

# Smart Energy Code

## Section I: Data Privacy

### SEC Section I provisions concern:

- DCC Users
- Data & Communications Company (DCC)
- SEC Panel

### What does Section I cover?

Section I of the SEC sets out the obligations of the Data and Communications Company (DCC) and each User of the DCC Services on **data protection, access to consumption data** and **Other User Privacy Audits**.

### User Obligations: Consumption Data

Each User must have the **Appropriate Permission** to obtain **Consumption Data** from a smart meter.

The SEC defines Appropriate Permission broadly as either through an Energy Licence or, for non-licensees (e.g. an Other SEC Party) in line with the requirements of an Energy Licence, gaining the Unambiguous Consent of the Consumer.

In the case of an Other SEC Party, they must also notify the **Energy Consumer** in writing of the time periods and purpose of obtaining the **Consumption Data**, as well as confirming the consumer's right to object or withdraw consent to the use of their Consumption Data (and the process by which they can do this).

Alongside any SEC requirements, Parties will also need to comply with the provisions of the Data Protection Act.

### User Obligations: Joining Devices

Type 2 Devices are defined as Devices which do not store or use the Security Credentials of other Devices when communicating with them. Such Devices are joined and unjoined to a Smart Meter via Service Requests, only a joined Type 2 Device will be able to access any data from the Smart Meter.

Only the Responsible Supplier for a Smart Meter or Associated Device is entitled to send the Service Requests which result in the joining or unjoining of a Type 2 Device. Any User may send either a 'Join Service' or 'Unjoin Service' Service Request if the Energy Consumer at the premises at which the Smart Meter is located has given the User Unambiguous Consent.

### User Obligations: Accessing Consumption and Profile Data

The Self-Service Interface will provide Users access to various services and records. Part of the available services include a log of all Service Requests which gather information on consumption or profile data. The access to these records is controlled and can only be accessed for purpose of provision to the Energy Consumer themselves or to a User if they have received the Unambiguous Consent from the Energy Consumer.

## Processing of Personal Data by the DCC

In terms of the Data Protection Act (DPA), in providing services the DCC are acting in the capacity of a 'data processor' on behalf of the User in respect of the **Personal Data** for which the User is the 'data controller'.

The SEC therefore sets out that the DCC shall undertake to put in place appropriate controls, measures and procedures connected with **processing** of data for the benefit of each User. The full list of these requirements is in SEC Section I1.7 and includes:

- Processing of Personal Data in accordance with the SEC or DCC Licence in a manner that is not likely to cause the User to breach its obligations under the **Data Protection Act**;
- appropriate technical and organisational measures to protect the Personal Data against unauthorised or unlawful Processing;
- assisting Users in complying with any subject access request or enquiry or any investigation; and
- notifying the User of any DPA complaints or requests received by the DCC.

## Verification of Energy Consumer and Records

Each User should put in place arrangements in accordance with **Good Industry Practice** to ensure that the person giving consent to the use of their Consumption Data is the Energy Consumer.

The DCC and Users must also maintain records in accordance with Good Industry Practice to demonstrate they are complying with the obligations under Section I.

## Independent Privacy Auditor

For the purposes of providing **privacy audit services**, the Panel are required to procure a suitability qualified organisation and suitably independent who is referred to as the Independent Privacy Auditor.

Following a competitive procurement process, Deloitte MCS Limited were appointed as the User Competent Independent Organisation (CIO) to undertake the roles of both the Independent Privacy Auditor and the User Independent Security Assurance Service Provider.

## Privacy Audit Services

The following sets out the scope of services that the Independent Privacy Auditor is required to deliver:

- Undertake Privacy Assessments and produce the relevant Privacy Assessment Reports, including consideration of the Privacy Assessment Responses provided by the Other User;
- Provide the Panel with any advice and support as it may request including in relation to any Events of Default;
- Provide the Authority with any advice and support as it may request in relations to any disagreements that require determination in accordance with Section I2; and
- Undertake any other activities that may be required.

The Panel is responsible for ensuring that the Independent Privacy Auditor carries out the required functions as set out within Section I.

## Privacy Assessments

Each User is required to cooperate in the assessment process and provide information, access and any other form of cooperation that may be required to facilitate the process. Further guidance and information on the types of assessment and the process set out in Section I on the [Privacy Assessment](#) area on the SEC Website.

## Privacy Controls Framework

In order for each Privacy Assessment to be carried out in a consistent manner, the SEC requires that the Panel develop and maintain a Privacy Controls Framework which sets out:

- The arrangements designed to provide reasonable assurance that Other Users are compliant with the requirements in SEC Sections I1.2 to I1.5
- The principles and criteria to be applied when carrying out an assessment to ensure consistency across assessments
- The process for determining the timing, frequency and selection of Random Sample Privacy Assessments.

The Privacy Controls Framework was developed by the User CIO and consulted on with Parties, Citizens Advice and the Information Commissioner. The document is publically available on the [SEC Website](#).

## Explicit Charges

All applicable charges in relation to Privacy Assessments carried out by the Independent Privacy Auditor shall be paid by the relevant Other User.

Any costs incurred which are not directly linked to a User's Privacy Assessments, as well as those for Random Sample Privacy Assessments, shall be handled as Recoverable Costs.

## Disclaimer

These guides are intended to provide a simple overview of the SEC and any supporting or related arrangements and do not replace or supersede the SEC or these related arrangements in any way. The author does not accept any liability for error, omission or inconsistency with the SEC.

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