



Panda Power Customer Privacy Notice

Re: Transfer of Residential Panda Power Ltd Customers to New Data Controller from Panda Power Ltd to ESB/ Electric Ireland and Bord Gáis Energy (Companies Registration Office No: 527552) (together referred to as “The Parties”) is the Data Controller company in respect of Panda Power Ltd

27th September 2022

Dear Panda Power Customer

Re Panda Power Ltd Market Exit under CRU Regulations and subsequent Migration of Customer Data

In accordance with National and European Data Protection Laws, specifically the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2018, the purpose of this Privacy Notice is to inform you of a change in Data Controller entity due to an upcoming migration of customer data sets, following the decision by the Board of Directors at Panda Power Ltd to reluctantly exit the electricity and gas market in Ireland. The Supplier of the Last Resort (SoLR) procedure comes into effect, meaning Panda Powers who don't choose to opt for another provider will automatically be serviced by Electric Ireland (electricity) and/or Bord Gáis Energy (Gas.)

What is the Supplier of Last Resort (SoLR)?

If an energy supplier exits the market, The Commission for Regulation of Utilities (CRU) has the power to take action to ensure affected customers are guaranteed continuity of supply and their rights are fully protected. The CRU will initiate the “Supplier of Last Resort” procedure. Under this procedure Electric Ireland is obliged to accept the transfer of all remaining Panda Power electricity customers in order to ensure their supply is not interrupted. Gas customers will be moved to Bord Gáis Energy.

Data Controller

In GDPR terms, the organisation who will determine the means and purpose of the processing (in this case Panda Utility services) and acting as the custodian of your personal details, is known as the “Data Controller.” This asset transfer results in a change to who controls your personal data, when providing your Energy services. This will facilitate your entry onto Electric Ireland and/or Bord Gáis Energy working database systems, depending on whether you have been a Panda Power electricity customer, gas customer or both.

The Parties

All below mentioned Parties are dedicated to offering you as much transparency as possible regarding this process. The



Data Controller: Panda Power Limited (CRO number 529870 (Data Transferor))

New Data Controller Organisations under the SoLR process: (Data Transferees) ESB Group (includes Electric Ireland)

(BORD GÁIS ENERGY LIMITED) CRO Reg. Number 463078

GDPR Legal Basis for the Transfer

Electricity Regulator Commission for Regulation of Utilities (CRU) prescribes a course of action and indeed the transfers of customer data in the event of a winding up, so naturally legal basis for the Supplier of the Last Resort (SoLR) procedure would be legal obligation:

The Article 6(1) (c) GDPR processing is necessary for compliance with a legal obligation to which the controller is subject, in line with the direction of the Commission for the Regulation of Utilities in Ireland (CRU Regulations). The CRU Suppliers Handbook 2022 (Section 11.2.2) also outlines this legal obligation for Controllers to follow as part of the Supplier of the Last Resort (SoLR) procedure.

Panda Power employs a full-time dedicated Privacy Officer who is responsible for overseeing any questions in relation to this privacy notice. If you have any questions about this divestment of assets privacy notice, please contact the Privacy Officer using the details set out below. Your privacy rights are very important to us and we are happy to answer any privacy related queries that may arise about your data.

CONTACT DETAILS

Privacy Officer

Panda Head Office

Ballymount Road Lower

Dublin 24 E097

Co Dublin

Privacy.Officer@pandagreen.ie

Security

The Parties will use all reasonable endeavours to ensure that there are the necessary technical security controls around any customer data/ other personal data that is shared before or after the change in Data Controller entity. Please rest assured that both parties will ensure that the technical conditions are firmly in place to securely transfer any customer data. This has been carefully assessed beforehand by a team of IT experts.

Data security will be periodically assessed by the Privacy Officer and Information Security Officer within the Parties. The Panda Group Privacy Officer will conduct a thorough Data Protection Impact Assessment (Article 35 GDPR) to carefully mitigate any Data Protection & GDPR risks prior to the asset transfer taking place.

Chapter III GDPR Individual Rights



Individuals may avail of GDPR Chapter III individual rights by making requests to the Panda Group Privacy Officer via the above address. This applies to Panda Utility services and the Panda Group Privacy Officer will action requests and/or happily answer any queries you might have about this process. Please direct any queries to Privacy.Officer@pandagreen.ie. Panda Power will endeavour to action individual rights requests as fully as possible, whilst also fulfilling its own legal retention obligations as a Data Controller.

Third Party Data Sharing

As part of the SoLR, Panda is obliged to share your personal data with the parties set out below for the purposes set out above as part of the CRU regulated SoLR process. This data sharing will be strictly limited to relevant and necessary third parties who help us achieve the purpose of the processing in each case. Each third-party relationship is governed strictly in accordance with Irish and European data protection laws and in line with a data protection specific contract.

Data Retention

We will only retain your personal data for as long as necessary to fulfil the specific purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

The GDPR lawful basis for this type of limited and minimised data retention is Article 6 (1) c – *“processing is necessary for compliance with a legal obligation to which the controller is subject.”*

Customers will have until 31st December 2022 to request a copy of their Panda Power customer portal details, for the purposes of their customer journey audit trail and personal convenience. After this date all customer details will be removed from our systems. We may retain a limited and minimised amount of customer details for the purposes of resolving credit control issues and outstanding payments and this customer data will also be removed/ erased once the account has been cleared and outstanding debt issues resolved. The GDPR basis Panda Power relies on for this retention is Article 6 (1) (f) *“processing is necessary for the purposes of the legitimate interests pursued by the controller.”* Panda Power Ltd views this as reasonable and proportionate.

Glossary

Article 6 GDPR- Lawful Grounds for Processing Data

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. This balancing process is conducted by the Panda Privacy Officer in the form of a “legitimate interests’ assessment.” We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting the Panda Group Privacy Officer (contact details below.)

Complying with a Legal or Regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that Panda is legally obliged to follow and comply with by law.



As mentioned, for any queries on any of the above Data Protection and GDPR content, please contact the Panda Power Privacy Officer at Privacy.Officer@Pandagreen.ie and we are happy to help.

If you have any further general queries concerning the SoLR process, our customer care team can be contacted:

Online: www.panda.ie

Email: customercare.energy@panda.ie

Phone: 01 829 8989

Best Regards,

The Panda Team

27.09.2022