



## **GUIDANCE ON THE IMPLEMENTATION OF THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2016 (as amended) IN ENGLAND AND THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2018 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**

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## **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 specified in the Regulations.
- 34.2 Regulation 34(1)(g) requires water suppliers to store the last five years of 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. It 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.
- 34.3 Regulation 34(1)(h) requires 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 all contacts made in connection with drinking water quality events. It 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.
- 34.3 Consumer requests for information about fluoride content and hardness are not included in the scope of these requirements.
- 34.4 The Inspectorate considers that 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.
- 34.5 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, 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. This is 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.
- 34.6 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.

- 34.7 The Water Act 2014 (Consequential Amendments etc.) Order 2017 established clause 34(2)(ca), which requires holders of retail authorisations in England 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. These requirements do not apply in Wales.
- 34.8 The Inspectorate considers that information retained by retailers in respect of regulations 34(2) 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
- 34.9 Retail service providers should ensure that they have robust arrangements in place with their wholesalers to ensure that consumers contacting the retailer about a drinking water quality concern are appropriately redirected to the relevant wholesale supplier. Retailers should also ensure that they have systems in place to ensure that clusters of consumer contacts about a concern are recognised, and that the relevant wholesaler is informed immediately.
- 34.10 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 [11 to 13], 17 and 28, 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.
- 34.11 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 the relevant supplier to send any person a copy of the regulation 34 record within 7 days of receipt of a request. This allows a supplier or retail service provider to provide public record information either by post, email or via 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 levied. The relevant provisions of the Data Protection Act 1998 and the General Data Protection Regulation 2018 apply.
- 35.2 Regulation 35(5) requires the relevant supplier to notify consumers of their right to the records in regulation 35(1) every year through the billing process.
- 35.3 Regulation 35 paragraphs (1) to (5) apply to licensed water suppliers (undertakers, inset appointees and other holders of water supply license authorisations) and retail-only companies.

- 35.4 Regulation 35(6) requires water suppliers to report drinking water quality events to the Inspectorate. 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, UK Health Security Agency (UKHSA), 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 Information Direction. 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 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, in any event which threatens to become an emergency, the Inspectorate 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 supplier 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:**

| Version | Revision  | Date           |
|---------|---|----------------|
| 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     |
| 2.0     | Updated following publication of the 2018 amendment regulations in England and the amended 2018 Welsh Regulations.  | September 2018 |
| 3.0     | New version following UK's exit from the European Union. (Note – the whole set has been re-issued as version 3.0 following EU exit).  | April 2020     |
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