SEC
Smart Energy Code

This document is classified as **White** in accordance with the Panel Information Policy. Information can be shared with the public, and any members may publish the information, subject to copyright.

DP126

'Smart Meter Consumer Data Access and Control'

Modification Report

Version 0.3

16 February 2021

Corporate member of Plain English Campaign
Committed to clearer communication
592

About this document

This document is a draft Modification Report. It currently sets out the background, issue, and progression timetable for this modification, along with any relevant discussions, views and conclusions. This document will be updated as this modification progresses.

Contents

Contact

If you have any questions on this modification, please contact:

Emmanuel Ajayi

020 8132 4134

emmanuel.ajayi@gemserv.com

1. Summary

This proposal has been raised by Ed Rees on behalf of Citizens Advice.

Consumers are dependent on their existing energy Supplier to provide mechanisms for consumer viewing or sharing of their energy data. They also do not have clear visibility and control of who is accessing their smart meter energy usage data; in what detail; over what timeframes; and for what purposes.

For consumers to make a meaningful decision on the merits of the 'opt out', without a "self-serve" option for their data permissions, energy Suppliers will need to communicate with all consumers to ensure they understand their options.

These issues may become a more significant risk for consumers if Data Communications Company (DCC) Users other than their energy Supplier access their consumer data.

2. Issue

What are the current arrangements?

In the current arrangements, the Standard License Conditions (SLC) set for energy Suppliers requires them to provide relevant consumption data held by Smart Metering Systems to consumers. This requirement is with exception to Smart Metering Systems that was not installed by the Supplier. The Proposer, as the primarily recognised consumer body, believes most consumers are dependent on their existing energy Supplier to provide mechanisms for consumer viewing or sharing of their energy data. The energy data that consumers can access through their In-Home Display (IHD) does not include all the information that is available.

The complexity of Smart Metering Systems will continue to increase with development of the smart meter rollout and innovation including Settlement Reform (the mandating of Half-Hourly Settlement (HHS)). To manage a complex system of connected Devices, generation and storage, a consumer would need to be informed and have the ability to access this additional information (for example Consumer Access Device (CAD) connections, auxiliary load controls, maximum load and tariff data) to understand the implications of a smart tariff or the services for which it is being used.

What is the issue?

Consumers rely on their energy Supplier to provide information through the IHD, which is fit for purpose for the information that a consumer requires as set out in the SLC (e.g. consumption data and tariff information). However, the IHD does not address the issues of which Users access and control consumer data. The Proposer believes this is not an ideal arrangement for consumers to be well informed around their data control and receive impartial or complete advice where desired.

Whilst DCC Users are required to make privacy and security provisions before they can access consumers' energy data, the DCC have no arrangements in place to authenticate DCC Users' permissions for each individual data request. Consequently, the Proposer anticipates that DCC Users' ability to access consumers' energy use data could result in scenarios where data is incorrectly logged or processed, or where data breaches or consent issues occur. The Proposer believes this

would lead to issues around privacy and consent. These issues would include any attempt to inaccurately capture consent that identifies the permissions that consumers provide. If a consumer suspects a company is accessing their smart meter data without consent, then their only course of action is to ask the company they suspect to stop.

These issues may become a more significant risk for consumers if DCC Users access their consumer data; there is currently no common standards set out for DCC Users for viewing and sharing energy data and more detailed energy data can be shared. The Proposer believes these risks seem likely due to settlement reform and the net-zero ambition, which will together share more consumer data across Users than ever before. This will require consumers and Users/third parties to better manage energy use data to evaluate smart tariffs and access personalised energy services.

The Proposer believes this issue will grow in significance with the introduction of HHS. Settlement reform will mean that by default more personal consumer energy use data will be collected from consumers and used to shape consumer billing services and Supplier forecasting. Ofgem's minded-to position is to change the minimum data collection via an opt-out from smart meters to daily reads[1]. The nature and complexity of this issue is highlighted in Ofgem's consultation (page 9), as Suppliers displayed several concerns around consumers opting out of data access agreements 'just to be safe', even if they do not hold explicit privacy concerns. The impact of too many consumers opting out would create further risks to the industry's realisation of the benefits of HHS as well as the wider benefits of smart meters. In this modification, the Proposer seeks to address the consumer perspective of this issue, in how consumers can be adequately aware and informed of who is accessing and controlling their data.

All smart meters were originally installed with the option of only having readings collected as a minimum monthly requirement. The Proposer believes new arrangements under HHS would therefore be a significant change to the Data Access and Privacy Framework and a notable divergence from the terms that consumers were initially offered when they agreed to have a smart meter fitted. The DCC's current arrangement has little consumer consideration and communication, which creates a big gap in the consumer knowing who is accessing their data. The Proposer did note that the DCC was developing a digital dashboard for consumer use. In the scenario where this digital dashboard is produced, issues around who accesses and controls consumer data need to be addressed.

Currently, the Proposer is investigating privacy sampling assessments to measure how well consumers' information is respected and processed within the Smart Energy Code (SEC). The need derives from SEC requirements on other Users to carry out random sampling. Work is being carried out under the SEC to see how engaged Users are in their privacy. This will provide informative value in ascertaining if the risks of the issues described are present.

What is the impact this is having?

Consumers do not have clear visibility and control of who is accessing their smart meter energy usage data; in what detail; over what timeframes; and for what purposes. Consumers also do not have access to their personal smart meter energy data in a portable format via smart metering systems. This provides limited data transparency and accessibility, which risks consumer trust in Smart Metering Systems and data processing and restricts consumers' ability to manage their energy use.

[1] Consultation on access to half-hourly electricity data for settlement purposes

A mechanism for direct consumer access and control of energy use data would provide greater visibility and transparency of DCC data processing and Users' access to consumer data. It could also support engaged consumers, and third parties acting on their behalf to support greener and more cost-efficient energy choices. For consumers to make a meaningful decision on the merits of the 'opt out', without a "self-serve" option for their data permissions, energy Suppliers will need to communicate with all consumers to ensure they understand their options.

3. Assessment of the proposal

Observations on the issue

When the issue was first presented, a Change Sub-Committee (CSC) member stated that further work needed to be undertaken to understand what is currently in place. DCC Users have an obligation to provide customer data in an online or readable format; by doing so customers can then access their data. In terms of data preferences, all Suppliers have obligations to ensure the consumer is aware of the information that the Supplier processes. Furthermore, customers can request Suppliers to provide information on data that has been processed.

Another CSC member clarified the first issue is that consumers cannot access all information being transmitted to the DCC. The second issue is that consumers find it difficult to review how the data is shared by the DCC, and there is currently no easy mechanism. The CSC member also added that the likely options for this modification are for the Supplier (on behalf of the consumer) to speak to the company who is suspected of a data breach, or the consumer can contact the Information Commissioner's Office (ICO). Alternatively, there may be subject access requests to the Data Controller, and the Supplier will then liaise with the DCC to understand how the data might have been shared. It was noted that currently the consumer cannot control how their energy data is processed or alter the data sharing settings.

SECAS discussed this with the Proposer and agreed greater clarity on the role of the Data Controller was needed, as there is no mechanism for Consumers to approach the DCC and request who is processing or sharing this data.

The Proposer also noted the onus of the change should be focused on the clarity around data controls, as there is currently not a single Data Controller. The Proposer also responded to the CSC's comments by noting whilst consumers may approach the ICO if they are concerned regarding their data, this does may not suffice, as it does not address the issue of control nor is the ICO customer journey straightforward or quick to respond. As a regulator, the ICO is an intended path for consumers in extremes scenarios and where they have the capacity to undertake a referral process. The Proposer believes consumers need an added control and stages before approaching the ICO, similar to the stages undertaken in energy markets before a Supplier is referred to Ofgem.

The Proposer provided a further update to CSC members at the January 2021 meeting. The Proposer advised that this has been a rolling project for some time, with workshops held in the past with the DCC, the Department for Business, Energy & Industrial Strategy (BEIS) and Ofgem to talk this through as a Proposal. One of the key things flagged by the Industry was that if a consumer hears news stories about customer data, they will likely ask their Supplier to confirm who has access to their data. The Supplier may not know who the DCC is distributing this information to. The Proposer suggested that the end goal is for consumers to have access through a portal to see where data is being sent to and who has access to this.

A CSC member further noted this proposal is likely to be a lengthy and detailed piece of work given the work already being done with the DCC regarding the privacy assessments.

Appendix 1: Progression timetable

Following the initial CSC discussions, SECAS has been working with the Proposer to more clearly identify the current arrangements, whilst clarifying further on the issue. This modification will be presented to the CSC on 23 February 2021 for further update. At this stage, the Proposer is intending to withdraw this Draft Proposal, and seeks any comments from the CSC before they do so.

Timetable	
Event/Action	**Date**
Draft Proposal raised	7 May 2020
Presented to CSC for initial comment	26 May 2020
Issue development with Proposer	13 Jul 2020
Presented to CSC for update	26 Jan 2021
Presented to CSC for further comment	23 Feb 2021

Appendix 2: Glossary

This table lists all the acronyms used in this document and the full term they are an abbreviation for.

Glossary	
Acronym	**Full term**
BEIS	Department for Business, Energy & Industrial Strategy
CAD	Consumer Access Device
CSC	Change Sub-Committee
DCC	Data Communications Company
HHS	Half-Hourly Settlements
ICO	Information Commissioner's Office
IHD	In-Home Display
SLC	Standard License Conditions