

Modification proposal:	Smart Energy Code (SEC) Modification Proposal (MP) 0056: IHD / PPMID ZigBee Attributes Available on the HAN		
Decision:	The Authority ¹ determines that this modification ² should be made ³		
Target audience:	Data and Communications Company (DCC), SEC Panel, Parties to the SEC and other interested parties		
Date of publication:	29 April 2021	Implementation date:	3 November 2022

Background

Smart Metering Equipment Technical Specifications (SMETS) 2 In-Home Displays (IHDs) and Prepayment Interface Devices (PPMIDs) are currently not notified of a Change of Tenancy (CoT) event. The Proposer explains that this could potentially allow a new tenant to access the previous tenant's personal information and place the Supplier in potential breach of the General Data Protection Regulation (GDPR).

SMETS1 contain the ZigBee attributes available to connected Devices on the Home Area Network (HAN) which allows those Devices to be notified of a CoT. This allows them to not display data prior to these events once the CoT notification has taken place, and the data is cleared from the IHD or PPMID memory.

SMETS1 and SMETS2 include CoT Zigbee attributes which are available over the HAN and notifies the Electricity Smart Metering Equipment (ESME) and Gas Proxy Function (GPF) when a CoT has taken place. This means that the ESME and GPF do not display historical data after that date.

¹ References to the "Authority", "Ofgem", "we" and "our" are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work. This decision is made by or on behalf of GEMA.

² 'Change' and 'modification' are used interchangeably in this document.

³ This document is notice of the reasons for this decision as required by section 49A of the Electricity Act 1989 and by section 38A of the Gas Act 1986.

However, due to the ZigBee attributes not being included for IHDs and PPMIDs in SMETS2, connected Devices can display a previous occupier's data following a CoT. This potentially allows a new occupier to view the previous tenant's personal data, which may include consumption data, personal messages relating to tariffs, or debt information. PPMIDs will calculate the level of debt automatically, and without a clear signal when to remove this data it is likely that if the new occupier is using prepayment mode, the previous occupier's data would potentially still be displayed. This could be considered a potential GDPR breach. However, this would be dependent upon whether the Supplier has sent this type of personal information to a Device.

The modification proposal

SECMP0056 was raised by OVO Energy (the Proposer) on 5 July 2018 and seeks to make Zigbee attributes for CoT parameters available to SMETS2 HAN Devices such as IHDs and PPMIDs. Furthermore, the solution will mandate IHDs and PPMIDs to query the ESME and GPF for CoT information. This will allow the HAN Device to be notified when a CoT has taken place and will subsequently clear all data belonging to the previous occupier.

The full business requirements for this modification are contained within the Final Modification Report (FMR).⁴

We received a request from the SEC Panel on 22 April 2021 to revise the implementation date for this modification from 30 June 2022 to 3 November 2022 SEC Release. We have therefore replaced the original implementation date with the revised date within this report.

SEC Change Board (CB)⁵ recommendation

At the CB meeting on 24 March 2021 the CB agreed that SECMP0056 would better facilitate the SEC Objectives (a), (c) and (f) therefore the CB recommended its approval to the Authority.

⁴ <https://smartenergycodecompany.co.uk/modifications/ihd-ppmid-zigbee-attributes-available-on-the-han/>

⁵ The SEC Panel and Change Board are established and constituted pursuant to and in accordance with DCC Licence 22.25(a).

Our decision

We have considered the issues raised by the proposal and the FMR submitted to us on 25 March 2021. We have considered and taken into account the votes of the SEC Change Board on the proposal which is attached to the Change Report. We have concluded that:

- implementation of the modification proposal will better facilitate the achievement of the SEC Objectives;⁶ and
- directing that the change is approved is consistent with the Authority's principal objective and statutory duties.⁷

Reasons for our decision

We consider this modification proposal will better facilitate SEC Objectives (c) and (f) and have a neutral impact on the other Objectives.

The third General SEC Objective (c) is to facilitate Energy Consumers' management of their use of Energy through the provision to them of appropriate information by means of Smart Metering Systems.

The modification will ensure that upon a CoT event, the previous tenant's information is cleared from relevant Devices, and only the new tenant's information will be displayed. We agree with the Change Board that the solution for SECMP0056 therefore provides Energy Consumers with the ability to better manage their electricity and gas consumption.

Accordingly, we are of the view that this has a positive impact on Consumers as Suppliers will be providing a more robust level of data protection and privacy for their Consumers, therefore better facilitating this Objective.

The sixth General SEC Objective (f) is to ensure the protection of data and the security of data and systems in the operation of the SEC.

⁶ The Objectives in accordance with DCC Licence 22.10-22.17

⁷ The Authority's statutory duties are wider than matters that the Panel must take into consideration and are detailed mainly in the Electricity Act 1989 as amended and the Gas Act 1986 as amended.

The Proposer argues that SECMP0056 will better facilitate this Objective by ensuring that Consumer Data is protected by having the previous tenant's data cleared from Devices. This allows the Supplier to ensure compliance with GDPR requirements for data security and mitigate against a potential breach where the new tenant could potentially view this data.

We agree with the Proposer's view that it is critical to ensure that Consumers' personal data is appropriately protected. There is also a benefit for Consumers, who will receive a higher level of protection of their personal data when a CoT occurs. However, the onus is upon Suppliers as the data controller to determine the level of risk associated with the data that they have sent or make available on these Devices. We therefore caution that whilst this modification will ensure that this data is cleared before or when a tenancy ends, Suppliers must ensure their individual compliance with GDPR and appropriately mitigate against all risks associated with personal data breaches. We therefore remind Suppliers and industry that whilst this modification is a mitigation for this scenario, it should not be viewed as a complete solution and suppliers must remain vigilant in their approach to data protection. It is the suppliers' responsibility to ensure compliance with GDPR and data protection requirements as it is the supplier that will be held accountable for any breach of GDPR.

Decision notice

In accordance with standard licence condition 23 of the Smart Meter Communication licence, the Authority hereby determines that modification proposal SECMP0056: *'IHD / PPMID ZigBee Attributes Available on the HAN'* should be made.

Jacqui Russell

Head of Metering & Market Operations

Signed on behalf of the Authority and authorised for that purpose