



## **GUIDANCE ON THE IMPLEMENTATION OF THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2016 IN ENGLAND AND THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2010 (as amended) IN WALES**

### **The Regulations**

#### **Part 9 – Records and Information; Enforcement**

#### **Part 11 - Enforcement**

#### **Regulation 34: Maintenance of records**

#### **Regulation 35: Provision of information**

#### **Regulation 38: Contraventions by relevant suppliers**

#### **DOCUMENT CONTROL**

The only controlled version of this document can be accessed on the DWI Website – <http://www.dwi.gov.uk/stakeholders/guidance-and-codes-of-practice/wswq/index.html>  
Printed copies of this document, together with electronic copies held on local computers and other storage devices are uncontrolled.

## PART 9 – RECORDS AND INFORMATION

### Regulation 34 – Maintenance of records

- 34.1 Regulation 34(1) details the information that water suppliers and retail service providers must record and make available to the public on request. The public record may be in hard copy or electronic format. The entries for the results of compliance analysis should be reported in the units of the Regulations.
- 34.2 The following paragraphs apply only in England:
- 34.2.1 Regulation 34(1)(g) introduces a duty on water suppliers to store for five years data from electronic monitoring, where this is carried out for regulatory purposes. This covers data from on-line water quality monitors at critical water treatment works' control points where the monitor is used to ensure that water supplied is wholesome. This includes, for example, chlorine analysers for final disinfection; final water turbidity monitors and turbidity monitors upstream of UV treatment where the UV is used for disinfection. It also includes non-quality data used to make decisions that affect water quality, for example flow where it is used to inform treatment decisions such as chlorine contact or UV dose.
- 34.2.2 Regulation 34(1)(h) introduces a duty on water suppliers to retain particulars of contacts from consumers about drinking water quality for five years. This covers contacts where the consumer is dissatisfied with or concerned about the quality of drinking water, and covers all contacts made in connection with drinking water quality events. This includes written and verbal contacts and contacts seeking operational information that relates to drinking water quality. It includes emails, letters, faxes, telephone contacts, text messages and social media contacts where the consumer is making a complaint about water quality or is seeking information about a water quality concern. It also includes recordings made of telephone contacts.
- 34.2.3 Consumer requests for information about fluoride content and hardness are excluded from the requirements.
- 34.2.4 Information retained in respect of regulations 34(1)(g) and 34(1)(h) may be retained in summarised form after a period of 12 months. Data that takes up large amounts of electronic memory may be retained in summarised form after 6 months.
- 34.2.5 Where data and information are associated with an event notifiable to the Inspectorate under the requirements of Paragraph 9 of the Water Industry (Suppliers' Information) Direction 2017, the data and information should be retained in its original format until the event has been signed off by the Inspectorate (i.e. the final event assessment letter has been issued), up to a maximum period of 5 years. These provisions are on condition that the event has been reported to the Inspectorate as required by the Information Direction. If such an event has not been reported to the Inspectorate (which would be a breach of a supplier's statutory duty under section 202 of the Act), then all relevant data shall be retained for a minimum period of 5 years.
- 34.3 Regulation 34(2) places duties on retail service providers to maintain a public record, and it details the information that retailers must include in that record. A water supplier holds the primary public record, and retailers should ensure that they obtain relevant

information from wholesale suppliers in order to maintain their own public record, and make the applicable information available to their own customers on request.

- 34.4 Regulation 34(5) requires that records are reviewed and updated every year.
- 34.5 Regulation 34(6)(a) requires that records containing details of water supply zones, including zone names, the names of treatment works, service reservoirs and supply points supplying the zones, the results of samples taken under the requirements of Part 4 of the Regulations, and the results of samples taken in accordance with regulations 12 to 14, 17 and 28 [29], must all be kept for a minimum period of 30 years after the date that an item of data or information was first entered into the record. This applies to undertakers, inset appointees, combined licensees and retail licensees.
- 34.6 Regulation 34(6)(a) requires that all other records referred to in regulations 34(1) and 34(2) are kept for a minimum period of 5 years after the date that an item of data or information was first entered into the record.

### **Regulation 35 – Provision of information**

- 35.1 Regulation 35(1) requires a company to send any person a copy of the regulation 34 record within 7 days of receipt of a request. This allows a company to provide public record information either by post, email or through their website. If the person requesting information relating to a specific water supply zone (including treatment works and reservoirs supplying the zone) is supplied with water from that zone, then the information must be provided free of charge. For all other information requests a reasonable charge may be made. Regulation 35(1) does not require the names and addresses of consumers to be provided to members of the public, since this would be a breach of the Data Protection Act 1998.
- 35.2 Regulation 35(5) requires the company to notify consumers of their rights under regulation 35(1) every year through the billing process
- 35.3 Regulation 35 paragraphs (1) to (5) apply to undertakers, inset appointees, combined licensees and retail-only companies.
- 35.4 Regulation 35(6) requires that any event affecting the quality of drinking water supplies that is likely to give rise to a significant risk to health must be reported, as soon as possible, to the Inspectorate and every appropriate local authority, Public Health England, and/or if the area supplied is in Wales, the equivalent Welsh authorities. This regulation forms the basis of the event reporting requirements, clarified by paragraph 9 of the Water Industry (Suppliers' Information) Direction 2017. Companies are expected to keep their contact arrangements with external organisations under continual review, particularly in respect of 24 hour (out of hours) contact details.
- 35.5 In the context of discussing matters relating to drinking water quality it should be kept in mind that the nature of these communications will involve the exchange and interpretation of technical information. Therefore these communications are most effective when they are conducted between professionals – for example a public health consultant and a senior public health or water quality scientist for the water company. Further guidance is also given in the joint DWI/HPA publication: [Drinking water safety - a guide to health for water professionals](#) on the Inspectorate's website. If a water company is concerned about the public health communications during any notified event they should seek assistance from the Inspectorate.

35.6 Companies should bear in mind that the role of the Inspectorate in any event which threatens to become an emergency is the appointed technical advisor to the Secretary of State and Welsh Ministers.

## **PART 11 – ENFORCEMENT**

### **Regulation 38 - Contraventions by relevant suppliers**

38.1 Regulation 38 confirms that any duty on a water company conferred by Parts 4 to 9 of the Regulations is enforceable under section 18 of the Water Industry Act 1991. Refer also to the Inspectorate's [Enforcement Policy](#) available on the DWI website.

**Revision notes:**

<b>Version</b>	<b>Revision</b>	<b>Date</b>
1.0	First major version covering the 2016 Regulations	July 2016
1.1	Typing error in para 34.2.1; Updated for 2017 Information Direction. CCDC replaced with public health consultant in para 35.5. Para 34.1 companies changed to water suppliers and retail service providers. Para 34.3 retail service providers replaces holders of retail licenses and authorisations	April 2017
1.2		
1.3		
1.4		
1.5		