriate. This review has confirmed that the impacts previously identified remain valid, and no material changes to those impacts, other than of their timing, have been identified.

Heat in Buildings Assessment Unit

Data protection impact assessment (DPIA)

Introduction

The purpose of this document is to report on and assess against any potential data protection impact as a result of the implementation of the Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026**.

Energy Performance Certificate Reform – The Energy Performance of Buildings (Scotland) Regulations 2025, as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026

EPCs are an important source of information for current and potential building owners and tenants to help them understand the energy performance of their building. EPCs must be provided when a building is advertised for sale or for let to a new tenant, and upon completion of construction of a new building. They have, in practice, formed part of the prescribed documents of the Home Report since 2008.

The need for reform

The current **EPC rating system** has been widely criticised for not measuring and incentivising the most useful thing for consumers to understand net zero climate impacts. For energy efficiency, this means that, since they are based on energy cost, they do not accurately reflect how good the building's insulation is as the rating is strongly influenced by the cost of fuel. External stakeholders and independent reports have also highlighted concerns around the relevance, accuracy and quality of EPCs produced. In large part, this reflects the changing policy landscape in the 16 years since EPCs became a legal requirement in Scotland – in particular since 2019 with the requirements of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[1] (which sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045).

The Scottish Government recognises the need for reforms to remove the potential perverse outcomes of the current EPC rating system and to ensure that EPCs give more accurate and useful information to consumers on their building's performance against statutory net zero climate objectives.

The **technical and operational infrastructure** upon which EPCs are based is now life-expired and needs to be replaced. The **technical infrastructure** covers two elements: the **EPC Register** which is currently maintained by the Energy Saving Trust, appointed by the Scottish Ministers as Keeper of the Register; and the **EPC calculation methodology** (currently provided by SAP and SBEM). For domestic EPCs, the SAP calculation methodology is no longer fit-for-purpose in being able to measure and calculate the wider range of issues that need to be addressed in a reformed EPC (i.e. the metrics it reports are not aligned to policy objectives, and the methodology itself has been criticised as inaccurate), and needs to be replaced by the new UK Home Energy Model (HEM) and cloud-based calculation service (ECaaS) (expected in 2027). For non-domestic EPCs, the SBEM calculation

[1] Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

methodology requires significant updates to specifically report non-domestic buildings' direct emissions from heating systems and to model energy performance.

The **operational infrastructure** consists of the Approved Organisations and assessors, which must meet requirements set out in the EPC regulations, and in the EPC Operational Framework. The current Operational Framework (which governs the conduct of assessors and the Approved Organisations) was established by the Scottish Government and introduced in late 2012 as part of the transposition of the recast Directive[2]. This framework is also now life-expired and must be reviewed and reformed in order to support the reforms and to improve the overall assurance of EPC quality.

Our decisions on EPC reform

The Scottish Government has consulted extensively on a package of reforms to address the need for reform outlined above. Following an initial scoping consultation in 2021[3], we consulted again in 2023[4] on a final package of proposed reforms to improve the quality of EPCs and make them more fit-for-purpose in supporting net zero. This was followed by a further technical consultation in early 2025 on EPC lodgement fees and penalty charges[5]. We have also conducted an internal review during 2024-25 of the operational governance arrangements covering the Approved Organisations, EPC assessors and the Operational Framework, which has been supported by the evidence given during the technical consultation.

The Scottish Government set out its final decisions on EPC reform in its response to the 2023 consultation[6], which committed to laying new EPC regulations in Parliament later during 2025. We also concluded our review of operational governance during spring 2025.

In summary, the **Government Response to the 2023 consultation** set out our final decisions on reform. We will:

- introduce new EPC regulations in the Scottish Parliament during 2025 and bring them into force in 2028.
- adopt a new EPC rating system for domestic buildings:
    - Heat Retention Rating (fabric energy efficiency)
    - Heating System Rating (type, emissions, efficiency, running costs)
    - Energy Cost Rating (retaining the existing SAP-based EE Rating)
- adopt a new EPC rating system for non-domestic buildings.
- adopt a redesigned EPC certificate.
- reduce the validity period of EPCs from 10 to five years.
- develop a new EPC user interface to sit alongside the published EPC.

[2] Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast) (legislation.gov.uk)
[3] Domestic Energy Performance Certificates (EPC) reform: consultation - gov.scot
[4] Energy Performance Certificate (EPC) reform: consultation - gov.scot
[5] Energy Performance Certificate reform – lodgement fees and penalty charges: technical consultation (2025)
[6] Energy Performance Certificate reform consultation: response - gov.scot

- introduce strengthened operational governance arrangements for EPC assessors and Approved Organisations to enhance quality assurance for consumers.
- establish a new technical infrastructure: replacing the Standard Assessment Procedure (SAP) with the new UK Home Energy Model (HEM) calculation methodology; design and build a new EPC Register to be kept by the Scottish Ministers.
- continue to work with the UK Government and devolved administrations where we share elements of the EPC regulatory system across the UK internal market.

Purpose/Aim of Action & Desired Effect

The purpose of the new regulations is to put in place reforms to the EPC regime that address the issues highlighted above. This will involve making EPCs as accurate and high quality as possible, to ensure Scottish citizens can make informed choices to ensure their homes and workplaces are retrofitted for net zero.

The aim of our reforms is to ensure EPCs:

- Give better information to current and prospective property owners and tenants on the net zero impacts of their property.
- Continue to perform their role as a key feature of a functioning property market whenever properties are sold, let or constructed.
- Are based on the most accurate methodology.
- Are carried out to the highest standard.
- Adopt updated methodologies and infrastructure shared with the UK Government.
- Maintain broad alignment with the recast EU EPBD, in particular through introduction of a new onsite audit and inspection regime to verify the accuracy and reliability of certificates.

The overall intended outcome is to maintain a functioning EPC system which remains an integral part of the property market (whenever a property is advertised for sale or let), which consumers can trust, and which delivers high quality, accurate, reliable, and relevant information to help them make decisions on the energy efficiency and contribution to net zero of their property.

Description of the project and personal data

Description of the work

An EPC assessment for a property collects building information data, such as wall, roof, floor and window types, heating systems, property age and renewable technologies present to then calculate ratings of the building's energy performance. The data could take the form of photographs, drawings (such as property floor plans), measurements, records of the model and serial number of an installed heating system or specification of window glazing.

This data can be categorised into two types:

- 'Pre-lodgement data' (the data collected by energy assessors during the assessment process). This data is not lodged on the EPC Register (such as photographs of the property), but needs to be stored for the purposes of audit, to verify that an assessor has made an accurate and reliable assessment.
- 'Lodgement data' (this is the data which is lodged on the EPC Register) – such as information on the heating system type and performance, measurements of floor area, measurements of insulation thickness, the address and postcode of the property.
- Typical lodgement data for the existing Energy Performance of Buildings (Scotland) Regulations 2008, includes:

    - **Property Information:**
        - Address and postcode
        - Property type (e.g. detached house, flat, office)
        - Total floor area
        - Year of construction
        - Type of transaction (sale, rental, new build)

    - **Heating and Insulation Details**
        - Main heating type and fuel
        - Secondary heating (if any)
        - Hot water system
        - Wall, roof, and floor insulation levels
        - Window glazing type

    - **Energy Efficiency Ratings**
        - Current and potential energy efficiency rating (A–G scale)
        - Environmental impact rating (CO_2 emissions)

    - **Recommendations**
        - Suggested improvements to increase efficiency
        - Indicative cost of improvements
        - Potential savings from improvements
        - Impact on energy rating if improvements are made

This information is sent to the EPC Register, using software provided by the assessor's accreditation body. The data sent to the EPC Register allows for an EPC

and Property Report to be generated together. The EPC and accompanying Property Report can then be accessed via the Scottish EPC Register website.

The EPC lodgement data, held on the EPC Register, was made publicly available in 2013 and advice on data protection issues was sought from the Information Commissioners Office who advised that EPC data is not considered personal data.

Given the volume of data – over three million EPCs (valid and historic) – and given that if address data is combined with other publicly available information that this could enable the occupier of the building to be identified, this Data Protection Impact Assessment is being completed. This takes a similar approach to the one taken by the UK Government Ministry of Housing, Communities and Local Government in its 2019 Data Privacy Impact Assessment[7]

Under the Energy Performance of Buildings (Scotland) Regulations 2025, as amended, a new EPC Register is established, where EPCs continue to be lodged, following their preparation by assessors.

The regulations allow the Scottish Government to appoint a keeper of the register.

The Scottish EPC Register currently has records (historic and valid) for:

- Over three million domestic EPCs
- Over 84,000 non-domestic EPC

These will continue to be retained in the new Register under the new regulations, and be added to, as new EPCs are lodged under the new regulations.

A bulk download of EPC data is available from statistics.gov.scot. There are currently four published data extracts:

- Valid domestic – statistics.gov.scot : Domestic Energy Performance Certificates - Dataset to Q2 2025
- Valid non-domestic – statistics.gov.scot : Non-domestic Energy Performance Certificates - Dataset to Q2 2025
- Historic domestic – statistics.gov.scot : Domestic Energy Performance Certificates – Extended Historic Dataset to Q2 2025
- Historic non-domestic – statistics.gov.scot : Non-Domestic Energy Performance Certificates – Extended Historic Dataset to Q2 2025

The Scottish Government currently updates these datasets quarterly. This process will be reviewed as part of the Register redevelopment to determine if datasets can be updated more regularly and in user friendly formats. This data set does not include assessor names or include any Green Deal data.

[7] Making better use of energy performance of buildings data: Data privacy impact assessment

Personal data to be processed

EPC Approved Organisation Administration Data

The Energy Performance of Buildings (Scotland) Regulations 2025, as amended, will require that Approved Organisations (AOs) ensure that accredited members are fit and proper persons who are qualified by their education, training and experience to carry out the preparation and issuing of EPCs. The operating framework requires that all AOs manage information in line with General Data Protection Regulations (GDPR) requirements.

Data collected and processed by assessors and Approved Organisations could include customer contact details, photo evidence of features of a property, audit results and disciplinary matters relating to the assessor's conduct. This information is not shared with the Scottish EPC Register. No personal data from the building owner/occupant is collected and sent to the EPC register.

Green Deal Information

If an active Green Deal exists for a property the Energy Performance of Buildings (Scotland) Regulations 2025,as amended, require that this information is displayed as part of the EPC property report. This information will explain what improvements have been made and how much the person who pays the electricity bill is required to pay (through their bills).

This is financial information. In the public extracts, properties with an active Green Deal are shared but the RRN is removed. The Green Deal information will only be returned when searching for an EPC using the Report Reference Number (RRN) but not through a postcode search.

How this data will be processed

EPC Requirements

The Energy Performance of Buildings (Scotland) Regulations 2025, as amended, require that building owners must have a valid Energy Performance Certificate (EPC) when:

- Selling or letting a property.
- Completing a newly-constructed building.
- Displaying it publicly as part of ongoing compliance.

A building owner will commission an accredited EPC assessor to complete an assessment of their building. The assessor will visit the property to complete a survey of the property. This data will be lodged on the EPC register. Once the EPC is lodged, building owners and potential owners or tenants can then access the EPC through the Scottish EPC website.

EPCs under the Energy Performance of Buildings (Scotland) Regulations 2025, as amended, will be valid for five years unless superseded by a new EPC. EPCs may be subject to an audit and as a result could be marked as invalid. Historic EPC data will be kept for at least 10 years.

Where a property has an active Green Deal loan this will be shown on an EPC[8]. Green deal information is not included on the public extracts of the EPC Register data.

Assessor names and their accreditation body are included on the Property Report that accompanies an EPC but are not included on the public extracts of the EPC Register data.

The Regulations require that on an EPC and accompanying Property Report:
“An energy performance certificate must not contain any information or data from which a living individual (other than the person issuing it or that person's employer) can be identified.”

The Regulations require that any published extracts of EPC data must not include:
“any information or data from which a living individual can be identified”.

The regulations also define:

- **Assessment data** – data that was collected during the preparation and issuing of an energy performance certificate and property report
- **Energy performance data** –the information needed to produce an energy performance certificate or a property report

[8] Green Deal: energy saving for your home: Moving into a property with a Green Deal - GOV.UK

The purpose(s) of the processing

Energy Performance of Buildings Regulations

The data is processed for the purpose of generating an EPC when required to do so by the regulations, and for the purpose of maintaining a publicly-accessible Register of EPCs when they are lodged.

Other uses of EPCs

Production of a valid EPC may be required to gain access to Scottish Government or UK Government funding programmes. The private sector may require an EPC, for example, finance providers may offer certain products based upon a property demonstrating that it has achieved a particular EPC rating. Government programmes or third parties using any EPC data must do so in accordance with all relevant data protection legislation.

EPC Data Sharing

Regulations 16 – 20 provide for the sharing of EPC data. The regulations have a general presumption in favour of release of the data used in the preparation of an EPC and Property Report, with specific exclusions to prevent the release of personal data, or data relating to excluded properties.

We want to ensure that publicly-accessible EPC data (i.e. lodgement data from the EPC Register) can be shared widely. This is to help to support the Scottish Government's wider strategic priorities of:

- **Tackling the climate emergency** by investing in green energy and infrastructure, since introducing the new EPC rating system will ensure that consumers have better information on the steps they can make to improve their property for net zero through investment in clean heating and energy efficiency; and the new operational framework will ensure higher quality EPC assessments that consumers can trust; these reforms will underpin proposed regulatory standards that will drive emissions reduction through decarbonisation of heating; and
- **Eradicating child poverty**, since the new EPC rating system will directly assess the contribution that poor energy efficiency makes towards fuel poverty specifically, and child poverty more widely, helping to inform the Scottish Government's statutory fuel poverty strategy and to better-target government programmes and funding towards improving those properties which are hardest to heat.

Sharing the EPC data will enable more efficient delivery of the Scottish Government's Heat in Buildings programme, and other initiatives that support our policy aims of improving the energy efficiency and decarbonising the heating systems of the building stock in Scotland. These include:

- Promoting energy efficiency improvements and decarbonisation of heat in buildings.
- Enabling analysis and research in relation to the energy efficiency of buildings.

- Informed analysis of government targets and activities and underpinning other programmes.
- Identifying geographic areas where the energy efficiency of buildings is low relative to other areas, or conducting research into the extent, causes or consequences of such lower levels of efficiency.
- Identifying and analysing the impact of carbon emissions on the environment resulting from buildings
- Conducting research, carrying out statistical analysis or providing information in respect of the characteristics of buildings or building units.

Data controllers and data processors/sub processors

Data controllers

Organisation: The Scottish Government

Activities:

- Determine EPC Regulations. Regulations make clear only personal data included on an actual EPC and Property Report is the assessor details.
- Regulations are explicit that no personal details are to be included in publicly available extract of the EPC data.

Is the organisation a public authority or body as set out in Part 2, Chapter 2, Section 7 of the Data Protection Act 2018?

- Yes

Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 6 for the collection and sharing of personal data – general processing.

- Building owners required by the Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026,**to provide a valid EPC to prospective owners/tenant when selling/letting a property, when a property is constructed, or when required to be displayed (for large public buildings).
- Lodgement data gathered by assessors, to be provided to the EPC Register, allowing it to generate an EPC which then must be stored and publicly accessible.

Lawful basis for processing under UK General Data Protection Regulation (UK GDPR) Article 9 – special category data or Article 10 – criminal convictions data. Include condition from Schedule 1 or 2 of the Data Protection Act 2018.

- No special category data received and processed.

Law enforcement – if any law enforcement processing will take place – lawful basis for processing under Part 3 of the Data Protection Act 2018.

- Regulation 20 requires the Keeper of the EPC Register to disclose energy performance data to an enforcement authority for the purposes of their duty to enforce the regulations.
- Regulation 21 allows the Scottish Ministers to appoint themselves as an enforcement authority for the purposes of the regulations.
- Although not currently planned, if this option is taken up the requirements of Part 3 of the Data Protection Act 2018 in relation to law enforcement processing will be fully considered and complied with, and this DPIA updated.

Legal gateway for any sharing of personal data between organisations

- The Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026**.

Data processors and sub processors

Organisation: Ministry of Housing, Communities and Local Government, UK Government.
Activity: Manage the EPC register and the Energy Calculation as a Service to process EPC lodgement data.

Organisation: Assessors.
Activity: Assessors are accredited by Approved Organisations and complete on- site surveys of buildings. Assessors are governed by regulations.

Organisation: Approved Organisations
Activity: Approved Organisations accredit energy assessors and are approved by Scottish Ministers. Approved Organisations must adhere to the Operational Framework and ensure their members, and their members work, meets required standards.

Organisation: Local Authorities
Activity: Every local authority is an enforcement authority for the purposes of these regulations.

Data flows

The data flow is indicated by the fields below moving from the 'Building owner' and resulting in 'Bulk data'.

Building owner

- Valid EPC required by regulations when:
- Selling or letting a property
- Completing a newly constructed building
- Displaying it publicly as part of ongoing

Accredited assessor

- Commissioned to complete on-site survey and will collect property information (lodgement data)
- Retains records of pre-lodgement data (such as photographic evidence) for purposes of

Data Lodged

- The building information that is collected is lodged on the EPC register

Owner/ prospective owner or tenant

- Users can retrieve the EPC from the Scottish EPC register

Bulk data

- Public data extract of EPC data is provided by the Scottish Government.
- Does not include assessor name
- Does not include Green deal information

Stakeholder analysis and consultation

Stakeholders

Group: Owners/Landlords **Interest:** Required by regulations to provide an EPC to prospective buyers/tenants
Group: Current/prospective homeowners/tenants **Interest:** Can review EPC before deciding to purchase/rent a property. Will inform them of the energy efficiency of the property
Group: EPC Assessors **Interest:** Complete an on-site survey to create an EPC
Group: AOs **Interest:** Accredited EPC assessors and complete audits of their work. AOs may also offer other retrofit services.
Group: Housing Authorities **Interest:** EPC data of interest to assist with stock modelling and requirement to provide EPCs to prospective tenants
Group: Local Authorities **Interest:** Enforcement Authority for EPB regulations
Group: Finance providers / Mortgage lenders **Interest:** May have interest in providing products based on EPC ratings
Group: Academics studying energy efficiency and decarbonisation **Interest:** Interest in modelling housing stock, decarbonisation, energy efficiency and policy analysis
Group: Retrofit professionals and supply chains **Interest:** Interest in provided energy efficiency and heat decarbonisation products/services
Group: Estate agents, letting agents and legal professionals **Interest:** Requirement to ensure that valid EPC is being made available to prospective owners and tenants.
Group: Scottish and UK Government Policy teams **Interest:** Policy analysis

Method used to consult with these groups when making the DPIA

To date, three public consultations on EPC reform have been held:

- Domestic Energy Performance Certificates (EPC) reform: consultation (2021)
- Energy Performance Certificate (EPC) reform: consultation (2023)

- Energy Performance Certificate reform – lodgement fees and penalty charges: technical consultation (2025)

During these consultations, a series of public and stakeholder workshops were held which were well-attended. Extensive external engagement with impacted individuals and sectors has also been ongoing throughout this reform programme.

To support our work, an External Reference Group (ERG) and subgroup of the Scottish Government's Heat in Buildings Strategic Advisory Group (SAG) were set up to provide external, expert input.

We have engaged with relevant organisations as part of our consultation process.

- Energy assessors.
- Approved Organisations who are responsible for accrediting and auditing assessors.
- Retrofit assessors and installers.
- Consumers including domestic and non-domestic building owners, tenants and users.
- Local authorities, Housing Associations and Registered Social Landlords (RSLs).
- Mortgage lenders and property sales/ lettings agents.
- Those responsible for large building estates such as universities, regional health providers and private companies who have interests in this area.
- Data and statistics organisations that make use of bulk EPC data to develop sophisticated tools and services for the building and banking sectors.

We have also engaged with the Information Commissioner's Office (ICO) in advance of laying these regulations as required by Article 36(4) of the General Data Protection Regulation. Government Departments and relevant public sector bodies are required to consult with the ICO when developing policy proposals relating to the processing of personal data.

Data protection issues identified by these groups during consultation

As part of the consultation process and development of EPC reform proposals no data protection issues have been identified. The ICO have also not identified issues at this time.

The Scottish Government will work closely with the UK Government to ensure data sharing provisions align where possible, given that many users of EPC data operate across all of the UK – for example, government schemes, finance providers, estate agents and researchers.

Method used to communicate the outcomes of the DPIA

This DPIA is published alongside The Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026,**and other associated Impact Assessments and will be subject to ongoing reviews to ensure it is fit for purpose.

Questions to identify data protection issues

Necessity, Proportionality and Justification

No personal data about the building owner is sent to the EPC Register.

EPCs are required by regulations and are a long-established feature of the property market, and provide information about the energy efficiency and emissions of a building. EPCs must be provided:

- When a building is advertised for sale or for let to a new tenant.
- On completion of construction of a new building.
- Displayed in certain buildings visited by the public:
    - Over 250 square metres and occupied by public authority;
    - Over 500 square metres and where a valid EPC exists.

Assessor information is stored on the EPC Register for the purpose of administering the Regulations.

Data collected for the purpose of completing EPC assessments is determined by a methodology of calculation that is approved by Scottish Ministers. This ensures that data is collected consistently and proportionately in relation to the legal requirement to ensure that a valid EPC is provided in the circumstances set out in the Regulations. The data collected and the methodology used to calculate and generate an EPC under the Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026,** (the Home Energy Model) follows largely the same approach as that adopted by the UK Government in England and Wales.

Involvement of multiple organisations

Current and prospective owners and tenants of buildings can use EPC data to help understand their building's energy performance characteristics. EPC data can be used by local authorities as the enforcement authorities under the Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026**.

EPC data is used by Approved Organisations in the management of assessors.

The public extracts on our statistics platform are available to download to support the improvement of building energy efficiency through research and analysis - in line with the uses set out in the Regulations.

Anonymity and pseudonymity

Assessor Names are removed from publicly available extracts downloads of bulk datasets.

Green Deal information is not included in public downloads of bulk datasets.

Technology

Publicly available EPC data is published in CSV and Excel format and there are no restrictions or technical mechanisms that prevent anyone from accessing and further processing this data.

Identification methods

Every EPC has a unique Report Reference Number.

Sensitive/Special Category personal data – including biometric data

Not applicable, no special category data is collected or stored on the EPC Register.

Children or other vulnerable data subjects (people)

An EPC must not contain any information (except for the address of the building) from which a living individual, other than the energy assessors, can be identified. In the case of non-domestic EPCs it may be possible to identify the organisation that owns or occupies the building from the address. The published EPC data includes the full postal address, which may include an organisation name associated with a building and so organisation that owns or occupies the building from the address. It may be possible to identify buildings occupied by children and vulnerable groups from the published data where this information is included in a building address. It should not be possible to identify any individual from the data.

Data matching or linkage

Not applicable.

Changes to data handling procedures

Not applicable.

Statutory exemptions/protection

Not applicable.

Automated decision making or profiling

Not applicable.

Other risks

Not applicable.

UK General Data Protection Regulation (UK GDPR) principles

The UK GDPR has seven key principles, and provisions within the Articles that must be considered.

Principle 7.1 Principle 1
Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
Description of how you have complied
The Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026** – which creates the legal requirement for an EPC to be made available, in certain circumstances and requires that organisations that accredit and audit EPC assessors must be approved by the Scottish Ministers.

Principle 7.2 Principle 2
Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
Description of how you have complied
The Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026** require that an EPC must not contain any information or data from which a living individual (other than the person issuing it or that person's employer) can be identified and that for public extracts of the EPC data that any information or data from which a living individual can be identified must not be published.

Principle 7.3 Principle 3
Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
Description of how you have complied
Only relevant data is collected for the purpose of the Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026**. The data collected is defined in the calculation methodology that must be approved by Scottish Ministers.

Principle 7.4 Principle 4
Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay.
Description of how you have complied
Assessors' contact information is stored on the Register and is managed and kept up to date by Approved Organisations.

Principle 7.5 Principle 5
Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
Description of how you have complied
EPC register data kept for at least 10 years

Principle 7.6 UK GDPR Articles 12-22 – data subject rights
Description of how you have complied
The regulations allow EPC data to be shared. If an EPC is determined to be incorrect through audit, this should be superseded by an updated EPC. An incorrect EPC is marked not for issue. There is no opt-out of EPC data in Scotland.

Principle 7.7 Principle 6
Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisation measures ("integrity and confidentiality")
Description of how you have complied
The Keeper of the EPC register is appointed by Scottish ministers and data must be held on secure servers.

Principle 7.8 Transfer of personal data outside of the UK
Description of how you have complied
EPCs are accessed through the Scottish EPC website and public extracts through the Scottish Government's statistic website. This can be accessed by anyone with internet access. No personal data is shared on public extracts. No Green Deal data is shared on public extracts. On an actual EPC, the assessor's name is included.

Data protection risks identified, likelihood, impact, severity score, solutions or mitigation controls proposed and residual risk

Risk Directing Marketing
Detail Risk of published EPC data being combined with other publicly available datasets to identify a person(s).
Likelihood Possible
Impact Low
Mitigations The Regulations do not allow for personal details of building owners or tenants to be included on an EPC. When accessing EPC data users will be required to sign-up to terms and conditions of use and licensing conditions which will make it clear that this type of use is prohibited.

Risk Property Security
Detail Publication of some features of a property such as its wall construction or external window specification could, theoretically, increase the threat of burglary for some properties where it is linked to an address.
Likelihood Low
Impact Very High
Mitigations No link has been identified between the release of Scottish EPC data and burglaries. Images of many properties are already viewable online for example at Google Street View or through sites offering buildings for sale or let.

Risk assessment matrix

Risk Profile	Rare likelihood	Low likelihood	Medium likelihood	High likelihood	Very high likelihood
Very high impact	50	100	150	200	250
High impact	25	50	75	100	125
Medium impact	10	20	30	40	50
Low impact	5	10	15	20	25
Negligible impact	1	2	3	4	5

Definitions

Remote: 1
Likelihood: Can't believe this would happen – will only happen in exceptional circumstances (5-10 years)

Unlikely: 2
Likelihood: Not expected to happen but definite potential exists (2-5 years)

Possible: 3
Likelihood: May occur occasionally, has happened before on occasions – reasonable chance of occurring (annually)

Likely: 4
Likelihood: Strong possibility that this could occur – likely to occur (quarterly)

Almost certain: 5
Likelihood: This is expected to occur frequently, in most circumstances – more likely to occur than not (daily/ weekly/ monthly)

Negligible: 1
Impact: No real impact on individuals

Low: 5
Impact: Minor impact on individuals – minor distress or inconvenience

Medium: 10
Impact: Moderate impact on individuals

High: 25
Impact: Significant impact on individuals

Very high: 50

Impact: Extreme impact on individuals – risk to life or personal safety, serious financial impacts

Data Protection Officer (DPO) advice

1) This Data Protection Impact Assessment will be reviewed and updated as necessary, to reflect any changes to the processing of personal data.

2) Purpose of the Data Protection Impact Assessment

   To ensure that the processing of EPC data, and any subsequently published EPC data, is compliant with General Data Protection Regulation (GDPR), and the Data Protection Act 2018.

   Information collected and published for Energy Performance Certificates does not include personal data. However, Scottish Government has undertaken this DPIA as the EPC data is published, and therefore publicly available. EPC data could be combined with other publicly available datasets (e.g. Electoral Register), to disclose information relating to the individual.

   EPC data is collected under public task, and publication is necessary to perform a task in the public interest. Any third party that acquires published EPC data must process the data in accordance with data protection legislation.

Policy sign off

Originally developed:	July	2023 – December	2023
Refresh conducted:	January	2024 – March	2024
Final DPIA produced:	October	2024 – October	2025
IA statement update:	August	2026	

Title of policy: The Energy Performance of Buildings (Scotland) Regulations 2025, **as amended by the Energy Performance of Buildings (Scotland) Amendment Regulations 2026**

Directorate: Energy & Climate Change

Division: Heat in Buildings Policy & Regulation

Team: Heat in Buildings Assessment Unit

DPIA authorised by: Jess Niven, Interim Deputy Director, Heat in Buildings Division

Minister responsible: : Stephen Gethins MSP, Minister for Europe, External Affairs and Energy

Date DPIA team first contacted: July 2023

Date: 24 August 2026

This impact assessment should be read in conjunction with the full suite of assessments on Energy Performance Certificate Reform 2025.

Scottish Government
Riaghaltas na h-Alba

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