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MP219 ‘Accessing Consumption Data on behalf of SEC Parties’

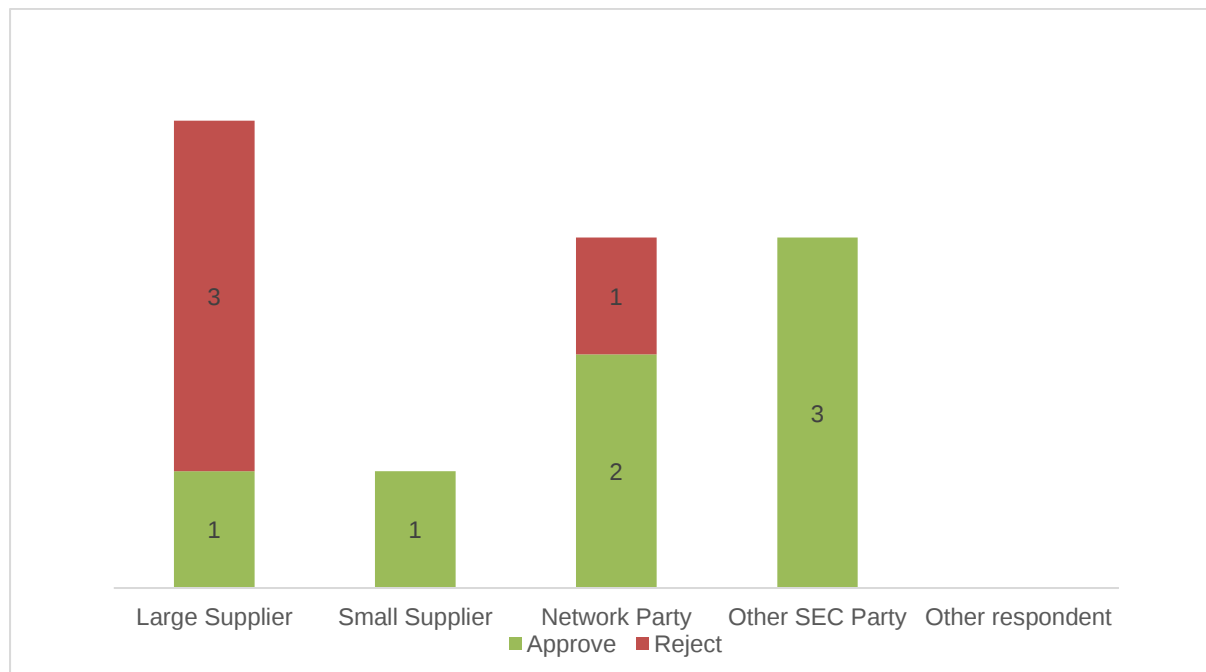
Second Modification Report

Consultation responses (CLEAR)

About this document

This document contains the full collated responses received to the second MP219 Modification Report Consultation.

Summary of responses



Question 1: Do you believe that MP219 should be approved or rejected?

Question 1				
Respondent	Category	Response	Rationale	SECAS Response
British Gas	Large Supplier	Reject	As amended (specifically with the Privacy Controls Framework changes) the proposal.	-
BUUK	Network Party	Approve	While we can see limited benefits only to this change, we can see no reason to reject. We would however suggest an alternative proposal which we have outlined in our response to Question 3.	-
EON Next	Large Supplier	Approve	General SEC Objectives C and F.	-
N3rgy	Other SEC Party	Approve	This enables a far smoother customer journey for Energy Suppliers customers who are offered an Energy Data related service, such as visualisation platforms and DFS services. This is also required to enable non-domestic energy suppliers to outsource to expert partners for the compliance of Maximising Non-Domestic Smart Meter Consumer Benefits. https://assets.publishing.service.gov.uk/media/629752a78fa8f5038dcd28b5/maximising-non-domestic-smart-meter-data-offer-industry-guidance.pdf	-
National Grid Electricity Distribution	Network Party	Approve	-	-
Octopus Energy	Large Supplier	Reject	As we noted in our previous Modification Report Consultation response, we would not be comfortable approving this modification without the support/approval of Citizens Advice (as key representatives of Energy Consumers). Without this	SECAS has engaged with Citizens Advice

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Question 1				
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			support, we believe there is a greater risk of the SMIP objectives than the benefits that this modification could bring. We can see from the Modification Report that SECAS held meetings between the Proposer and Citizens Advice to discuss their two main concerns, customers capability to easily opt out of data retrieval and visibility of who is accessing data, however we can see no clear statement that Citizens Advice are content with these resolutions and supportive with the proposed additions to the PCF will address their concerns. If Citizens Advice are supportive of this modification following the additions, then we would change our response to either 'Abstain/Approve'.	who confirmed they were happy with the level of assurance agreed by the Privacy Sub-Committee.
Scottish and Southern Electricity Networks	Network Party	Reject	We believe that this modification will more greatly improve the process of other users collecting data on behalf of suppliers and network parties as the unambiguous consent is removed. This is not seen as an issue by SSEN as the consent will sit with the supplier or network party as described in the modification proposal and the associated legal text. It is important to note that although we believe the core solution for this modification will resolve the issue. We still have a key concern that this modification introduces a risk related to network traffic capacity. Further to our previous response and following the collation of responses from SEC Parties. Ofgem's send back direction similarly requested further information on the "impacts on DCC network traffic". This report builds on SEC Parties and Ofgem's request for an estimation of the impact on the DCC system's network traffic. We note that the estimate within the report details a rise of 1%. However, this assumption doesn't take into account any input and views	SECAS has not included any requirement in the legal text for the employing Party to stop collecting the information if an Other User has been employed to collect Consumption Data on their behalf. SECAS made assumptions in the Modification Report using data from the

Question 1				
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			from suppliers or network parties on ceasing the same SRV requests once an MDR has been appointed. We believe this information is needed from Small and Large Suppliers as well as Network Parties to understand if the 1% is a suitable estimate.	DCC and Proposer regarding potential increases in traffic.
SMS PLC	Other SEC Party	Approve	This enables a far smoother customer journey for Energy Suppliers customers who are offered an Energy Data related service, such as visualisation platforms and DFS services. This is also required to enable non-domestic energy suppliers to outsource to expert partners for the compliance of Maximising Non-Domestic Smart Meter Consumer Benefits. https://assets.publishing.service.gov.uk/media/629752a78fa8f5038dcd28b5/maximising-non-domestic-smart-meter-data-offer-industry-guidance.pdf	-
SSE Energy Supply Limited	Small Supplier	Approve	SSE Energy Solutions is currently utilising Other Party services (e.g. to participate in the Demand Flexibility Service initiative). In the absence of the solution proposed by MP219, a barrier to a more straightforward customer experience exists and therefore there is a risk of reduced consumer interest and engagement. We are seeking to make our customer journeys as smooth as possible, however there are additional challenges to navigate until MP219 is approved, as well as additional costs. In the example of our recent DFS trial, we have found it difficult for the Other User to collect Consumption Data on our behalf. SSE Energy Solutions is a non-domestic only supplier. Our customers therefore do not routinely use IHDs, and a bank card check is not an appropriate or feasible consent method for a business customer. These are the two most common consent methods used by domestic suppliers. In absence of these options, we will use copies of a customer's energy bill instead. However, this means	-

Question 1				
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			there is a need for bills to be downloaded and sent to the Other User, which creates an additional step in the process and disrupts a smooth customer journey. We consider that implementation of MP219 would support increased interest in Smart metering from customers, financial benefits for customers at a time when Ofgem and suppliers are all working to help customers manage and reduce energy costs and simplified consumer journeys which will encourage participation in initiatives (e.g. DFS. MP219 would also reduce costs for future initiatives. At the moment, we are having to take additional steps to secure compliance under SEC, when adequate protections are already in place under existing Data Protection/GDPR legislation.	
Stark	Other SEC Party	Approve	Overall we agree with the viewpoint that this proposal may simplify access to data which will enable consumers to participate in schemes such as DFS & the subsequent benefits to supporting this scheme, within the defined restrictions and controls.	-
Utilita Energy Ltd	Large Supplier	Reject	Our stance on this modification has not changed – we continue to believe this negatively affected General SEC Objective (f). We agree with Ofgem's views that there are sufficiently numerous and robust methods to gain Unambiguous Consent that render this modification unnecessary. We further believe that allowing any 3rd party, regardless of their intent or legitimacy of use of data, to inherit permissions rather than gaining these directly from the Consumer would negatively impact the reputation of the Smart Metering Implementation Project, and at a time where scrutiny of the Energy Industry is at an all time high.	-

Question 2: Do you believe the proposed changes to the Privacy Controls Framework as part of this modification should be approved or rejected?

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
British Gas	Large Supplier	Rejected	We agree that some changes to the Privacy Controls Framework are appropriate. If a third party 'Other User' is – for the first time – accessing consumption data on behalf of another user (Energy Supplier etc), then confirming they have correct controls in place to ensure customers have been informed they may be accessing data on the Supplier's behalf, and that the MPxN list they are accessing is up to date, is sensible. However, we disagree with the requirement for a customer to be able to opt-out. See comments in our answer to Question 3 below. This doesn't seem necessary, and also the practicalities of putting this in place, make this modification unworkable from a Supplier perspective. We also disagree with the requirement to give the Other User's DPO details to the customer, as we don't currently do that for any other data sub-contractor arrangements.	SECAS engaged with Citizens Advice who specifically sought the option for a Consumer to opt out of an Other User collecting their data. This was discussed and included as part of the changes after discussion with the Privacy Sub-Committee.
BUUK	Network Party	Approve	-	-
EON Next	Large Supplier	Approve	-	-

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
N3rgy	Other SEC Party	Approve	-	-
National Grid Electricity Distribution	Network Party	Approve	-	-
Octopus Energy	Large Supplier	Reject	As per above, if Citizens Advice are supportive of the modification, then we approve the proposed changes to the Privacy Controls Framework. We would also expect that the additions to the PCF (particularly around the requirements on employing party to notify the contracted Other User) could result in additional cost/effort for Suppliers/Network Operators that was not considered under the previous consultations. We agree with the point that this modification will not have any direct costs to SEC Parties unless they choose to employ an Other User to collect Consumption Data on their behalf, however we would have expected a statement to confirm that the additions to the PCF (since the last consultation) would not have a material impact on previous considerations or responses regarding cost/effort for Suppliers/Network Operators that are employing an Other User to collect Consumption Data on their behalf. We do not expect this to be a significant cost/effort, but there are additional proposed changes late in the	The Privacy Sub-Committee assessed the level of assurance in relation to the Privacy Controls Framework changes but did not assess any costs associated with the proposed additions. As the changes to the Privacy Controls Framework were confidential, this was only distributed to Parties seeking to respond to the Modification Report Consultation. SECAS has not undertaken any assessment as to potential costs to SEC Parties because of the proposed additions to the PCF.

Question 2				
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			modification process and it is unclear to what extent these have been assessed by SEC Parties. It is not clear whether the Privacy Sub-Committee considered the implications on cost/effort to SEC Parties by these changes or simply whether the level of assurance in relation to data privacy was reasonable. The modification report only states that the PSC agreed the level of assurance in May 2024. Beyond the PSC, this is the first time SEC Parties are seeing the proposed changes to the PCF, therefore it would be helpful if SECAS could clarify what (if any) engagement or assessment has been done to understand cost/effort implications on SEC Parties by these proposed additions to the PCF beyond this consultation.	
Scottish and Southern Electricity Networks	Network Party	Approve	We note through Appendix D (PCF) included in the modification report that new obligations are set out on employing parties and OU's. We believe that these controls look to protect the consumer, however the implementation and ongoing management of a customer consent model is complex and could result impacts on consumers data privacy and data protection rights.	-
SMS Plc	Other SEC Party	Approve	-	-

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
SSE Energy Supply Limited	Small Supplier	Approve	We consider the changes made are of benefit and will enhance the customer journey, therefore having a positive outcome overall. We note there have been concerns around changing the current data consent processes, but we do not believe these changes are fundamental as these are text-based changes to the SEC rather than material changes to the Privacy Framework. Other Users remain subject to stringent controls around data privacy, and customers remain able to opt out of data sharing.	-
Stark	Other SEC Party	Approve	The proposed text changes provides an adequate level of assurance.	-
Utilita Energy Ltd	Large Supplier	Rejected	We do not believe this modification should be implemented, therefore see no need for these additional controls.	-

Question 3: Please provide any further comments you may have.

Question 3			
Respondent	Category	Comments	SECAS Response
British Gas	Large Supplier	Energy supply is a data-intensive industry. As a supplier, we use a number of data sub-contractors, as detailed in our Privacy Notices. All of these sub-contractors will have gone under full due diligence as part of our procurement and contract management processes, and above this, we are bound by the terms of our Supply Licence(s) and our broader obligations (including GDPR). This is part of our operations model; fundamentally customers can not pick and choose which sub-contractors they agree to, and which they wish to opt-out from. Managing an opt-out for this one sub-contractor role (where the Other User would be accessing consumption data on our behalf, using their credentials, not ours) would not be practical or realistic. We don't understand the rationale for the opt-out: - Specifically allowing the customer to opt-out of this arrangement feels counter-intuitive, as though either the Other User or the employing Party can't be trusted in this arrangement. (Although both are fully trusted in all other activities under the Other User's SEC accreditation and the employing Party's Licence.) The Other User will be bound by our operational contract terms, and will also have undergone the intensive assurance processes under the SEC. - The proposed legal text (which we agree with) in I1.2(c) confirms that the Other User obtains Consumption Data only	SECAS acknowledges the comments about allowing Consumers to opt out from one third party accessing their data. This control was added into the scope of the Privacy Controls Framework after discussions with Citizens Advice.

Question 3			
Respondent	Category	Comments	SECAS Response
		for valid reasons authorised by the employing Party and that the Other User can not obtain or use the Consumption Data for any other purpose. Separately, the proposed legal text in I1.2A (which we also agree with) makes it clear that both the employing Party and the Other user will be liable for the acts and omissions of the Other User, and – without limitation – both the employing Party and the Other User will be in breach of the SEC if the Other User obtains or uses Consumption Data in a manner that breaches the employing Party’s Energy Licence.	
BUUK	Network Party	We believe that a more beneficial approach would be the creation of a centralised repository of consumption data as this would significantly change systems usage patterns in a sustainable manner. In addition to ring-fencing data access to this area in such a manner as to reduce the burden of systems traffic, having this data in a central, controlled environment will permit access for the purposes of innovation while still ensuring robust privacy and data protection can be achieved. In doing so, we believe this would also reduce or eliminate many of the factors which are driving the principles behind SEC modification DP218.	-
EON Next	Large Supplier	The additional controls introduced, oversight by the Privacy Sub Committee and annual assessment of the obligations shown in the Privacy Controls Framework provides protection around data sharing between the Supplier and the appointed Other User, and provides	-

Question 3			
Respondent	Category	Comments	SECAS Response
		assurance about Other User compliance. On appointment of Other Users, Suppliers would need to update their Privacy Notices to ensure transparency with their customers.	
N3rgy	Other SEC Party	N/A	-
National Grid Electricity Distribution	Network Party	N/A	-
Octopus Energy	Large Supplier	No further comments.	-
Scottish and Southern Electricity Networks	Network Party	N/A	-
SMS Plc	Other SEC Party	N/A	-
SSE Energy Supply Limited	Small Supplier	No further comments.	-
Stark	Other SEC Party	No further comments.	-
Utilita Energy Ltd	Large Supplier	No further comments.	-