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DP283 ‘Data Breach Reporting’

Annex A

Legal text – version 0.1

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

Section I ‘Data Privacy’

These changes have been redlined against Section I version 12.0.

Add Section I.1 as follows:

I1. DATA PROTECTION AND ACCESS TO DATA

Without Prejudice

- (a) The obligations of the DCC and each User under this Section I1 are without prejudice to any other obligations they each may have under the Data Protection Legislation and other Relevant Instruments, including any such obligations they each may have concerning Processing of Personal Data.

User Obligations

Consumption Data

- (b) Each User undertakes that it will not request, in respect of a Smart Metering System, a Communication Service or Local Command Service that will result in it obtaining Consumption Data, unless:
 - (i) the User has the Appropriate Permission in respect of that Smart Metering System; and
 - (ii) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System and is not a Registered Supplier Agent or Meter Data Retriever acting on behalf of such Import Supplier, Export Supplier or Gas Supplier as described in Section H2.2 (Responsibility for Registered Supplier Agents) or Section H2A.2 (Responsibility for Meter Data Retrievers)) the User has, at the point of obtaining Appropriate Permission and at such intervals as are reasonably determined appropriate by the User for the purposes of ensuring that the Energy Consumer is regularly updated of such matters, notified the Energy Consumer in writing of:
 - (1) the time periods (by reference to length) in respect of which the User obtains or may obtain Consumption Data;
 - (2) the purposes for which that Consumption Data is, or may be, used by the User; and
 - (3) the Energy Consumer’s right to object or withdraw consent (as the case may be) to the User obtaining or using that Consumption Data, and the process by which the Energy Consumer may object or withdraw consent.

Data Breach Reporting

(c) Where a User becomes aware of any Data breach, it shall take reasonable steps to ensure the cause of the breach is rectified as soon as is reasonably practicable; and

(d) Ensure that the Privacy Sub-Committee is promptly notified of the steps being taken to rectify the cause or likely cause of the data breach or to mitigate its potential impact (as the case may be), and the time within which those steps are intended to be completed.