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SEC Modification Proposal Form – SECMP0045

Mod Title

Incorporation of the requirements of the General Data Protection Regulations

Submission Date

23 January 2018

Details of Proposer

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1. What issue are you looking to address?

The General Data Protection Regulations (GDPR) will apply in the UK from 25 May 2018 and will replace the Data Protection Directive 95/46/EC which was implemented into British law through the Data Protection Act (DPA).

The GDPR is being introduced to harmonise data privacy laws across Europe, to protect and empower all EU citizens data privacy and to reshape the ways in which organisations approach data privacy.

As the SEC currently only reflects the requirements of the Directive and the DPA, updates are required to reflect the changes being introduced by the GDPR.

2. Why does this issue need to be addressed? (i.e. Why is doing nothing not an option?)

The SEC constitutes a binding multilateral agreement between SEC Parties. As such it is important that the legal changes being introduced under the GDPR are reflected in the SEC as they would be for any other contract, policy or procedure. As a minimum it must be updated to include certain specific terms required by the GDPR.

3. What is your Proposed Solution?

DCC and SECAS have carried out a joint review of all sections of the SEC in order to identify all of the changes required to transpose the requirements of the GDPR into the SEC.

The proposed solution seeks to limit most of the changes to Section I of the SEC (Data Privacy), with consequential changes throughout the SEC (and its appendices) so that wherever a requirement of GDPR occurs, the rules in Section I will be referenced. In addition to this, the definitions in Section A will be updated to reflect all new or revised definitions under the GDPR.

This approach has been identified as the most efficient way of implementing the required changes. It is also the best way of ensuring that any future changes to the GDPR (or any changes to the interpretation of the GDPR) can be incorporated into the SEC without requiring a large number of minor changes to be made, which would increase the risk of inconsistencies arising within the Code.

Details of all of the proposed amendments will be attached to the SECMP0045 Initial Modification Report (IMR) which will be presented to the Panel on 9th February 2018.

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For the avoidance of doubt, this Modification assumes that the current model of implicit consent provided by Users and Registration Data Providers for DCC to act as data processor on their behalf remains valid under the GDPR. This assumption will be kept under review by DCC and a separate modification may be raised to codify this arrangement if it is deemed necessary to support the implementation of the GDPR.

4. What SEC objectives does this Modification better facilitate?

DCC considers that this Modification better facilitates the following applicable SEC objectives (Section C1.1):

(b) the second General SEC Objective is to 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.

The incorporation of the requirements of the GDPR into the SEC will support the efficient discharge of the obligations imposed upon DCC by Condition 10 of the DCC Licence (Protection of Confidential Information).

(f) the sixth General SEC Objective is to ensure the protection of Data and the security of Data and Systems in the operation of this Code.

The GDPR is intended to protect Personal Data. Incorporating its requirements into the SEC will contribute to the overall protection of Data under the Code.

5. What is the requested Path type?

Path 2

It is proposed that this Modification Proposal is progressed as a Path 2 Modification, as it meets the criteria for Path 2 Modifications under Section D2.6 (c) of the SEC.

6. Are you requesting that the Modification Proposal be treated as Urgent?

No

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This change does not meet the Urgency criteria because the timescales agreed between SECAS and DCC for progressing the Modification allow sufficient time to meet the required implementation date without the need to treat it as Urgent. However, it is recommended that this modification progresses directly to the Report Phase in order to meet the implementation deadline of 25 May 2018.

7. What is your desired implementation date?

25 May 2018.

This date has been chosen so that the incorporation of the required changes into the SEC will align with the date that the GDPR will be enacted into British law.

8. Which SEC Parties are expected to be impacted? (Please mark with an X)

Large Supplier Parties	<input type="checkbox"/>	Small Supplier Parties	<input type="checkbox"/>
Electricity Network Parties	<input type="checkbox"/>	Gas Network Parties	<input type="checkbox"/>
Other SEC Parties	<input type="checkbox"/>		

This Modification is only intended to align the SEC with the incoming GDPR legislation. It is not expected that SEC Parties will need to take any action in response to this modification.

For the avoidance of doubt, Parties will still be required to ensure that they are compliant with any applicable requirements of the GDPR.

9. Which parts of the SEC will be impacted?

The SEC documents set out below may be impacted by this modification.

The final list of impacted sections, as well as the proposed legal text changes, will be provided to the Panel when they consider the IMR on 9th February 2018.

SEC Section A – Definitions and Interpretation

SEC Section C – Governance

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SEC Section F – Smart Metering System Requirements

SEC Section G – Security

SEC Section H – DCC Services

SEC Section I – Data Privacy

SEC Section L – Smart Metering Key Infrastructure and DCC Key Infrastructure

SEC Section M – General

SEC Section N – SMETS1 Meters

SEC Section Z – Alt HAN Arrangements

SEC Schedule 5 – Accession Information

SEC Schedule 8 – GB Companion Specification Version 1.0 and 1.1

SEC Schedule 9 – SME Technical Specifications Version 1.2 and 2

SEC Schedule 10 – CH Technical Specifications

SEC Appendix A – Device Certificate Policy

SEC Appendix B – Organisation Certificate Policy

SEC Appendix Q – IKI Certificate Policy

SEC Appendix Y – Registration Data Interface Code of Connection

SEC Appendix AE – DCC User Interface Code of Connection

SEC Appendix AG – Incident Management Policy

SEC Appendix AH – Self Service Interface Design Specification

10. Will there be an impact on Central Systems? (Please mark with an X)

DCC Systems	<input type="checkbox"/>	Party interfacing systems	<input type="checkbox"/>
Smart Metering Systems	<input type="checkbox"/>	Communication Hubs	<input type="checkbox"/>
Other systems	<input type="checkbox"/>		

There is no impact on Central Systems as a result of this Modification. This Modification only seeks to transpose the requirements of the GDPR into the SEC.

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However, changes may be required to DCC Systems in order to ensure compliance with the GDPR and amended requirements in the SEC. If this is the case, the DCC will raise a separate Modification once these changes have been identified.

11. Will there be any testing required?

No testing is required.

12. Will this Modification impact other Energy Codes?

No

No other Energy Codes are impacted.

13. Will this Modification impact Greenhouse Gas Emissions?

No

Greenhouse Gas Emissions will not be impacted.