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MP219 ‘Accessing Consumption Data on behalf of SEC Parties’

Annex A

Legal text – version 1.0

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Draft Modification Proposal.

Section A 'Definitions and Interpretation'

These changes have been redlined against Section A version 29.0.

Add Section A as follows:

"Appropriate Permission"

means, in respect of a Communication Service or Local Command Service to be provided to a User in respect of a Smart Metering System at a premises that will result in the User obtaining Consumption Data, either:

- (a) (where that User is the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System) that the User does not need consent to access that Consumption Data in accordance with its Energy Licence, or that the User has consent (whether explicit or implicit) in accordance with the requirements of its Energy Licence; or
- (b) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System) that the Energy Consumer has given the User Unambiguous Consent to obtain that Consumption Data and such consent has not been withdrawn; **or**
- (c) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System, but the User is contracted by the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor and/or Gas Transporter for that Smart Metering System to obtain Consumption Data from that Smart Metering System) that such Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor and/or Gas Transporter either does not need consent to access that Consumption Data in accordance with its Energy Licence, or has consent (whether explicit or implicit) in accordance with the requirements of its Energy Licence.

Section I 'Data Privacy'

These changes have been redlined against Section I version 9.0.

Amend Section I1 as follows:

I DATA PRIVACY

I1. DATA PROTECTION AND ACCESS TO DATA

User Obligations

Consumption Data

11.2 Each User undertakes that it will not request, in respect of a Smart Metering System, a Communication Service or Local Command Service that will result in it obtaining Consumption Data, unless:

- (a) the User has the Appropriate Permission in respect of that Smart Metering System; ~~and~~
- (b) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System ~~and is relying on paragraph (b) of the definition of Appropriate Permission~~) the User has, at the point of obtaining Appropriate Permission and at such intervals as are reasonably determined appropriate by the User for the purposes of ensuring that the Energy Consumer is regularly updated of such matters, notified the Energy Consumer in writing of:
 - (i) the time periods (by reference to length) in respect of which the User obtains or may obtain Consumption Data;
 - (ii) the purposes for which that Consumption Data is, or may be, used by the User; and
 - (iii) the Energy Consumer's right to object or withdraw consent (as the case may be) to the User obtaining or using that Consumption Data, and the process by which the Energy Consumer may object or withdraw consent; ~~and~~
- (c) (where that User is not the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor or Gas Transporter for that Smart Metering System ~~and is relying on paragraph (c) of the definition of Appropriate Permission~~)

the User obtains Consumption Data only for (and in accordance with the rights and duties of) the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor and/or Gas Transporter by which the User is contracted (and does not obtain or use the Consumption Data for any other purpose).

I1.2A If the Import Supplier, Export Supplier, Gas Supplier, Electricity Distributor and/or Gas Transporter for a Smart Metering System contracts another User to obtain Consumption Data as envisaged by Section I1.2(c), then both the employing Party and the other User which is providing the service shall be liable for the acts and omissions of such other User in its role as service provider. Without limitation, both the employing Party and such other User shall be in breach of this Code if such other User obtains and/or uses Consumption Data in a manner that breaches the employing Party's Energy Licence.