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## Stage 03: Modification Report Consultation

# SECMP0045:

## Incorporation of the requirements of the General Data Protection Regulations

### Summary

This modification proposes to introduce the necessary changes required to the Smart Energy Code (SEC) to implement the requirements of the General Data Protection Regulation (GDPR).

### Panel views

The Panel agreed that SECMP0045 should be:



- progressed as a Path 2: Authority Determined Modification Proposal; and
- submitted for Modification Report Consultation.

### Impacts



- There are no impacts on SEC Parties identified.
- There are no impacts on Data Communications Company (DCC) Central Systems and/or Party interfacing systems.

### Response Deadline



- This Consultation closes at **5pm** on **Friday 9<sup>th</sup> March 2018**.

What stage is this document in the process?



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## About this Document

This is the Modification Report Consultation (MRC) for [SECMP0045](#). This document provides a high-level summary of the issue, solution(s), impacts and costs, implementation date and Panel views on the Modification Proposal;

This document has four attachments:

- Attachment A contains the Final Modification Report (FMR) which provides a detailed explanation of the issue, solution(s), impacts, costs, implementation as well as the full Panel discussions and conclusions;
- Attachment B contains the draft legal text changes to support the proposed solution;
- Attachment C contains the draft legal text changes to support the alternative solution; and
- Attachment D contains the MRC response form.

As part of this consultation SEC Parties will be asked to provide their views on SECMP0045. The information provided will help us to better understand the benefits and drawbacks of the modification and assist the Change Board and the Authority in their determination.

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## Summary of SECMP0045

### What is the issue?

The GDPR is being introduced to harmonise data privacy laws across Europe. The SEC constitutes a multilateral contract between SEC Parties, and contains provisions around data privacy; it is important that the obligations being introduced under the GDPR are reflected in the SEC.

As the SEC currently only reflects the requirements of the [Data Protection Act](#) (DPA), updates are required to reflect the changes being introduced by the GDPR.

### What is the Proposed Solution?

This modification will introduce the necessary changes required to the SEC to implement the requirements of the GDPR.

There are two variants of the proposed legal text to account for two different approaches to incorporating GDPR Article 28(3) into the SEC. For the avoidance of doubt, it is only Sections I1.6 and I1.6A that differ between the two variants; all other changes are identical in both variants.

### Potential impacts

#### Party

There are **no direct impacts to SEC Parties** due to the implementation of this Modification, as it only seeks to ensure the SEC itself is compliant with the GDPR.

#### System

There are no impacts on DCC Central Systems or on Party interfacing systems.

### Potential implementation costs

The estimated cost to implement SECMP0045 is approximately £1,200 and is limited to SEC time and effort to deliver the necessary document changes.

### Implementation Date

SECAS recommends an implementation date of:

- **25<sup>th</sup> May 2018**, if a decision to approve is made on or before 24<sup>th</sup> May 2018; or

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- **1 Working Day** following approval if a decision to approve is made after 24<sup>th</sup> May 2018.

## Panel conclusions

The Panel **unanimously** agreed that SECMP0045 should progress to Modification Report Consultation as a Path 2: Authority Determined Modification Proposal.

## Where can you find further information?

A full description of the issue, solution(s), impacts, costs, implementation date and Panel views on SECMP0045 can be found in the FMR (Attachment A).

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