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DP219 'Accessing Consumption Data on behalf of SEC Parties'

December 2022 Working Group – meeting summary

Attendees

Attendee	Organisation
Ali Beard (AB)	SECAS
Rachel Black (RB)	SECAS
Mike Fenn (MF)	SECAS
Ben Giblin (BG)	SECAS
Joey Manners (JM)	SECAS
Elizabeth Woods (EW)	SECAS
Mark Pitchford (MP)	DCC
Vince Rawle (VR)	DCC
David Rollason (DR)	DCC
Robin Seaby (RS)	DCC
Christopher Thompson (CT)	DCC
David Walsh (DW)	DCC
Patricia Massey (PM)	BEAMA
Eleanor Taylor (ET)	BEIS
Julie Brown (JB)	British Gas
Emma Johnson (EJ)	Centrica
Steve Blackler (SBlac)	E Gas & Electricity
Alex Hurcombe (AH)	EDF
Daniel Davies (DD)	ESG Global
Martin Bell (MB)	EUA
Craig Biffen (CB)	EUA
Kevin McIntyre (KM)	geo
Gemma Slaney (GS)	National Grid Electricity Distribution
Stuart Blair (SB)	Northern Power Grid
Ralph Baxter (RB)	Octopus
Jamie Flaherty (JF)	Ofgem
Audrey Smith-Keary (ASK)	Ovo Energy
Mahfuzar Rahman (MR)	Scottish Power
Shuba Khatun (SK)	SSE

Overview

Issue

Occasionally, Suppliers and Network Parties are unable to collect Consumption Data from Energy Consumers. When this occurs, these Parties may wish to employ a third-party Other User to collect this data on their behalf. The Smart Energy Code (SEC) does not currently allow Other Users to collect Smart Metering Consumption Data on behalf of SEC Parties without the Other User first obtaining Unambiguous Consent from each Energy Consumer. As this would require the third-party Other User to contact many Energy Consumers, they are limited in being able to act commercially on behalf of the employing Supplier or Network Party.

Solution

Changes are needed to both the definition of 'Appropriate Permission' and Section I1.2 'Data Privacy' of the SEC to enable Other Users to collect Consumption Data without first gaining the Unambiguous Consent of Energy Consumers. The full document of redlined changes to the SEC are available in the modification report which can be accessed [here](#).

Working Group Discussion

SECAS (BG) provided an overview of the issue and solution to the modification.

(GS) noted that the amendments to the legal text meant Other Users would be able to collect data on the behalf of the employing party, but there was no specific information about exactly which data the Other User can collect. The member noted that Network Operators are unable to collect half-hourly Consumption Data for individual MPAN's and can only collect other data if there is a separate agreement. The member suggested editing the legal text to state that the third-party Other User must only collect data which the employing party can collect as per their Licence. It was also noted that it was likely that the employing party would have already put this in their contract with the third-party Other User to say exactly which data they are permitted to collect on their behalf. However, the member believed it was worth making this explicit in the legal text so there was no ambiguity. SECAS (AB) agreed with this comment.

(DW) asked about the use of the term 'Consumption Data' and how this suggested the collection of Import Data rather than Export Data. The member queried whether this change would apply to those exporting back to the grid. (GS) clarified Consumption Data relates only to the import of energy to a property. (DW) asked SECAS to clarify with SECAS lawyers about the use of the term Consumption Data.

SECAS (AB) referred to the comment made by (GS) and noted that during conversations with SECAS lawyers that the employing SEC Party would need to be aware of what data they are permitting the third-party Other User to collect on their behalf. This was a separate contractual issue that would need to be considered by the employing party (Supplier or Network Party).

Another member (RB) raised concerns about how the legal text had been reviewed, yet numerous questions had been raised by Working Group members which should have already been resolved. SECAS (AB) explained SECAS (BG) would take note of these concerns and relay them back to the SECAS lawyers.

(RS) queried the amendments in the legal text to SEC Section I1.2 'Data Privacy'. The member asked what it meant for an Energy Consumer belonging to an Export Supplier. They also asked whether an Export Supplier always needed to be registered to an Export MPAN, as this isn't always the case. The

member queried how an Other User would validate that they are acting on behalf of a Supplier, as this is something the DCC will not check. (GS) added to this comment and asked an open question where the ownership would lie with checking that an Other User is acting on behalf of the employing party. (SB) followed up on this and queried what current protections there are to prevent an Other User requesting information from the DCC when they do not have the 'Appropriate Permission'. SECAS (AB) informed the Working Group that the Independent Privacy Auditor (IPA) checks the activity of Other Users. SECAS (BG) clarified that if a third-party Other User was to act without the correct permissions this would be a GDPR breach and would be referred to the SEC Panel. (GS) queried what current arrangements there are in place to prevent this from happening before a GDPR breach has occurred given the DCC are not validating requests. SECAS (JM) explained that Other Users can currently request this information from the DCC but should only be doing so when they have Explicit Consent. SECAS (AB) added that the IPA completes audits to determine if Other Users have the Appropriate Permission. SECAS (BG) added that alongside this modification changes are being drafted to the Privacy Control Framework (PCF) so that Other Users need proof in the form of a contract that they are working on behalf of another SEC Party.

(RB) suggested the legal text should be reviewed by the SECAS lawyers with a more holistic standpoint. SECAS (AB) said these comments would be noted and be put back to the SEC Lawyer who would provide a full explanation.

(RH) asked whether the IPA audit considers a third-party Other User having consent from a SEC Party to act on their behalf. SECAS (AB) confirmed this is the case.

(DW) noted that the DCC have looked at this modification and on the assumption that the current load of traffic remains the same (as the Other User requests the Consumption Data rather than the employing party) that there would be no impacts on the DCC System. (GS) requested that SECAS made this statement from the DCC visible in the Full Modification Report.

(SB) noted an issue with the legal text. SECAS (BG) noted this and agreed to amend the error.

(RH) also noted that the legal text states Energy Consumers do not need to give Unambiguous Consent to their Supplier or Network Operator. The member raised concerns that this implies the Supplier or Network Operator never need consent to access Energy Consumers data. The member noted there are circumstances where the Supplier or Network Operator needs to ask for consent. They noted it would be useful to make this distinction in the legal text that the third-party Other User does not need to ask for the Unambiguous Consent from the Energy Consumer, however the Energy Supplier or Network Operator may still need to ask for Unambiguous Consent from the Energy Consumer.

Next Steps

The following actions were recorded from the meeting:

- SECAS (BG) to check with SECAS lawyers the meaning of 'Consumption Data' and whether this term is acceptable to be used for Export Suppliers.
- SECAS (BG) to check with SECAS lawyers about the precise data third-party Other Users can collect as part of this Draft Proposal and ensure it is in line with the employing party's Licence.
- SECAS (BG) to make the comment from (DW) regarding the DCC's expectation about the same level of traffic clear in the Full Modification Report.
- SECAS (BG) to edit the error highlighted by (SB).