

# THE EU DATA PROTECTION REFORM STRENGTHENS CITIZENS' RIGHTS

## What does it mean for ExcEED's database on buildings' energy performance?

January 2018

The EU-funded project ExcEED will establish a “European Energy Efficient Building District Database” to gather a diverse range of data and enable anonymised benchmarking on the energy performance of buildings. Data will be collected from monitoring systems, building managers, public authorities, and other European databases and projects.

While recognising the need for reliable data to drive informed policy decisions and their implementation, the changing nature of data flows raises privacy concerns. Individuals need to retain effective control over their personal data – as a fundamental right – on any information pertaining to the homes they live in or their places of employment. Initiatives looking to collect data on the energy performance of buildings to inform the decisions of policy-makers, designers, building managers and so on must, as a result, consider safeguards to ensure data privacy.

To cope with this fast-changing digital environment, the European Union has committed to ensure continuity of data protection by implementing new future-proof, technologically-neutral regulations. Thus, the [EU General Data Protection Regulation](#) (GDPR) comes into play. As the most important change in data privacy regulation in two decades, the GDPR aligns existing rules with technological developments.

The aim of the GDPR is to protect all EU citizens from privacy and data breaches. These new regulations will be enforced from 25<sup>th</sup> May 2018. As ExcEED, but also all other projects/initiatives that deal with data on the energy performance of buildings, must implement the new rules, some main changes are highlighted in this factsheet.

Although the key principles of data privacy still hold true to the previous EU regulations, there are some key new aspects:

### ● Increased Territorial Scope (extra-territorial applicability)

In light of the appearance and greater use of cloud computing, more data is stored in remote computer server farms instead of personal computers. Thus, the GDPR gained an increased jurisdiction. In short, if a company located outside the EU is processing the personal data of EU citizens, it will be subject to the GDPR.

### ● Penalties

Organisations in breach of the GDPR can be fined up to 4% of annual global turnover or €20 Million (whichever is greater). This is a maximum fine for serious breaches and these rules apply also to ‘clouds’.



## Consent

This is an important change for consumers, as companies are now required to ask for consent in an intelligible and easily-accessible form, using clear and plain language. It must be as easy to withdraw consent as it is to give it. According to a survey (Special Eurobarometer, 431 – Data protection, June 2015), 69% of people say their explicit approval should be required in all cases before their data is collected and processed. ExcEED will ask for consent by means of a clear affirmative action when processing data. The comprehension of users will be paramount, thus ExcEED will avoid long illegible terms and conditions full of legal jargon.

## Breach Notification

The GDPR also states that data processors and controllers will have to notify the concerned authorities and individuals in case a breach is likely to “result in a risk for the rights and freedoms of individuals”, under the risk of penalty. This should be done within 72 hours whenever possible if data is accidentally or unlawfully destroyed, lost, altered, accessed by or disclosed to unauthorised persons.

There have been instances (i.e. in April 2011, a high-profile security breach at a technology company compromised the accounts of 77 Million customers) when these notifications were delayed and the security of private information was seriously damaged. Thus, ExcEED believes this is a key requirement and, in addition to using all available resources to prevent data breaches, it will ensure that notifications are made shiftily driven by automated monitoring and testing of sensitive conditions.

## Right to Access

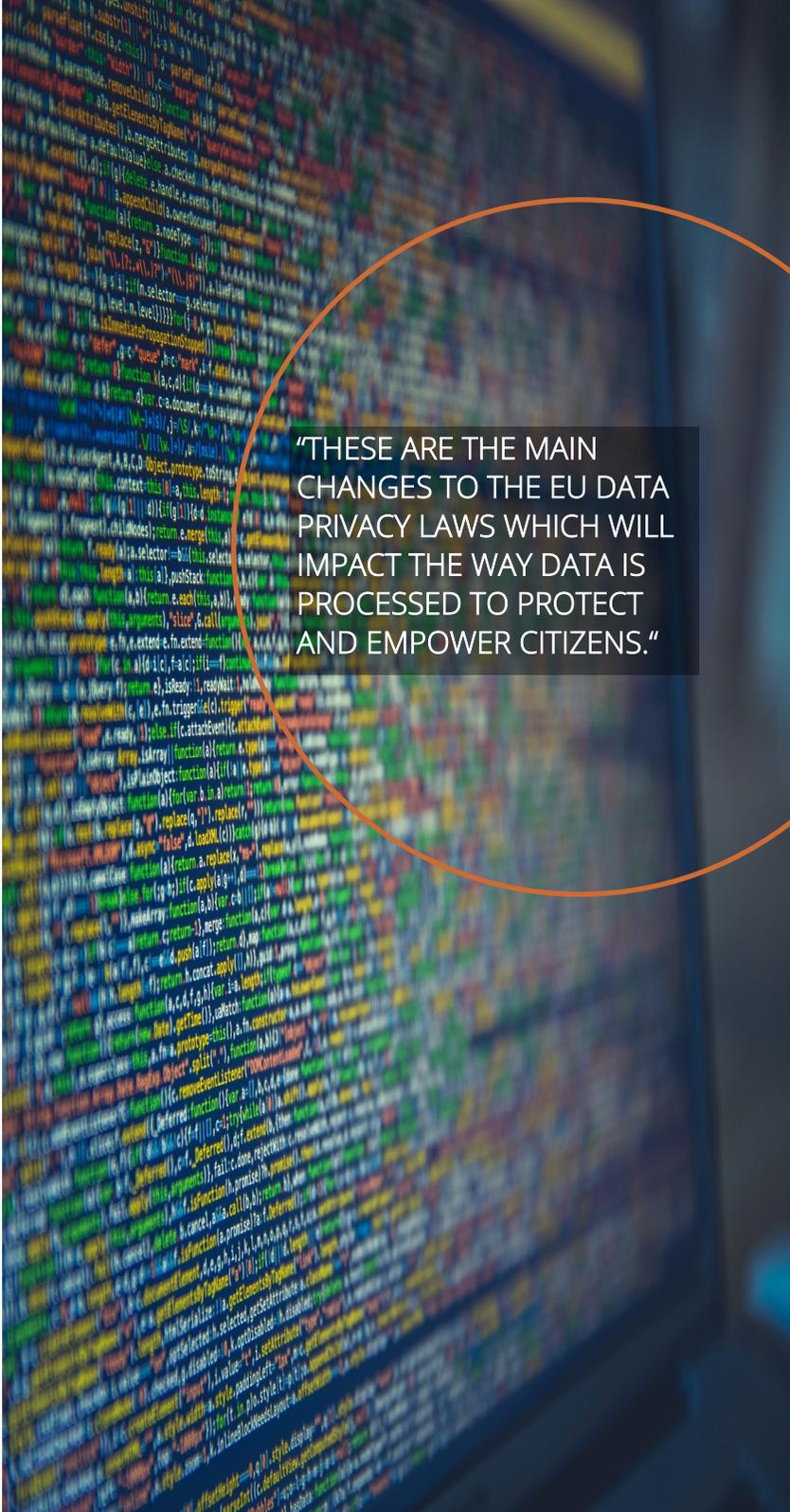
Consumers will also have more access to their data. The GDPR now empowers them to request information on whether data about them is being processed, where and for what purpose. They can also request, free of charge, a digital copy of their personal data. With ExcEED, users will have a personal account in the database, which will give them full control over the data they share and export features.

## Right to be Forgotten

As a step further, the right to be forgotten entitles the consumer/user to have their personal data deleted from databases, and stop its dissemination and processing by third parties. If the processor has no legitimate reason to keep the data, it will be erased. ExcEED will subscribe to this rule and make it easy for users to delete data from their personal accounts or simply delete the account itself if they so choose. Users will also be able to download the data sets they input into the ExcEED database before deletion.

## Privacy by Design

The GDPR also transforms the already-existing ‘privacy by design’ concept into a legal requirement. This means that from the inception phase of a database, data protection must be a core requirement rather than a subsequent addition or an after-thought. Since the ExcEED project was kicked off after the decision upon the GDPR, the database is well placed to follow the ‘data protection by default’ principle. With its privacy-friendly default settings, the ExcEED database will be a good example for other systems dealing with data on the energy performance of buildings.



“THESE ARE THE MAIN CHANGES TO THE EU DATA PRIVACY LAWS WHICH WILL IMPACT THE WAY DATA IS PROCESSED TO PROTECT AND EMPOWER CITIZENS.”

These are the main changes to the EU data privacy laws which will impact the way data is processed to protect and empower citizens.

The ExcEED project is currently working on developing its European database for measured and qualitative data on beyond the state-of-the-art buildings and districts (available from mid-2018). The consortium considers data privacy of paramount importance. ExcEED will appoint a Data Protection Officer (also a requirement of the GDPR) who will be responsible for ensuring that personal data is always secure and making sure that the cloud provider and the ExcEED platform have taken "appropriate security measures against unauthorised access to, processing or unauthorised alteration, disclosure or destruction of the data". A data management plan describing the life cycle for the data to be collected, processed and/or generated within ExcEED has been developed.



"THE CONSORTIUM  
CONSIDERS DATA PRIVACY  
OF PARAMOUNT  
IMPORTANCE."

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 **group: ExcEED - Knowledge sharing  
on buildings data**



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