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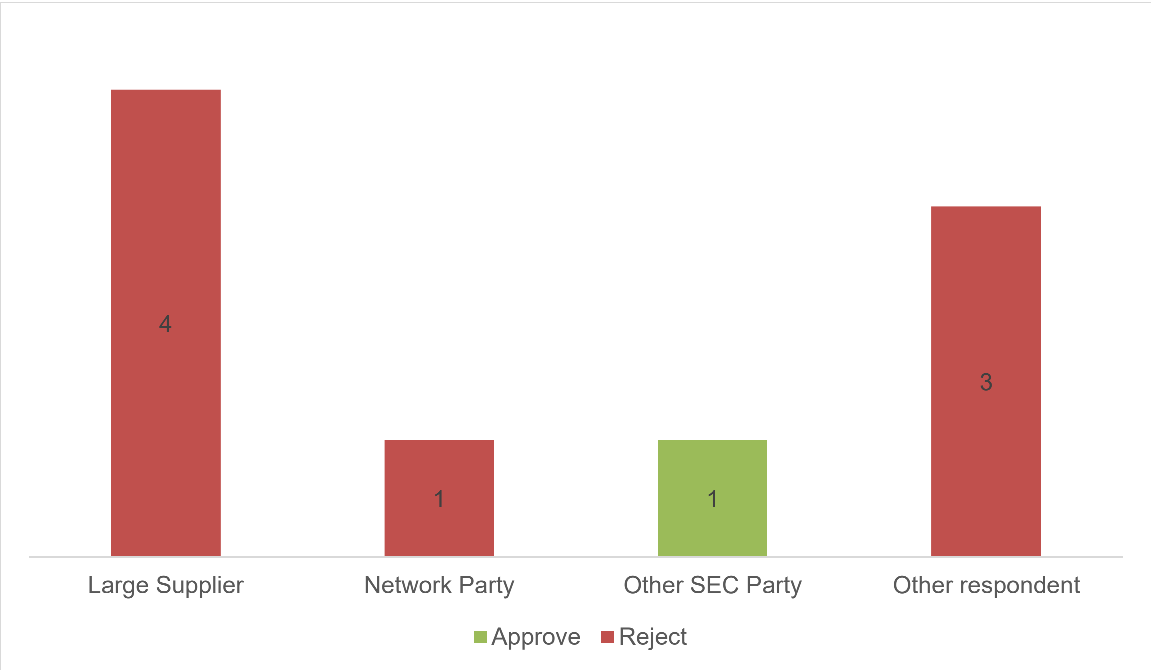
MP234 'Addition of Public Task and Legitimate Interests into the SEC'

Modification Report Consultation Responses

About this document

This document contains the full non-confidential collated responses received to the MP234 Modification Report Consultation.

Summary of responses



Question 1: Do you believe that MP234 should be approved or rejected?

Question 1					
Respondent	**Category**	**Response**	**General SEC Objective(s)**	**Rationale**	**SEC Change Team Response**
E.ON Next	Large Supplier	Reject	[No answer given]	[No answer given]	-
RECCo	Other	Reject	N/A	N/A	-
Citizens Advice	Other	Reject	[No answer given]	We believe that the proposed solution will be negative for consumers in relation to their control over their data. The Data Access and Privacy Framework, written by Government and reflected in supply licence conditions, is clear that consumers can choose which personal data they share with their suppliers. Customers have repeatedly and clearly said that trust is key for both smart meters and smart enabled products and services. 92% of those surveyed said it's important that customers are able to make choices about who accesses their data. Reliance on GDPR principles of Legitimate Interest or Public Task considerations would be counter to the principle of consumers having control over their data. In most relationships between a consumer and a commercial provider, the consumer gives up their data in direct exchange for a service or product. In this scenario, the consumer will have their data taken without their knowledge or permission and used for a commercial purpose without any direct, or potentially any indirect, benefit.	Thank you for your response. We acknowledge the concerns raised regarding consumer trust and the Data Access and Privacy Framework. We note that consumer consent remains the default position under the SEC and that MP234 introduces Public Task and Legitimate Interest as additional lawful bases subject to rigorous oversight by the Privacy Sub-Committee, not as a replacement for consent. The safeguards proposed - including independent

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				We are concerned that smart meter data users will bypass the existing protections and rely on the GDPR parameters. This is not in consumers' interests. It is also almost inevitable that once such an avenue is opened up many organisations which currently rely on consumer consent and a value-exchange offer in exchange for a consumers' data will switch to using a legitimate interest basis, further reducing the control and choice consumers have over their data. We believe that consumer trust in smart meter data will be impacted negatively if they discover that commercial third parties are accessing their data without explicit permission and passing it (for commercial gain) to Local Authorities, Social Landlords, other public bodies, and, in fact, any commercial entity. Individual as well as private business customer smart meter data could be affected by this modification and any loss of trust in the smart meter environment may result in impacts to the wider smart meter rollout for both the domestic and non-domestic sectors. Such negative impacts could result in a slow down in the smart meter rollout and consequent slowdown in usage of flexibility and in achieving net zero. There is also a risk of an increase in consumers - having lost the ability to choose who can access their smart meter data - choose to withdraw from smart metering by requesting their meters be removed or have functionality switched off. We already know that when trust in smart meters drops so does appetite for smart-enabled products and services	assessment of each use case (IPA) and the Privacy Controls Framework - are designed to prevent the bypass of existing protections. Regarding the uZero project, the Change Team welcomes this as a useful complementary approach but notes it does not meet all identified use cases, particularly where individual-level data is required to target support. The timing concern relating to the Consumer Consent Solution (CCS) has been noted; however, we consider the two workstreams to be complementary rather than mutually exclusive. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and

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				including Time of Use tariffs so this decision will also negatively impact broader net zero goals. We have not been provided with sufficient evidence to show that providing smart meter usage data to these public bodies and commercial entities will have the benefits for consumers that is described especially as the existing uZero project (The UrbanTide and Data Communications Company (DCC) (https://urbantide.com/uzero) offers many of the same benefits to Local Authorities without any disclosure of individual personal data. We therefore do not believe that there is a need for this modification proposal. The uZero project was developed in combination with academia, many Local Authorities (e.g. Sunderland, South Gloucestershire, Nottingham, Wakefield, Bristol, Barnsley, Blackpool, Hillingdon, Essex, Suffolk, Havering, Eden, Hastings) as well as Electricity Distribution Network companies. The project offers substantial insights for Local Authorities and other users relating to energy usage and fuel poverty while preserving anonymity for consumers. In addition, we believe that it is premature to introduce this modification when the Retail Energy Code has been tasked by Ofgem to design a Consumer Consent Solution (CCS) for energy data. The CCS will be developed with wide industry input via multiple workshops and consultations. It would be better to await the results of the CCS which will be transparent within industry and have higher visibility to the public via utility press updates.	should work together for the legal basis defined with MP234.

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				The development of the CCS will likely engender greater public confidence compared to the SEC modification which could be introduced with relatively few parties inputting to it and which may not include the wider considerations that the CCS will incorporate (such as the Ofgem Data Design Principles, for example). We have recently input to the ongoing CCS development and while we have concerns regarding the current CCS design meeting consumer needs for control over their data, we believe that any SEC modification relating to consumer data access should await the conclusion of the CCS project.	
Consumer Scotland	Other	Reject	(f), (a)	This modification would be contrary to objective (f) as it would essentially create a route for third parties to access and use personal consumer data without the consumer's explicit consent. Additionally, under (a) there would be a significant burden placed on the Privacy and Security Committee to assess, on a consumer-by-consumer basis, whether the Public Task and Legitimate Interest tests have been met. There is likely a significant volume of consumers who this modification could apply to, and the scrutiny required to ensure privacy and security is sufficient would be challenging to deliver for the SEC and negatively impact its ability to efficiently manage the Code.	Thank you for your response. We recognise the concern regarding SEC Objective (f) on data protection and the administrative burden on the Privacy Sub-Committee. MP234 is designed with proportionate governance in mind: use cases are assessed individually by the PSC before any access is permitted, which is the mechanism through which the protections required under Objective (f) are

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					upheld. The PSC already operates an established governance framework capable of managing additional use case assessments. We believe the controls proposed within MP234 are sufficient to maintain data protection standards and that no further structural changes are required prior to submission.
National Grid Electricity Distribution	Network Party	Reject	(f)	We believe this goes against SEC Objective (f).	Thank you for your response. We note National Grid Electricity Distribution's concern that MP234 is contrary to SEC Objective (f). The Change Team's assessment is that Public Task and Legitimate Interest are established lawful bases under UK GDPR and that, with appropriate safeguards - including Privacy Sub-Committee approval of each

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					use case - data protection standards under Objective (f) can be upheld. We acknowledge that Public Task and Legitimate Interests are not currently considered best practice by the ICO and European Commission in all contexts, and this has been factored into the proportionate governance framework proposed.
Octopus Energy	Large Supplier	Reject	(a), (b), (c), (d), (e), (f), (g), (h)	☐ (a) facilitate the efficient provision, installation, and operation, as well as interoperability, of Smart Metering Systems at Energy Consumers' premises within Great Britain Rationale for Rejection: MP234 negatively impacts this objective by severely damaging consumer trust. The efficient rollout and operation of smart meters rely on the social license and the explicit promise that consumers remain in control of their highly granular data. By bypassing unambiguous consent to allow third-party access (via Legitimate Interests or Public Task), we risk a significant public backlash. This will inevitably lead to increased installation refusals, higher opt-out rates, and requests to operate	Thank you for your response. We note that MP234 does not remove the primacy of Unambiguous Consent - it adds Public Task and Legitimate Interest as additional lawful bases already recognised under UK GDPR, each subject to individual PSC pre-approval. On CCS fragmentation, MP234 operates within the

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				meters in "dumb" mode, actively frustrating the efficient provision and operation of the smart metering network. ☐ (b) enable the DCC to comply at all times with the General Objectives of the DCC (as defined in the DCC Licence), and to efficiently discharge the other obligations imposed upon it by the DCC Licence Rationale for Rejection: This modification fails to facilitate this objective because it introduces fragmented and highly complex access control requirements. The DCC must efficiently manage who has access to what data. Introducing a "dual-track" system—where commercial consent is managed by the Retail Energy Code (REC) Consumer Consent Solution, while Legitimate Interests/Public Task access is governed by the SEC—creates conflicting routing and blocking logic. If a consumer exercises their UK GDPR Article 21 "Right to Object," the DCC currently lacks a streamlined, unified mechanism to efficiently block specific third-party access without disrupting wider interoperability. ☐ (c) facilitate Energy Consumers' management of their use of electricity and gas through the provision to them of appropriate information by means of Smart Metering Systems	existing SEC Privacy Controls Framework and does not create a parallel access gateway; the CCS addresses consent-based access and the two frameworks are complementary. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and should work together for the legal basis defined with MP234. On the Article 21 supplier burden, the Privacy Controls Framework places responsibility for consumer communications and data subject rights on the Other User, not the supplier. On data minimisation, the PSC assessment process applies the necessity and proportionality tests required

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				Rationale for Rejection: MP234 actively undermines this objective by disempowering the consumer. Empowering consumers to manage their energy use requires transparent engagement and active participation. Removing the consumer from the data-sharing permission loop alienates them from their own Smart Metering System. If consumers feel their data is being harvested "by default" without their explicit consent, they are far less likely to actively engage with the smart meter data or the insights it provides to manage their energy use. ☐ <u>(d) facilitate effective competition between persons engaged in, or in Commercial Activities connected with, the Supply of Energy</u> Rationale for Rejection: The introduction of "Legitimate Interests" (Article 6(1)(f)) as a lawful basis within the SEC creates an uneven playing field and regulatory uncertainty. The SEC Privacy Sub-Committee (PSC) is not a regulatory authority equipped to rigorously stress-test Legitimate Interests Assessments (LIAs) against commercial exploitation. There is a severe risk that some commercial entities may attempt to use MP234 as a "back door" to bypass the explicit consent requirements being built into the REC Consumer Consent Solution, thereby distorting effective, transparent, and fair competition in the energy services market.	under GDPR Article 5(1)(c) as a condition of approval. We believe the controls within MP234 are sufficient and proportionate.

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				☐ (e) facilitate such innovation in the design and operation of Energy Networks (as defined in the DCC Licence) as will best contribute to the delivery of a secure and sustainable Supply of Energy Rationale for Rejection: While proponents may argue that public bodies need this data to innovate fuel poverty solutions, true sustainable innovation cannot be built on legally precarious data extraction. Harvesting the half-hourly data of entire postcodes to find a few vulnerable households violates the UK GDPR principle of Data Minimisation (Article 5(1)(c)). Innovation in energy networks must be privacy by design; MP234 attempts to retrofit broad data access in a way that risks major Information Commissioner's Office (ICO) interventions, which would ultimately stall network innovation. ☐ (f) ensure the protection of Data and the security of Data and Systems in the operation of this Code Rationale for Rejection: MP234 fundamentally weakens data protection. By shifting from Consent to Public Task/Legitimate Interests, consumers lose the "Right to Withdraw Consent" and must rely on the "Right to Object" (Article 21). The SEC currently lacks a transparent, centralised mechanism for consumers to exercise this right against hidden third parties. Consequently, the operational and legal burden falls on suppliers to manage these	

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				objections. Furthermore, relying on the SEC PSC to act as a quasi-regulator for complex legal balancing tests (LIAs) introduces unacceptable compliance risks to the operation of the Code. ☐ (g) facilitate the efficient and transparent administration and implementation of this Code Rationale for Rejection: MP234 directly degrades the transparency and administrative efficiency of the Code. Under Article 14 of the UK GDPR, consumers must be clearly informed about who is processing their data. By creating a fragmented access framework (SEC for Public Task vs. REC for Consent), it becomes practically impossible for suppliers to provide clear, unified privacy notices. This administrative fragmentation will lead to profound consumer confusion, inefficient handling of data subject rights, and an unmanageable volume of cross-industry complaints. ☐ (h) facilitate the establishment and operation of the Alt HAN Arrangements Rationale for Rejection: While the direct impact on Alt HAN (Alternative Home Area Network) technical arrangements is marginal, the overarching erosion of consumer trust caused by	

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				MP234 will inevitably impact all smart meter installations. If consumers reject smart meters due to data privacy fears surrounding third-party access, the deployment and operation of Alt HAN solutions for hard-to-reach premises will be similarly hindered by consumer refusals.	
British Gas	Large Supplier	Reject	(a), (b), (c), (e), (f)	Rather than benefitting any General SEC Objectives, we believe MP234 would worsen General SEC Objective (f). If MP234 and MP169 were both approved, we believe this would also worsen General SEC Objectives (a), (c) and (e), if concerns over data being shared with third parties without consent resulted in increased numbers of customers requesting their meter's communication be switched off. We also believe MP234 could worsen General SEC Objective (b) if the timing of requests for information under Public Task or Legitimate Interest were clustered at particular times of the year. For example, if several mortgage companies wanted to access such data (1 year's worth of half hourly consumption data for each individual property in their mortgage lending portfolio) at the same time of year, aligned with their corporate environmental reporting calendar.	Thank you for your response. We note British Gas's concern that MP234 could worsen SEC Objective (f) and, in combination with MP169, adversely impact Objectives (a), (c) and (e). Our assessment is that the PSC use case approval process and the Privacy Controls Framework provide sufficient safeguards to prevent misuse and protect consumer trust. The interaction with MP169 is a matter for that separate modification and falls outside the scope of MP234. On DCC performance, the Privacy Controls Framework

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					includes provisions governing the volume and timing of data requests, which are sufficient to manage traffic impacts. We believe the modification is appropriately designed and ready for submission.
Utilita	Large Supplier	Reject	(f)	While the MOD asserts that there will be no impact on supplier parties, in practice suppliers will be required to update all privacy notices, potentially notify all customers of changes to their terms and conditions, and manage any resulting issues arising from data misuse by third parties to whom the customer has not provided explicit consent. This proposal is likely to have a significant detrimental impact on consumer trust in smart meters, the data they hold, and the ways in which that data is used. Although the MOD suggests that this data may be of legitimate interest to financial institutions, it is unclear how such use would deliver tangible benefits to consumers or provide sufficient assurance that consumer data is being handled appropriately and responsibly. The impact statements indicate that the burden of these changes would fall primarily on suppliers. We do not recognise a legitimate interest that would justify making this data more widely	Thank you for your response. We note Utilita's concerns regarding supplier obligations and consumer trust. The Privacy Controls Framework places primary responsibility for consumer notification, data subject rights and data misuse on the Other User making the request, not on the supplier. Suppliers' existing privacy notice obligations relate to their own processing; data accessed under Public Task or Legitimate Interest by an Other User is processed

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				accessible. Existing processes are already in place that place responsibility on the requesting party, and these are sufficient to maintain consumer confidence and ensure ongoing regulatory compliance.	under that party's own GDPR obligations. We believe the existing contractual and regulatory protections, as reflected in the Privacy Controls Framework, provide a sufficient and appropriate basis for the modification to proceed.
CGI	SEC Other Party	Approve	(a), (c)	Over the last 12 months we have been approached by several government/local authority bodies which as part of their statutory net zero obligations would like to use Public Task to obtain consumer consumption data. This was to allow them to direct vital funding for property remediation to those most in need. The use of Unambiguous Consent was considered impractical as there were potentially tens of thousands of premises where analysis of consumption data (with other data sets) . would identify the optimum use for limited funding. The reason for doing this as Public Task as opposed to consent was so that the authority could filter out those that are not likely to be selected for funding rather than setting expectations against the whole cohort that would not be met. If Public Task was allowed it would better facilitate SEC objective c) by allowing consumption analysis which in turn enables energy consumers to better manage their consumption.	Thank you.

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				Similarly with Legitimate Interest. We have been contacted by organisations wishing to utilise LI as a lawful basis. In some of these cases this would involve a large dataset of consumers where obtaining Unambiguous Consent would be logistically impractical. We note that the use of LI is not open ended but instead restricted in scope where an OU wishing to use this service produces a Privacy Change Notification which is assessed by the User IPA and Secas privacy experts. These restrictions align with those introduced into UK GDPR by the DUAA.	

Question 2: Please provide any further comments you may have.

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E.ON Next	Large Supplier	**Business Case** The business case for the use of Legitimate Interest and Public Task has not been fully explained and how this would benefit the energy consumer. Without having an indication of the volume and type of business cases it is uncertain how many requests would be submitted to the Privacy Sub Committee applying for Legitimate Interest and Public Task and how many consumers may fall within scope. **DCC Performance** Without having an indication of the volume and type of business cases it is uncertain what impact that this would have on the number of service requests being sent through the DCC. A significant increase in traffic flows could impact and delay consumer critical messages, such as prepayment top ups and installation and commission activities, or impede price change events. Costs incurred by the DCC to address DCC performance capacity issues would be socialised across the Supplier cohort. **Consumer Perception** There is concern about how introduction of data sharing on the basis of Legitimate Interest and Public Task would be perceived by the consumer and how this could influence their opinion of Smart Metering. The consumer may interpret that data sharing on the basis of an	Thank you for your detailed further comments. On the business case, the PSC approval process requires applicants to demonstrate consumer benefit and necessity as a condition of each use case being approved; this is the appropriate mechanism for evaluating business cases rather than a pre-modification volume assessment. On DCC performance, the Privacy Controls Framework includes provisions governing the frequency and volume of data requests by Other Users, which are sufficient to manage traffic impacts without further structural change. On consumer perception, Article 14 UK GDPR requires Other Users to provide transparency notices directly to data subjects; this responsibility sits with the requesting party and is enforceable under data protection law. On complaints handling, the Other User is the Data Controller (or represents the DC) for requests made under Public Task or

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		unknown and unrelated third party applying Legitimate Interest and Public Task is Supplier-driven. This could jeopardise any positive opinion held about their Supplier and the Supplier cohort in general. **Communication** It is unclear how any third party would communicate their use of Legitimate Interest and Public Task to the data subject, and to where any complaint or query made by the data subject would be sent to for response; and who is responsible for handling these complaints and queries. Revision would be needed to Suppliers' Privacy Notices to communicate how data is shared and for what purpose, but how would they know the third party client(s) of the Other User(s). **Governance and Compliance** Section I: Privacy governs the obligations of the Other User. Any smart meter data shared with the third party client(s) by the Other User is governed solely through reliance on robust contractual obligations being enforced by the Other User on its third party client and the third parties being compliant with UK GDPR and Data Protection Act. The governance and compliance controls in place under Section I: Privacy, Privacy Controls Framework and Privacy Sub Committee relate solely to the Other User. We are supportive of councils and social housing providers providing relevant services which would benefit vulnerable energy consumers but are unclear how this could be achieved within the proposed governance framework while addressing the concerns raised.	Legitimate Interest and is accordingly responsible for handling data subject queries and complaints. On governance, the SEC Privacy Controls Framework, IPA and PSC oversight provide the appropriate level of control over Other Users and their downstream use of data. We believe the modification as drafted is sufficient to proceed to submission.

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RECCo	Other	RECCo would like to take this opportunity to respond to the MP234 consultation and specifically to identify the key interactions between this modification and the delivery of the Consumer Consent Solution (CCS). In April 2025, Ofgem set out its decision to appoint RECCo as the delivery body for the CCS, providing a central mechanism for capturing, recording and managing consent. Since this time RECCo has been working with industry to define the solution, (which includes both technical and governance aspects), with the expectation that the CCS will be delivered in March 2027 . The fundamental principle behind CCS is to enhance consumer visibility and control over who is accessing their energy data, ultimately increasing trust. We note the concerns raised by Citizens Advice that facilitating wider access to half hourly metered data without explicit consent may negatively impact consumer trust at a time when industry trust from consumers is low and needs to improve. CCS is being developed to increase consumer trust and improve transparency associated with energy data access. We therefore have concerns that MP234 may reduce consumer engagement and negatively impact the benefits case for the CCS and the long-term goal to increase consumer led flexibility, both of which rely heavily on consumer engagement and trust.	Thank you for your detailed response. We note RECCo's position that MP234 should be developed alongside CCS governance. Our view is that MP234 and the CCS currently address distinct aspects of data access: the CCS governs consent-based access and MP234 establishes a framework for the separate and already-recognised UK GDPR lawful bases of Public Task and Legitimate Interest. These are not in conflict. The SEC Privacy Controls Framework provides the governance structure for MP234 and is appropriate for the SEC to manage; it does not duplicate CCS functions. We note that a future CCS phase may record access under alternative lawful bases, and that this would be complementary to MP234 rather than a reason to defer it. The modification is ready to proceed on the basis of the controls already incorporated. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and should work together for the legal basis defined with MP234.

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		The CCS is being delivered through multiple phases, with the initial phase focused on sharing half hourly metered data where explicit consent is required. MP234 proposes that access to half hourly metered data may be allowable without explicit consent, with reliance placed on other lawful bases e.g. Legitimate Interest or Public Task. Whilst this is not captured within the initial CCS delivery, the ability to record other lawful bases within the CCS is expected for a later phase, which would provide greater visibility to consumers regarding the organisations accessing their data. We believe this extension to CCS would mitigate some of the concerns highlighted through the MP234 discussions, regarding the lack of visibility. For this reason, RECCo considers that where consumption data is accessed under alternative lawful bases such as Legitimate Interests or Public Task, consideration should be given to how such access could ultimately be recorded within CCS to ensure transparency to consumers. We therefore believe that any increase in access beyond explicit consent should only be considered alongside this greater transparency brought in through CCS. We also note the proposal to extend activities under the SEC Privacy Controls Framework, to provide assurance that where data is being shared without explicit consent, robust controls are in place with individual use cases agreed by the SEC Privacy Committee before these lawful bases can be relied on. We have concerns with these	

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		additional responsibilities being incorporated within SEC governance at a time when RECCo is developing wider governance relating to the management of access to consumer energy data across the sector. We believe this SEC modification potentially undermines the work being progressed under the REC, in collaboration with industry as a whole, and believe it would be more appropriate for any change to data access provisions in the SEC to be considered alongside the development of CCS and REC governance. Aligning these developments would help ensure a consistent cross-industry framework for managing consumer energy data access and avoid future duplication, additional costs, or the need for further modifications to align the arrangements once CCS is operational. SECAS have been engaged in the CCS working groups so have visibility of the changes coming, which include wide industry engagement on the need to change to the SEC Privacy Controls Framework to recognise the use of CCS for consent. Working together to achieve the aims would be better for industry and the consumer and enable one change to fulfil all party needs.	
Citizens Advice	Other	N/A	-
Consumer Scotland	Other	**Routes to consent** The Retail Energy Code is, in conjunction with Ofgem, already developing a Consumer Consent Solution for consumers to manage	Thank you for your further comments. Public Task and Legitimate Interest are established lawful bases under UK GDPR

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		their smart meter data. This Solution's development has been ongoing for some time and has considered the aspects of this proposal in a more holistic way with stakeholders across the energy sector. This modification would undermine the role of that Solution as the route for consumers to give consent to third parties to access their data and to manage control of who has access to that data. The modification proposal has not provided any evidence that consumer consent would be unachievable under the Consumer Consent Solution, nor provided any detail of the circumstances that would justify overriding explicit consent. There should be a very strong individual justification for removing a consumer's ability to control access to their own data, and this test has not been met in this proposal. **Who can access the data** Within this proposal there are two very different groups of organisations who could use this route to access consumer data. The first being Public Task organisations such as Local Authorities who may have regulated activities to undertake. Overall, the rationale is weak regarding the need for nonconsensual access for those Public Task organisations through this modification when the Consumer Consent Solution could allow access consensually. The stated aims in the modification proposal for Public Tasks could be achieved by consumers providing consent to their data being shared with their social landlord or other public task relevant organisation under the Consumer Consent Solution.	that exist independently of any consent mechanism, including the CCS. The modification does not rely on the CCS being unavailable; it addresses a genuine and separate need for data access in circumstances where individual consent at scale is not practical. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and should work together for the legal basis defined with MP234. The PSC use case approval process requires applicants to demonstrate a clear and specific purpose, necessity, proportionality and consumer benefit before access is granted; this is the appropriate safeguard against the risks of vague or unjustified access described in the response. On enforcement, Other Users operating under the SEC are subject to SEC obligations and UK GDPR, with the ICO as the supervisory authority for data protection matters. We believe the controls within the modification are sufficient and that the modification is ready to proceed.

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		As the Consumer Consent Solution is not in place for consumers to actually provide their consent, the modification's reasoning stands on conjecture rather than evidence of consumers not consenting to share their data. The modification has also presented no support for this modification from Public Task organisations. Those Public Task bodies may have other routes to access the support needs of those consumers they have duties for, such as through the Department of Work and Pensions. For Legitimate Interest organisations, consumers should decide who accesses their data and that can be achieved and managed by consumers through the Consumer Consent Solution. Consumer Scotland agree that innovation in the energy sector should be promoted but not at the cost of consumer privacy. Research by Ofcom has found that most consumers (between a half and two thirds)[1] do not try to access or read the terms and conditions when signing up for an online service, therefore reliance on privacy notices will not be sufficient to inform consumers. **Consumer experience** Consumers may consider access without consent as spying on their energy consumption by third parties, and those consumers in vulnerable circumstances may be particularly negatively impacted by a perceived invasion of privacy. Consumers may not have a direct relationship with those organisations who state they are acting in their interests regarding accessing their smart meter data. In those instances, should an organisation without a	

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		direct relationship reach out for a proposal or intervention to a consumer after analysing their consumption data, that could be perceived as distressing to a consumer due to that lack of awareness of both the access to the data and the lack of relationship with that organisation. **Purpose of the data sharing** Very limited detail is provided in the modification proposals about the uses consumer data would be put to. A general description is given of circumstances in which public bodies may have other duties, or where there may be potential benefits to consumers. We do not consider this sufficiently strong justification for overriding consumer consent. There are no evident routes for enforcement regarding potential misuse of data accessed under this modification, particularly as the range of potential organisations this modification would allow access may be regulated by multiple different bodies or even be unregulated. **Wider implications of this modification** The creation of an access route by this modification to consumer data for third parties could significantly undermine the trust consumers have in their smart meters as they may not know who is accessing their data under this modification and they cannot withdraw consent. If consumer trust is undermined, then the programme of smart meter rollout could be fatally undermined as consumers would choose not to take a smart meter or could choose to turn them off to avoid intrusive data gathering. Without sufficient smart meters in GB, then the ability to	

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		achieve other Net Zero goals, such as the Consumer-Led Flexibility goals set out in the Clean Power 2030 Action Plan, may not be met.	
National Grid Electricity Distribution	Network Party	We are not comfortable with the proposal to allow public authorities and other organisations access to consumer consumption data for a number of reasons: 1. It risks undermining consumer confidence which will need to be strengthened in order for RECCo's Consumer Consent Solution to be successful. Consumers may not be happy with their consumption data being shared in this way, and consequently may be reluctant to trust other mechanisms such as the CCS. This misalignment of approach suggests that the solution may not be adequately future proofed. 2. It appears that disaggregated data is being requested here, which we as a Network Operator are not allowed to hold without explicit consumer consent. We do not see the presented use case as being more significant and/or vital than that of a Network Operator. 3. As stated within the Modification Report, the GDPR Principles of Public Task and Legitimate Interests are not included within the SEC as they are not considered best practice by the ICO and European Commission.	Thank you for your further comments. On consumer confidence and CCS alignment, the SEC Privacy Controls Framework and PSC approval process provide independent safeguards that support rather than undermine consumer trust; the CCS and MP234 address different lawful bases and are not in competition. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and should work together for the legal basis defined with MP234. On the point regarding disaggregated data access for DNOs, the regulatory restrictions on network parties reflect the specific licensing conditions applicable to those parties and do not determine the appropriate standard for all Other Users under the SEC; each use case is assessed on its own merits by the PSC against the necessity and proportionality requirements of UK GDPR. MP234 does not preclude DNOs using this

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			mechanism if network licensing can be aligned. On the ICO and European Commission position, we note that Public Task and Legitimate Interest are fully recognised lawful bases under UK GDPR and that the PSC pre-approval requirement ensures they are applied appropriately rather than as a default. We believe the modification is suitable for submission.
Octopus Energy	Large Supplier	While Octopus Energy strongly supports initiatives to identify vulnerable households and combat fuel poverty, we must formally oppose SEC Modification MP234. Permitting third parties to access highly granular, half-hourly Smart Meter Consumption Data without explicit consumer consent introduces unacceptable risks. Specifically, it undermines consumer trust in the smart meter rollout, creates conflicting and fragmented industry data gateways, and places a disproportionate operational and legal burden on energy suppliers to manage consumer objections under Article 21 of the UK GDPR. **1. Erosion of Consumer Trust and Privacy Rights** Half-hourly smart meter data is deeply intrusive; it acts as a digital footprint of a consumer's daily life, revealing occupancy, routines, and lifestyle habits. **The Consent Mandate:** The success of the smart meter rollout is predicated on the explicit promise that consumers control their	Thank you for your comprehensive further comments. On consumer trust, the shift to an opt-out model applies only where a use case has been individually approved by the PSC against strict necessity and proportionality criteria; this is not blanket or default access and the Right to Object under Article 21 is a meaningful protection available to all consumers – this does not change "Appropriate Permission". On the Article 21 supplier burden, the Other User is the Data Controller (or represents the DC) for requests made under these lawful bases and bears the primary responsibility for consumer communications and handling data subject rights; the Supplier's

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		data. Removing the "Appropriate Permission" (Consent) requirement breaks this foundational promise. **Opt-Out vs. Opt-In:** Moving from an "opt-in" (Consent) to an "opt-out" (Right to Object) model for public authorities and third parties effectively means consumers will have their data harvested by default. Consumer advocacy groups, such as Citizens Advice, have rightly pointed out that this will lead to severe consumer backlash and increased opt-outs from the smart meter program entirely. **2. Unquantified Operational Burden on Energy Suppliers (Article 21)** If third parties rely on Public Task (Article 6(1)(e)) or Legitimate Interests (Article 6(1)(f)), the consumer's Right to Withdraw Consent is replaced by the **Right to Object (Article 21)**. ● **Misdirected Liability:** Although the requesting Third Party is the Data Controller, consumers do not have a relationship with these hidden third parties. When a consumer discovers their data is being accessed, they will inevitably complain to us, their supplier. ● **Architectural Cost:** Suppliers will be forced to bear the cost of building and maintaining complex IT systems to log, triage, and execute these Article 21 objections. MP234 shifts the administrative cost of third-party data access directly onto supplier balance sheets, and ultimately drives up the cost of energy to all consumers.	role is limited. On CCS conflict, MP234 operates within the SEC Privacy Controls Framework and governs a distinct set of lawful bases from those managed by the CCS; a consumer managing consent via the CCS does so in relation to consent-based access, which remains unaffected by MP234. As CCS scope, design and operation becomes proven we welcome further engagement on how both could and should work together for the legal basis defined with MP234. On PSC gatekeeping, applicants are required to submit a full Legitimate Interests Assessment or Public Task justification as part of the PSC approval process, assessed by the Independent Privacy Advisors, providing the rigour necessary to prevent commercial exploitation. We believe the controls are sufficient and the modification is ready to proceed.

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		3. Conflict with the REC Consumer Consent Solution (CCS) MP234 runs directly counter to the ongoing industry efforts under the Retail Energy Code (REC). • **Fragmented Governance:** The industry, under Ofgem's direction, is already investing heavily in the REC Consumer Consent Solution (CCS) to create a single, unified "front door" for consumers to manage data access. • **Consumer Confusion:** Enacting MP234 creates a parallel, "back door" access route governed by the SEC. A consumer could explicitly revoke all access via the REC CCS, only to have their data legally pulled via the SEC MP234 gateway by a local authority. This fragmentation makes it impossible to provide clear, transparent privacy information (Article 14 UK GDPR) and will result in widespread consumer confusion and ICO complaints. **4. Disproportionate Processing and Data Minimisation Controls** Under Article 5(1)(c) of the UK GDPR, data processing must be adequate, relevant, and limited to what is necessary (Data Minimisation). • **Blanket Access:** Using Public Task to identify fuel poverty inherently requires processing the data of thousands of *non-vulnerable* households to find the few who are vulnerable. Sweeping up the highly intrusive data of entire postcodes to achieve a targeted policy aim is disproportionate and highly	

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		susceptible to legal challenge under the Human Rights Act 1998 (Article 8). • **Inadequate Gatekeeping:** The SEC Privacy Sub-Committee (PSC) is a code governance body, not a regulatory authority. Relying on the PSC to accurately assess complex Legitimate Interests Assessments (LIAs) or Public Task necessity tests for third parties lacks the necessary legal rigor to protect consumers from commercial exploitation or governmental overreach. **Conclusion:** For these reasons, Octopus Energy urges the rejection of MP234. Any access to smart meter data for public interest purposes must be managed through a unified, industry-wide preference centre (such as an expanded CCS) that allows consumers to exercise their rights transparently, rather than creating fragmented exemptions within the SEC.	
British Gas	Large Supplier	We believe this modification could seriously undermine the trust from consumers in smart meters, and the fundamental principle that their half hourly data (and other confidential energy information) will not be shared with other parties without their consent. We don't believe that oversight from the Privacy Sub Committee will mitigate these concerns, and the concerns raised in our response to the Refinement Consultation. As mentioned in the Modification Report, the views of individual members of the Privacy Sub Committee are highly polarised on this modification – with some parties (DCC Other Users) strongly in favour, and some parties (Citizen's Advice and	Thank you for your further comments. On PSC independence, the PSC operates under established SEC governance with defined membership and decision-making rules; its composition reflects the cross-industry structure of the SEC and is appropriate for a code governance body (as do all committees and panels within the SEC). The PSC is not required to be a regulatory authority - its role is to apply the

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		Suppliers) strongly against. The outcome of each Use Case review would depend on which Privacy Sub Committee members were actually in attendance at each meeting. Practically, the membership of the Privacy Sub Committee doesn't feel sufficiently "independent" from commercial interests to make these decisions in consumers' best interests. Separately, we have never understood why the Proposer rejected the suggestion of splitting MP234 into MP234A and MP234B, allowing the specific issues associated with each of Public Task and Legitimate Interest to be assessed separately. We remain concerned on some of the wider implications – especially if MP169 were to proceed, and consumers requested their meter be put into dumb mode (under the proposed MP169 solutions) – this could impact the number of smart meters that are kept communicating – with implications for MHHS effectiveness, Consumer Flexibility targets and the overall Smart Rollout business case. We are also concerned about the impact on DCC traffic, especially if MP218 is not implemented – there could be a considerable unpredictable growth in DCC traffic, potentially at specific times of the year (linked to corporate reporting timelines). Most of the use cases we have heard discussed for MP234 would also seem to be better served by one of the future smart data repositories – SMEDR or SDR – rather than the DCC Other Users route. MP234 also seems to be in an opposing direction to Ofgem's work on the Consumer Consent Solution.	criteria set out in the Privacy Controls Framework with the assistance of the IPA, and the ICO remains the supervisory authority for UK GDPR compliance. On splitting MP234 into MP234A and MP234B, the Change Team notes this suggestion but considers that the single modification with differentiated treatment of each lawful basis within the Privacy Controls Framework is the appropriate approach; separating them would not alter the substantive controls applied to each. On the interaction with MP169, this is a matter for that modification and is outside the scope of MP234. On DCC traffic, the Privacy Controls Framework includes provisions governing request volumes and the DCC's existing capacity management processes are sufficient to handle the anticipated levels of activity. On SMEDR and SDR, those are future programmes and do not address the current need. We believe the modification is ready to submit to GEMA.

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		We recognise that this is an authority determined modification. If Ofgem/GEMA decides to support it, we (as a Supplier) will need their support on consumer messaging – perhaps involving SEGB.	
Utilita	Large Supplier	-	-
CGI	SEC Other Party	We would also note that both Public Tasl and Legitimate Interest are lawful bases as described in UK GDPR Where possible we should be aligning with legislation rather than carving out some elements.	Thank you.