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

May 2025 Working Group – meeting summary

Attendees

SEC Party Category	Working Group Members	Representing
Large Suppliers	Emma Johnson (EJ)	British Gas
	Alex Hurcombe (AH)	EDF
	Sharon Armitage (SA)	EON Next
	Ralph Baxter (RB)	Octopus Energy
	Joey Manners (JM)	Octopus Energy
	Mahfuzar Rahman (MRa)	Scottish Power
	Kevin Clark (KC)	Utilita
Other SEC Parties	Patricia Massey (PM)	BEAMA
	Rob Heath (RHth)	Calisen
	Ian Lovatt (IL)	Chameleon
	Martin Bell (MB)	EUA
	Michael Snowden (MS)	Secure
	Tereza Borges (TB)	N3rgy
Network Parties	James Shippey (JL)	Northern Power Grid
	Kirsty Maddock (KM)	National Grid Electricity Distribution

Other Participants		
DCC		
Chris Barlow (CB)	Bradley Baker (BB)	
Ofgem		
Ian Chalfon (IC)	Cristina Ullastre (CU)	
DESNZ		
Rachel Allen (RA)		
SECAS		
Georgie Severin (BG) <i>Working Group Chair</i>	Ben Giblin (BG) <i>Lead Analyst</i>	Simon Grimwood (SG)
Elizabeth Woods (EW)	Sophia Master (SM)	Marc Rhodes (MR)
Camilla Winlo (CW)	Lydia Bentley (LB)	Talia Lattimore (TL)
Citizens Advice		

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Other Participants
Colin Griffiths (CG)
SECCO
Robin Healey (RHeal)

Overview

The Smart Energy Code Administrator and Secretariat (SECAS) provided an overview of the issue, impact and the assurance approach agreed by the Privacy Sub-Committee.

Context

- Local Authorities and Registered Social Landlords have regulatory duties to protect tenants from falling into fuel poverty, identify vulnerable households and maintain minimum standards of housing.
- The Proposer notes that these groups often struggle to collect Unambiguous Consent from Consumers to collect their Consumption Data.
- These Local Authorities would like to employ an Other User to collect data on their behalf using the lawful bases of Public Task and Legitimate Interests.

Issue

- Currently, to collect Consumption Data from a Smart Metering System, a User must hold the Appropriate Permission of the Energy Consumer or have collected their Unambiguous Consent.
- The principles of Public Task and Legitimate Interests are not included in the SEC, meaning bodies cannot collect data using these bases.

Impact

- Without Public Task and Legitimate Interests being included in the SEC, the Proposer believes there is a risk Local Authorities and Registered Social Landlords could be unable to collect Consumption Data and consequently be unable to fulfil their regulatory obligations.

Proposed Solution

- Introduction of Public Task and Legitimate Interests into the SEC. Once the usage of these bases had been assessed and approved by the Privacy Sub-Committee (PSC), Users would be able to collect Consumption Data without the Appropriate Permission or Unambiguous Consent of the Energy Consumer.

Working Group Discussion

SECAS (BG) provided an overview of the issue, impact and assurance approach agreed with the PSC.

Assurance Approach

SECAS (BG) provided details about the assurance approach which had been agreed with the PSC for this modification. They noted that for both Public Task and Legitimate Interests, Parties who seek to use these principles would need to submit documentation to SECAS showing why either principle was relevant. SECAS would then assess each case to determine whether the usage of Public Task or Legitimate Interests was appropriate. If the usage was inappropriate, the Party would be requested to provide a secondary legal opinion to support their claim before being re-assessed by SECAS.

A Working Group member (MB) questioned whether SECAS would be using lawyers to verify whether the usage of Public Task or Legitimate Interests was acceptable. SECAS (BG) clarified the Party seeking to use Public Task or Legitimate Interests would have to use a lawyer if a secondary opinion was requested by SECAS. They added that the PSC acknowledged SECAS using a lawyer to verify whether the use of these principles would be expensive and therefore did not support such an approach.

Rationale for MP234

The Proposer (TB) explained that the lawful bases of Public Task and Legitimate Interests are used outside of the SEC to collect data. They noted that there are circumstances where Local Authorities may struggle to collect Unambiguous Consent and therefore cannot collect the data from the consumer they need to fulfil their regulatory obligations. They added that the principles of Public Task and Legitimate Interests are well established within data protection law and it is not their intention to weaken existing protections for consumers. They commented that the PSC would need to assess every proposed use of these principles for approval before any data could be collected, which boosts confidence in appropriate use of these principles.

Bodies who seek to use Public Task and Legitimate Interests

Citizens Advice (CG) noted they have had discussions with banks, broadband providers and insurance companies who would like to collect data from consumers Smart Meters. They added these bodies claim they have issues in collecting Unambiguous Consent so would like these processes introduced. They added that if Public Task and Legitimate Interests were included in the SEC this could lead to all Parties using them as they are less onerous than having to collect Unambiguous Consent.

They added that they knew of other projects, such as the [UrbanTide project with DCC](#) which collected anonymized data from consumers to examine fuel poverty, however this did not involve collecting data without the consent of the consumer.

Concern for Energy Consumers

A Working Group member (EJ) expressed concern that there would not be an opt out for consumers, meaning that consumers may have to rely on the Restricted Attribute proposed in [MP169 'Managing](#)

[SEC Obligations and the Consumers right to refuse a Smart Meter'](#) to control their data. They also noted that Ofgem have recently consulted on building a data dashboard for consumers to manage their data and consent, noting this modification did not appear to align with Ofgem's approach.

Another Working Group member (AH) questioned the need for this modification. They asked why bodies could not use existing processes for collecting consent and noted this modification could be negative for consumers. The Proposer (TB) noted these comments, providing an example of how a Registered Social Landlord may struggle to collect the Unambiguous Consent from their tenants every time there is a new tenancy. They argued that allowing access to Smart Meter data would enable the Landlord to ensure the tenants are not falling into fuel poverty.

A Working Group member (MB) noted this modification would be negative for consumers as it moves the onus onto Consumers to opt out of their data being collected, rather than giving Unambiguous Consent and opting in. The Proposer (TB) acknowledged these concerns, highlighting that any use of Public Task and Legitimate Interests would need to be approved by the SECAS and the Independent Privacy Auditor (IPA) before any data could be collected.

A Working Group member representing Citizens Advice (CG) highlighted that introducing these concepts could allow consent for collecting Smart Meter data could be added in long legal documents, such as mortgage agreements, which consumers are unlikely to read. They added that for Legitimate Interests, many bodies could claim to use this principle in line with trying to achieve net zero goals, which could lead to SECAS/IPA being inundated with requests for approval. They argued that private companies interpreting Legitimate Interests would lead to them writing legal opinions to support this basis. They also noted that research conducted by Citizens Advice shows that consumers want control of their data, which this modification would weaken. In addition, they also believed this modification could lead to negative media attention and a corresponding lack of faith from consumers in the Smart Metering Implementation Programme (SMIP).

Next Steps

The following actions were recorded from the meeting:

- SECAS (BG) to finalise how Legitimate Interest Assessments will be assessed by the PSC.
- SECAS (BG) to work with the Proposer to identify further use cases for this modification, in particular examples of where the current arrangements are insufficient.