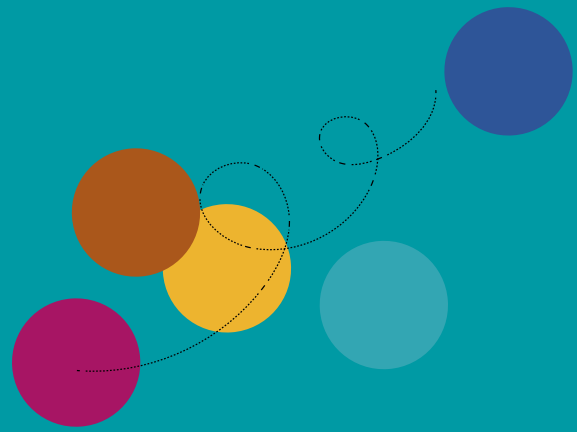




**NORWICH**  
City Council



# Minimum Energy Efficiency Standards (MEES) Policy



# Minimum Energy Efficiency Standards Policy

Title	Minimum Energy Efficiency Standards (MEES) Policy
Owner	PSH & HMO Enforcement Manager
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## Relevant legislation or regulation

- The Private Sector Housing Regulation and Compliance Framework
- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (SI 962/2015)
- Housing Act 2004 – particularly sections on HHSRS and Category 1 hazards
- Housing and Planning Act 2016 – civil penalty powers
- Equality Act 2010 – Public Sector Equality Duty
- Building Regulations Part L – energy performance of dwellings
- The Renters Rights Act (2025) – including Decent Homes Standard
- The Civil Penalties and Electrical Safety Standards

## Version control

Date	Version number	Reason	Author
30/04/25	1.0	First draft, reviews to be undertaken by NP Law	Officer Emmanuel Sheehan-Flick NP Law John Jackson
12/08/25	2.0	Amendments requested by PSH & HMO Enforcement Manager	Norwich City Council Officer Emmanuel Sheehan-Flick and NP Law John Jackson
10/10/25	3.0	Changes requested by PSH & HMO Enforcement Manager and	Norwich City Council Officer

Date	Version number	Reason	Author
		NP Law John Jackson, in addition to amalgamating policy to be compliant with Justice For Tenant Original Statement of principles	Emmanuel Sheehan-Flick and NP Law John Jackson

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## Purpose and Scope

This policy sets out Norwich City Council's approach to enforcing the Minimum Energy Efficiency Standards (MEES) in the private rented sector. It has been prepared in accordance with Regulation 38 of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

The purpose of this policy is to ensure that enforcement of MEES requirements is fair, consistent, and proportionate. It supports the Council's wider objectives to improve housing standards, promote energy efficiency, reduce carbon emissions, and prevent fuel poverty within Norwich.

This policy contributes to the delivery of Norwich City Council's Corporate Plan objectives, including:

- Tackling inequality and improving health outcomes
- Supporting a greener, more sustainable city
- Delivering high-quality housing
- Building a fairer and more inclusive economy

It also supports:

- Meeting duties under the Housing Act 2004, including the Housing Health and Safety Rating System (HHSRS)
- Reducing fuel poverty and exposure to cold-related housing hazards
- Supporting tenants' health and wellbeing
- Advancing national and local climate goals through improved energy performance
- Implementing the emergency Decent Homes Standard proposed in the Renters Rights Act (2025).

## Legislative Framework

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 make it unlawful for landlords to let or continue to let domestic private rented properties with an Energy Performance Certificate (EPC) rating below E unless a valid exemption has been registered on the Private Rented Sector (PRS) Exemptions Register.

Norwich City Council is the enforcement authority for domestic private rented properties within its area. Enforcement powers are exercised under Part 3 of the Regulations and relate to the issuing of compliance notices and financial penalties where breaches are identified.

This policy also links to the Housing and Planning Act 2016 and the Housing Act 2004, allowing the Council to determine the appropriate form of enforcement.

This policy supports enforcement of the following:

- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- Housing and Planning Act 2016 (civil penalties)
- Housing Act 2004 (including HHSRS enforcement duties)
- Equality Act 2010 (public sector equality duty)
- Building Regulations Part L (energy performance)

## Policy Objectives

The Council will take enforcement action where a landlord has failed to meet the minimum EPC standard or to register a valid exemption. Enforcement will focus on the most serious and deliberate breaches, ensuring that non-compliant landlords do not gain financial advantage over those who comply.

Where appropriate, the Council will seek to engage and educate landlords before taking formal enforcement action. However, where a breach is identified and not resolved within the required timeframe, the Council will use its statutory powers to issue compliance and penalty notices.

All decisions to issue a penalty notice will be reviewed and authorised by the Private Sector Housing and HMO Enforcement manager for Private Sector Housing or the nominated deputy. in accordance with the Council's Scheme of Delegation.

Norwich City Council will:

- Enforce MEES legislation in a lawful, consistent, and proportionate way
- Target enforcement where there is harm or risk to tenants (e.g. excess cold)
- Improve energy efficiency standards across the Private Rented Sector
- Monitor reductions in F and G-rated Private Rented Sector properties
- Uphold duties under the Housing Act 2004, particularly with respect to Category 1 hazards.

## Enforcement and Compliance Procedures

Norwich City Council is committed to ensuring that enforcement under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015* is fair, proportionate, consistent, and transparent. Enforcement activity will always be undertaken in accordance with the Regulators' Code, the Council's Corporate Enforcement Policy, and this policy.

The Council's approach to enforcement will be risk-based and evidence-led. Formal action

will generally follow where landlords have failed to comply with the Regulations, have not responded to informal engagement, or have relied on invalid or expired exemptions.

A breach of the Regulations occurs where a landlord:

- Let's a property with an EPC rating of F or G without a valid exemption.
- Fails to comply with a compliance notice served by the Council.
- Registers false or misleading information on the Private Rented Sector Exemptions Register.
- Continues to let a substandard property after an exemption has expired or been withdrawn.

The Council will also consider whether a landlord has taken all reasonable steps to comply with the Regulations, including obtaining relevant third-party consents or carrying out eligible improvement works up to the cost cap specified by Government guidance.

Investigations will be carried out by authorised officers in accordance with the Council's Private Sector Housing Enforcement Policy and the Civil Penalties Policy. Officers will maintain clear evidence of breaches and provide landlords with the opportunity to submit information before enforcement decisions are made.

The Council will use the following principles when enforcing MEES:

- Proportionality: action reflects the seriousness of the breach and potential impact on tenants.
- Targeting: cases involving vulnerable tenants or prolonged breaches will be prioritised.
- Transparency: decisions will align with the Council's enforcement framework and case law.
- Consistency: decisions will align with the Council's enforcement framework and case law.
- Accountability: enforcement records will be properly retained and defensible in legal proceedings.

Escalation to formal enforcement will occur where informal engagement has failed, or where breaches are serious or repeated. All actions will be undertaken in accordance with the Regulators' Code and the Council's Private Sector Housing Enforcement Policy.

Officers will consider the following factors when determining appropriate enforcement action:

- The seriousness of the breach and the potential or actual harm caused
- The landlord's history of compliance or non-compliance
- The steps taken by the landlord to remedy the breach

- The public interest in securing compliance and maintaining housing standards

When a potential breach is identified, the Council may issue a Compliance Notice requiring the landlord to provide evidence of the property's EPC rating, any improvement works carried out, or details of a valid exemption registered on the PRS Exemptions Register. The notice will specify the information required and the timeframe for response.

Where the landlord fails to respond to a compliance notice or the information provided indicates a breach, the Council may undertake an inspection of the property to verify compliance. Inspections will focus on gathering evidence of non-compliance and assessing whether reasonable steps have been taken to improve energy performance.

If a breach is confirmed, the Council may issue a Penalty Notice. Financial penalties will be determined in line with Financial Penalties Section of this policy, taking account of the seriousness and duration of the breach, the landlord's conduct, and any aggravating or mitigating factors.

In determining enforcement, the Council will consider whether the landlord has taken all reasonable steps to comply, including seeking third-party consents, applying for funding, or undertaking relevant improvements within the statutory cost cap.

The Council may also choose to publish details of non-compliance, including the landlord's name, the property address, the nature of the breach, and the level of penalty imposed. Publication acts as a reputational deterrent and supports transparency in enforcement.

In addition to enforcement action, the Council will continue to provide education, guidance, and support to landlords to promote understanding of MEES requirements. Officers will signpost landlords to national and local funding schemes, offer advice on energy efficiency measures, and explain how to achieve compliance before enforcement becomes necessary.

The Council may also collaborate with other agencies such as trading standards or environmental health teams where joint action will achieve better compliance outcomes. In persistent cases of non-compliance, the Council reserves the right to pursue legal proceedings to secure compliance or recover penalties.

## Financial Penalties

When setting the level of a financial penalty, the Council will have regard to:

- The statutory guidance issued under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*.
- The Justice for Tenants Civil Penalty Policy, where relevant, to ensure consistent methodology and proportionality.

Norwich City Council will determine all penalty levels using the Justice for Tenants Civil Penalty Calculator and methodology, ensuring consistency with national best practice and enabling the Council to retain access to the Justice for Tenants CPN Generator system.

Under Regulation 38, the Council may impose financial penalties for breaches as follows:

<b>Type of Breach</b>	<b>Maximum Penalty</b>
Letting with F/G rating (<3 months)	£2,000
Letting with F/G rating (>3 months)	£4,000
False/misleading PRS exemption	£1,000
Failure to comply with notice	£2,000

The maximum total financial penalty for any one property is £5,000

When determining the amount of a financial penalty, the Council will take into account the landlord's conduct, the severity and duration of the breach, any previous non-compliance, and any financial benefit gained. The Council will use the Civil Penalties Matrix contained within its Civil Penalties Policy to ensure penalties are proportionate and consistent.

Where multiple breaches occur, each will be treated as a separate offence and may result in multiple penalties, subject to the overall statutory cap.

Exclusions to the penalty process will arise in the following situations:

- The landlord has provided verifiable evidence that all reasonable steps were taken to improve the property to the minimum EPC standard, including obtaining necessary third-party consents, but compliance was not achievable within the cost cap or technical limitations.
- A valid exemption has been properly registered on the PRS Exemptions Register before the alleged breach occurred.
- The property was not required to have an EPC under the Energy Performance of Buildings (England and Wales) Regulations 2012.
- The landlord was able to demonstrate that the breach resulted from circumstances beyond their control, such as delays caused by utility providers, planning constraints, or refusal of consent by a superior landlord or freeholder.

- The Council determines that formal enforcement would be disproportionate, for example where the landlord has taken immediate steps to remedy non-compliance upon notification.

In such cases, the Council will record the reasons for non-enforcement, ensuring transparency and adherence to the Regulators' Code.

## Collaborative Enforcement

Norwich City Council will work with other enforcement agencies, including Norfolk County Council Trading Standards, the Department for Energy Security and Net Zero, and neighbouring district authorities, to share intelligence and promote consistent enforcement across Norfolk. Where offences overlap with other housing legislation, such as the *Housing Act 2004* or *Tenant Fees Act 2019*, the Council may coordinate enforcement activity to avoid duplication and ensure proportionate outcomes.

## Proceeds and Reinvestment

Any income received from civil penalties under the MEES Regulations will be retained by Norwich City Council and must be used to further the Council's statutory functions in relation to the enforcement of housing standards and energy efficiency.

## Publication of Penalties

In accordance with Regulation 40, the Council may publish details of landlords who have been issued with a penalty notice. Published information may include the landlord's name (where appropriate), the address of the property concerned, the nature of the breach, and the level of penalty imposed. Publication may occur on the Council's website or through the Private Rented Sector Exemptions Register in line with data protection requirements.

The Council will maintain a detailed record of all civil penalties issued, including calculations, representations, and appeal outcomes. This record supports audit requirements under the Justice for Tenants framework and helps inform proportionality in future cases.

The Council will review published entries at the end of the twelve-month period and will remove them where required. Entries may also be removed earlier if a Tribunal overturns the penalty or the Council withdraws enforcement action.

# Appeals and Representations

This section ensures procedural fairness by setting out how landlords can appeal enforcement decisions made under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*.

Landlords who receive a penalty notice under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015* have the right to:

1. Make representations to the Council if they believe the notice has been issued in error, the penalty is unreasonable, or a valid exemption applies.

Where the Council, after reviewing those representations, upholds its decision, landlords may:

2. Appeal to the First-tier Tribunal (Property Chamber) within 28 days of receiving the Council's final decision.

The First-tier Tribunal (Property Chamber) may:

- Confirm, vary or revoke the decision or penalty
- Consider legal defences or procedural errors

All Council decisions will be clearly recorded, including evidential reasoning, to support legal scrutiny and transparency.

## Grounds for Appeal

An appeal may be made where the landlord believes that:

- The notice was issued in error
- The penalty is unreasonable; or
- The landlord can demonstrate a valid exemption.

Appeals must be submitted in writing to the First-tier Tribunal (Property Chamber) within 28 days of the notice being received.

## Understanding the First-tier Tribunal Process

The Tribunal may review the appeal and request further information.

- **Hearing:** A hearing may be scheduled where both parties can present their case, either in person or through a legal representative.
- **Decision:** The Tribunal will issue a written decision based on the evidence, which may uphold, vary, or overturn the original notice.

- Further Appeals: If the landlord disagrees with the decision, they may appeal to the Upper Tribunal, but only on a point of law.

## Tribunal Costs

Each party to a Tribunal appeal is normally responsible for meeting its own costs. The First-tier Tribunal (Property Chamber) has discretion to award costs against a party that has acted unreasonably in bringing, defending, or conducting proceedings. Norwich City Council will seek to recover its reasonable costs only where it is appropriate and proportionate to do so, for example where the appeal is found to be vexatious or an abuse of process.

## Upper Tribunal

A landlord who disagrees with a decision of the First-tier Tribunal may appeal to the Upper Tribunal, but only on a point of law. Permission to appeal must be sought from the First-tier Tribunal in the first instance, or, if refused, directly from the Upper Tribunal. The Upper Tribunal's decision is binding unless overturned by a higher court.

## Landlords Responsibilities During Appeal

Lodging an appeal does not remove or suspend a landlord's underlying legal obligations under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*. Landlords must:

- Continue to take reasonable steps to bring the property into compliance with the MEES Regulations.
- Maintain any existing exemptions that have been lawfully registered and keep them up to date
- Cooperate fully with the Council's officers during the appeal process, including providing access or documentation when requested.

Failure to comply with these responsibilities may result in further enforcement action if additional breaches occur during the appeal period.

## Exemptions

Under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*, landlords must ensure that privately rented properties achieve at least an Energy Performance Certificate (EPC) rating of E before granting or renewing a tenancy.

In limited circumstances, a landlord may be eligible to register an exemption from these requirements. All exemptions must be supported by appropriate evidence and registered on the Private Rented Sector (PRS) Exemptions Register, which is administered nationally by the Department for Energy Security and Net Zero (DESNZ).

Each exemption is valid for a specified period and must be renewed or removed when circumstances change. The responsibility for compliance and registration rests entirely with the landlord.

## Types of Exemptions

A landlord may claim an exemption from the MEES requirement (i.e. not meeting EPC band E) if registered on the PRS Exemptions Register in advance. The main exemptions are:

1. **High-Cost Exemption:** A landlord may claim this exemption where the cost of installing the cheapest recommended improvement exceeds the cost cap of £3,500 (including VAT) for domestic private rented properties.
  - Evidence required: Three written quotes from qualified installers and confirmation that no measure can be completed within the cost cap.
2. **All Relevant Improvements Made Exemption:** This exemption applies where all relevant energy efficiency improvements that can be made within the cost cap have been completed, but the property still fails to reach an EPC rating of E.  
*Evidence required:* Copies of invoices, receipts, and the updated EPC demonstrating no further qualifying improvements remain.
3. **Wall Insulation Exemption:** Applies where recommended wall insulation (internal, external, or cavity) would be inappropriate due to its potential to damage the property fabric or structure.  
*Evidence required:* Written expert advice from a qualified professional or accredited installer explaining the technical unsuitability of the measure.
4. **Third-party Consent Exemption:** Applies where third-party consent is required to undertake improvements but has been refused or granted subject to unreasonable conditions.  
Examples of relevant third parties include:
  - Tenants (where improvements would cause significant disruption)
  - Superior landlords, freeholders, or mortgage lenders
  - Planning authorities (where permission is required and refused)*Evidence required:* Copies of all correspondence evidencing that consent was sought and refused or that conditions imposed were unreasonable.

5. **Property Devaluation Exemption:** May be claimed where an independent RICS-qualified surveyor determines that making the required improvements would reduce the market value of the property by more than 5 per cent.  
*Evidence required:* A formal valuation report produced by a surveyor who is both qualified and independent of the transaction.
  
6. **Temporary Exemption for New Landlords:** Applies to landlords who have recently become responsible for a property under specified circumstances, such as purchase, inheritance, or lease assignment.  
This exemption allows a period of six months from the date of acquisition to either improve the property to the required standard or register another applicable exemption.  
*Evidence required:* Proof of ownership or transfer of responsibility and the date from which the landlord became legally liable.
  
7. **No Cost-Effective Improvements Available:** Where an energy assessor determines that there are no cost-effective improvements that could raise the EPC rating to E or above, taking into account the *seven-year payback test* for energy savings.  
*Evidence required:* An EPC recommendation report or professional assessment demonstrating that all relevant improvements fail to meet the payback criteria.
  
8. **Excluded or Non-Relevant Properties:** Certain properties are not required to meet MEES standards, including:
  - Properties not legally required to have an EPC (for example, places of worship or temporary structures).
  - Buildings officially exempt under EPC regulations, such as listed buildings where compliance works would unacceptably alter their character.
  - Specific short-term lets or tenancies excluded by regulation (e.g. some holiday or licence arrangements)*Evidence required:* Documentation confirming the property's exempt status under the EPC regulations or the relevant tenancy type.

## How to Apply for an Exemption

Landlords must apply for an exemption by registering their property and supporting evidence on the Government's official Private Rented Sector (PRS) Exemptions Register: <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

## Cost to Apply for an Exemption

There is currently no fee to register an exemption on the PRS Exemptions Register. However, landlords are responsible for obtaining and uploading all required evidence, such as professional reports, valuations, or correspondence demonstrating consent refusal

## Council's Role in Relation to Exemptions

The Private Rented Sector (PRS) Exemptions Register is maintained by central government, not by Norwich City Council. Local authorities, however, retain regulatory oversight and enforcement powers under the MEES Regulations.

- The Council does not approve or accept exemptions, but it may review and verify them as part of its enforcement functions.
- If an exemption appears to have been incorrectly registered, lacks valid evidence, or is being relied upon to avoid compliance, the Council may take enforcement action, including issuing a compliance or penalty notice.
- The Council may also request supporting evidence from the landlord or inspect the property to verify that an exemption has been properly claimed.

This ensures that only genuine exemptions are applied and that landlords are not avoiding their legal responsibilities under the MEES Regulations.

## Duration, Renewal, and Transfer of Exemption

Most exemptions are valid for five years from the date of registration unless otherwise specified. At the end of the exemption period, landlords must either undertake the required improvements, reapply with updated evidence, or demonstrate that another exemption applies. Exemptions do not transfer automatically if the property is sold or assigned. The new owner must submit a new exemption application if eligible

## Landlord Responsibilities

Landlords remain responsible for ensuring that:

- Exemptions are properly registered and supported by verifiable evidence
- Properties are reassessed at renewal or when circumstances change; and
- Tenants are not placed at risk through avoidable non-compliance with energy efficiency obligations.

Failure to maintain valid exemptions may result in enforcement action, including civil penalties and publication of the breach on the public register.

## Monitoring and Review

Norwich City Council will monitor the operation and effectiveness of this policy to ensure that it continues to support consistent, proportionate, and transparent enforcement under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*. Monitoring activity will also ensure that the Council remains compliant with the Justice for Tenants enforcement framework and retains access to the Civil Penalty Calculator and CPN Generator.

Responsibility for oversight of this policy rests with the Private Sector Housing and HMO Enforcement Manager. That officer will ensure that:

- Enforcement activity is carried out by appropriately trained and authorised staff
- All penalty calculations, decisions, and representations are recorded and auditable
- Data is maintained for statistical and performance monitoring purposes
- Outcomes and appeal results are reviewed to support continuous improvement

Quarterly reviews of enforcement activity will be undertaken to monitor trends, identify emerging risks, and ensure that decisions remain consistent with statutory guidance.

This policy will be reviewed at least every two years, or sooner where any of the following occur:

- Amendments to national legislation or guidance affecting the MEES Regulations
- Changes to the Justice for Tenants framework or penalty methodology
- Recommendations arising from internal audits, external inspections, or Tribunal decisions
- Significant shifts in housing market conditions or enforcement priorities

The Council will also participate in regional and national forums to share best practice in MEES enforcement and to contribute to policy development.

The Council recognises that national housing legislation continues to evolve, including the *Renters' Rights Act (2025)*. While this does not currently amend the Minimum Energy Efficiency Standards Regulations, it may influence how energy efficiency, property condition, and tenant rights are regulated in the private rented sector. Norwich City Council will review this policy and associated procedures following the enactment of the Renters' Rights Act (2025) or any related secondary legislation to ensure full alignment with national requirements and best practice.

The Private Sector Housing and HMO Enforcement Manager will coordinate any required updates, which will be subject to approval by the Head of Planning and Regulatory Service.

## Engagement and Education

This section outlines Norwich City Council's commitment to promoting understanding of the Minimum Energy Efficiency Standards (MEES) and encouraging voluntary compliance within the private rented sector.

The Council recognises that most landlords wish to comply with their legal obligations and that clear information and proportionate engagement can reduce unintentional breaches. Accordingly, the Council will take reasonable and proportionate steps to raise awareness of MEES requirements as resources allow. These may include:

- Publishing and maintaining clear web-based guidance summarising MEES duties and signposts to trusted national and local sources of support, such as retrofit advice services and government-funded energy-efficiency programmes.
- Responding to reasonable requests from landlords and agents for clarification on MEES requirements.
- Collaborating with partner agencies, where appropriate, to share consistent messages on improving housing standards and energy efficiency

Engagement activity will be prioritised based on available capacity and evidence of local need to ensure resources are focused on achieving compliance outcomes.

## Data Protection and Information Governance

Norwich City Council processes personal information to carry out its statutory duties under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*. This includes gathering, storing, and sharing data relating to landlords, agents, tenants, and properties that fall within the scope of the Minimum Energy Efficiency Standards (MEES).

The Council processes personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

Where required by law, limited details of enforcement actions will be published on the Private Rented Sector (PRS) Exemptions Register. This may include the landlord's name, property address, nature of the breach, and penalty imposed. No additional personal data will be disclosed beyond statutory requirements.

Information collected in connection with MEES enforcement will be retained only for as long as necessary to fulfil the Council's legal obligations and audit requirements, after which it will be securely deleted in accordance with the Council's Corporate Retention Schedule.

Individuals have rights under data protection law, including the right to access their data, request correction of inaccuracies, and object to certain types of processing.

Further information about these rights and how to exercise them is available in the Council's Corporate Privacy Notice on the Norwich City Council website.



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