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MP219 ‘Accessing Consumption Data on behalf of SEC Parties’

Annex B

Refinement Consultation responses

About this document

This document contains the full collated responses received to the MP219 Refinement Consultation.

Question 1: Do you agree that the solution put forward will effectively resolve the identified issue?

Question 1			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	Yes	<p>Other Users can already collect data on behalf of Energy Suppliers or Network parties, but the consent process is complicated.</p> <p>The solution put forward would effectively resolve this consent issue, and would enable Other Users to collect data on behalf of Energy Suppliers or Network Parties, using the consent already obtained by that Energy Supplier or Network Party.</p> <p>This would only impact when Other Users collect data on behalf of an Energy Supplier or Network Party. It wouldn't make any change to the current procedure of when an Other User collects data directly on behalf of a retail customer (eg for a third party usage app).</p>
EDF	Large Supplier	The solution identified would meet the intended resolution of the issue highlighted. However, we do not believe the SEC	<p>The privacy framework for the SEC was put in place to ensure that the customer would know who, when and how their data was being used/distributed. This change could leave customers data vulnerable and the customer unable to fully control access. At present, we do not see the issue with the current privacy agreement and therefore do not agree with the changes being proposed. We also have concerns on how this change may impact the consumers overall view of the roll out of smart meters and the data protections promised by the programme. There are already concerns within the customer base around how their data will be used/protected and this change does not positively re-enforce these concerns. Additionally, we are concerned that changes to customer consent which could allow other users uncontrolled access to the DCC and on demand service requests, may impact the ability of the DCC to deliver core services to suppliers and networks who currently are responsible for paying.</p>

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Question 1			
Respondent	Category	Response	Rationale
		should be changed to allow implied consent.	
E.ON Next	Large Supplier	Yes	
IMServ Europe Ltd	Other SEC Party	Yes	The ability to provide consumption data as on Other User without the need to obtain and manage unambiguous consent as a process will allow us as an OU to work with suppliers to provide a more efficient service to their customers.
National Grid Electricity Distribution	Networks Party	Yes	We believe there will be no direct impact to us.
Northern Powergrid Metering Limited	Other SEC Party	No	We agree the solution will effectively resolve the identified issue.
N3rgy	Other SEC Party	Yes	Yes, the minor change to the regulatory requirements create a simple, low cost solution to problem without negative impact to parties who do not wish to use the solution.
OVO Energy	Large Supplier	No	We don't see this as a problem or issue as we believe that consent should be obtained and there are many ways to obtain it. We are concerned that the proposal is that this should be removed. We also feel that by implementing this modification, it will cause issues elsewhere, i.e. huge impacts on capacity. This modification could result in huge amounts of traffic across the network which has not

Question 1			
Respondent	Category	Response	Rationale
			been considered as a part of this modification. There is only a very small mention of this in the mod report which states that SECAS cannot advise if or how this modification will impact traffic across the DCC System. This is because there is no information to confirm whether this modification would increase or decrease the traffic across the DCC System. This is far too ambiguous and holds too much risk.
Smart Meter Assets	Other SEC Party	No	We are not convinced there is an “issue”. No evidence has been provided to indicate a requirement for this change.
SMS PLC	Other SEC Party	Yes	Yes, the minor change to the regulatory requirements create a simple, low cost solution to problem without negative impact to parties who do not wish to use the solution.
SSEN	Networks Party	Yes	We believe that it will reduce the barriers for some SEC parties to access consumption data.
Utilita Energy Ltd	Large Supplier	No	<p>The issue as stated in the Modification Report is that of Other Users being required to gain Appropriate Permission to gather Consumption Data. We do not believe that this can be resolved only by changing wording within the SEC, as under the GDPR Articles 13 and 14, the data subject has the right to be informed who is collecting, processing, and storing their personal information. It is our understanding that the contents of the SEC do not supersede GDPR, and instead are supplementary.</p> <p>Additionally, as stated on page 26 of the Privacy Controls Framework v2.12 consent and SEC obligations can already be passed down from Suppliers to Other Parties through contracts. The proposed solution would not remove the GDPR requirement to inform the Consumer of an additional party processing their data.</p> <p>We also question the legitimacy of the issue; whether an Other User should be given the ability to gather Consumption Data on behalf of a Supplier without the receipt of Unambiguous Consent and feel that by attempting to resolve this issue those discussions are being pre-empted. Whilst suppliers are granted certain access rights through their Licence, they are also bound to many customer protections</p>

Question 1			
Respondent	Category	Response	Rationale
			through the same Licence. This solution appears to propose that Other Users gain certain permissions granted by the Supply Licence, without being required to obtain a Licence or be bound to any associated customer protections. The sharing of liabilities, as proposed in the solution, does not address this.

Question 2: Do you agree that the legal text will deliver MP219?

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
British Gas	Large Supplier	Yes	<p>Does there need to be a definition for 'Consumption Data'?</p> <p>If the change is not meant to include Export data, I think the proposed text for 'Appropriate Permission' should be changed to:</p> <p>(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.</p>	-
EDF	Large Supplier	Yes	However, we do not support the change proposed.	-
E.ON Next	Large Supplier	Yes		-

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
IMServ Europe Ltd	Other SEC Party	Yes	The wording in the legal text makes clear the responsibilities and liabilities for the way an Other User may obtain and manage consumption data.	-
National Grid Electricity Distribution	Networks Party	Yes	We agree with the proposed legal text	-
Northern Powergrid Metering Limited	Other SEC Party	No		-
N3rgy	Other SEC Party	Yes		-
OVO Energy	Large Supplier	Yes		-
Smart Meter Assets	Other SEC Party	Yes	We expect the legal text has been duly considered. Our issue is with the change, not the changes to the text.	-
SMS PLC	Other SEC Party	Yes		-
SSEN	Networks Party	No	We do not understand how the SEC party identifier will be used when consumption data will be acquired.	The Other User will use their own SEC Party credentials when collecting the Consumption Data from the Energy Consumer.
Utilita Energy Ltd	Large Supplier	No	We believe that the legal text as drafted is unclear.	No GDPR changes are needed for this modification. If a SEC Party chooses to

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
			<p>We reiterate that we believe this issue cannot be resolved solely through changes to the SEC, as under the GDPR a Data Subject must be informed who their data will be processed and shared with.</p> <p>We also note that the drafted legal text prohibits the use of Consumption Data gathered for purposes outside of the Other Users contracted terms. This directly invalidates part of the stated business case, as it would not allow the Other User to share Consumption Data with Flexibility Providers.</p> <p>We support constraining the Other User to the terms of their contract with the SEC Party, however we note that this does not fully support all the objectives set out business case unless specifically allowed within the contract.</p>	<p>use an Other User to collect data then the Other User must be named in the employing Party's Privacy Notice, which would be presented to Energy Consumers in various ways.</p> <p>The Other User must pass the Consumption Data back to the employing party. The business case raised by the Proposer would allow the employing Party to pass this data onto Flexibility Providers.</p> <p>The Other User will be constrained to act as directed by the employing Party, and in accordance with the rights and provisions of the employing Party's Energy Licence.</p>

Question 3: Do you agree with the proposed implementation approach?

Question 3				
Respondent	Category	Response	Rationale	SECAS Response
British Gas	Large Supplier	Yes	<p>I do think it would have been sensible to include Export data in this modification, especially given some of the newer 'innovative' Export tariffs in the market, which usually are linked to a customer being signed up for both Import and Export with the same supplier. This would help 'future proof' this modification.</p> <p>However, it may be too late to include this, without delaying the implementation date.</p>	Export Data was initially included in this modification, however upon further investigation SECAS discovered that Consumption Data only refers to Import of energy to a property. In order to include Export Data this would have required a change to the definition of Consumption Data. The Proposer did not want Export Data to be included in this modification as this would have required further work and would have delayed the potential implementation of MP219.
EDF	Large Supplier	No	<p>Our reasoning for this is we do not believe that the full consequences of this change have been assessed sufficiently as a reduction in customer consent could lead to a large increase in DCC traffic that it may not be able to service. In turn, this may impact core services and therefore further DCC upgrade may be required and again potentially at an additional cost not paid for by other users.</p>	

Question 3				
Respondent	Category	Response	Rationale	SECAS Response
E.ON Next	Large Supplier	Yes	Subject to there being a requirement for a contract between the employing party and the employed Other User with the relevant data protection requirements including sharing, consent, retention, and deletion obligations.	The Other User will only be able to work as directed by the employing Party and in accordance with their Energy Licence.
IMServ Europe Ltd	Other SEC Party	Yes	As a text change only there is no requirement for system testing or integration so either a release in June or November 2023 would work without issue.	-
National Grid Electricity Distribution	Networks Party		Yes	-
Northern Powergrid Metering Limited	Other SEC Party	No		-
N3rgy	Other SEC Party	Yes		-
OVO Energy	Large Supplier	Yes		-
Smart Meter Assets	Other SEC Party	No	We do not believe there is sufficient (or any) demand requiring this change. Furthermore we believe there are likely to be material unintended consequences as a result of this change if it is implemented.	-
SMS PLC	Other SEC Party	Yes		-

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Question 3				
Respondent	Category	Response	Rationale	SECAS Response
SSEN	Networks Party	No	We do not believe the legal text adequately covers enough information to be discussed by the June date.	
Utilita Energy Ltd	Large Supplier	No	No comments	-

Question 4: Will there be any impact on your organisation to implement MP219?

Question 4			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	Yes	Generally positive – it would allow us to use a third party should we wish to collect Consumption Data on our behalf.
EDF	Large Supplier	Yes	There could be a negative impact on customer confidence on the smart programme and consequential impact to the DCCs performance if this change drove increased traffic.
E.ON Next	Large Supplier	No	
IMServ Europe Ltd	Other SEC Party	Yes	The current consent process for an Other User is to hold explicit consent records for each customer it intends to obtain consumption data for, this can be a detailed and long-winded process and difficult to manage in order to provide the data requested to a Supplier who already has that consent in place. Amending the wording of the process would allow for a quicker, more efficient process to take place between Other User and Supplier to the benefit of the end customer.
National Grid Electricity Distribution	Networks Party	No	We believe there will be no direct impact to us
Northern Powergrid Metering Limited	Other SEC Party	No	
N3rgy	Other SEC Party	No	

Question 4			
Respondent	Category	Response	Rationale
OVO Energy	Large Supplier	Yes	Yes, as mentioned in our answer to Q1...the impacts of this modification could be huge. DCC is unable to tell us how much usage and extra traffic that this modification will cause, which is a huge concern for us. This modification will only impact us negatively.
Smart Meter Assets	Other SEC Party	Yes	All parties would be impacted by the unintended consequences in the form of further increases to data traffic.
SMS PLC	Other SEC Party	No	
SSEN	Networks Party		Due to liability reasons this will impact us.
Utilita Energy Ltd	Large Supplier		If Utilita were to make use of a service enabled by this modification, we would need to readdress some contracts, as well as our privacy notice and registers to ensure that our customers are being properly informed of the new data processor.

Question 5: Will your organisation incur any costs in implementing MP219?

Question 5			
Respondent	Category	Response	Rationale
British Gas	Large Supplier		There would be costs if we chose to outsource collection of Consumption Data, but that would be a commercial decision if we chose to go ahead. There would be no costs if we chose not to use this option.
EDF	Large Supplier	No costs	No costs for the change to be implemented however, consequential costs may be huge.
E.ON Next	Large Supplier	No costs	
National Grid Electricity Distribution	Networks Party	No costs	
Northern Powergrid Metering Limited	Other SEC Party	No costs	
IMServ Europe Ltd	Other SEC Party	No costs	A modification of our current consent process would be required and a small administrative effort to amend this and associated documentation
N3rgy	Other SEC Party	No costs	No cost, this will not directly affect any operational cost
OVO Energy	Large Supplier		Yes, as a result of an increase in capacity. The cost is unknown.
Smart Meter Assets	Other SEC Party	No costs	We are not a DCC User so do not attract costs

Question 5			
Respondent	Category	Response	Rationale
SMS PLC	Other SEC Party	No costs	No cost, this will not directly affect any operational cost
SSEN	Networks Party	No costs	
Utilita Energy Ltd	Large Supplier	£50-100k	<p>There will be cost of labour involved in making changes to contracts as well as our privacy information and notice. There may be system changes required to customer facing systems as part of these changes.</p> <p>There is a potential larger cost if it is determined that we would need to re-issue our privacy notice and information to existing customers in order to inform them of the new data processor and use of their personal data.</p>

Question 6: How long from the point of approval would your organisation need to implement MP219?

Question 6			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	N/A	
EDF	Large Supplier	N/A	We would not be implementing this change.
E.ON Next	Large Supplier	N/A	
IMServ Europe Ltd	Other SEC Party	1 Month	
National Grid Electricity Distribution	Networks Party	N/A	
Northern Powergrid Metering	Other SEC Party	N/A	
N3rgy	Other SEC Party	Immediately	No impact
OVO Energy	Large Supplier	Immediately	

Question 6			
Respondent	Category	Response	Rationale
Smart Meter Assets	Other SEC Party	N/A	
SMS PLC	Other SEC Party	Immediately	No impact
SSEN	Networks Party	N/A	
Utilita Energy Ltd	Large Supplier	2-4 Months	Privacy information and notice would need to be redrafted and approved, and any changes to contracts would need to be re-approved.

Question 7: Do you believe that MP219 would better facilitate the General SEC Objectives?

Question 7			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	Yes	General SEC Objectives (a) and (c).
EDF	Large Supplier	No	We do not believe there would be an improvement for SEC objective a is this change is introduced. We also believe this change would be detrimental to SEC objective 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;”
E.ON Next	Large Supplier	Yes	SEC Objective: C and F
IMServ Europe Ltd	Other SEC Party	Yes	IMServ agree this proposal will better facilitate SEC Objective (a)1 and (c) 2 by enabling Other Users to access Consumer data and make this available to the consumers either directly or to suppliers to make informed decisions about Energy usage and management.
National Grid Electricity Distribution	Networks Party	Yes	We believe this modification will better facilitate General SEC objectives (a) and (c)
Northern Powergrid Metering Limited	Other SEC Party	No	
N3rgy	Other SEC Party	Yes	The change directly supports multiple SEC general objectives 3. By simplifying access to data which will enable consumers to more easily participate in schemes such as DFS 4. By enabling Suppliers and Network Parties to more easily contract third parties to provide services which enhance and improve their market position

Question 7			
Respondent	Category	Response	Rationale
			<p>5. By enabling Network parties to use existing routes to smart meter data to more effectively support their network planning and management activities.</p> <p>6. By avoiding unsanctioned data distribution mechanism which could be created as a result of not directly supporting this mechanism</p>
OVO Energy	Large Supplier	No	
Smart Meter Assets	Other SEC Party	No	We believe that all that this proposal would facilitate is the development of sellable services by the proposer and other similar entities with potential negative impact on other SEC parties and protection for consumers and with no costs borne by the proposer.
SMS PLC	Other SEC Party		<p>The change directly supports multiple SEC general objectives</p> <p>3. By simplifying access to data which will enable consumers to more easily participate in schemes such as DFS</p> <p>4. By enabling Suppliers and Network Parties to more easily contract third parties to provide services which enhance and improve their market position</p> <p>5. By enabling Network parties to use existing routes to smart meter data to more effectively support their network planning and management activities.</p> <p>6. By avoiding unsanctioned data distribution mechanism which could be created as a result of not directly supporting this mechanism</p>
SSEN	Networks Party	Yes	This will be better for the consumer as it will allow greater access to their data through utilisation of another user.
Utilita Energy Ltd	Large Supplier	No	We note that there is a potential negative towards Objective F, as adding another data processor increases the risk of a data breach. We also note that in cases where the Other User is contracted to

Question 7			
Respondent	Category	Response	Rationale
			provide these types of services to multiple SEC Parties, the volume of data at risk through a breach grows.

Question 8: Do you believe there will be any impacts on or benefits to consumers if MP219 is implemented?

Question 8			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	Yes	It may(?) make it quicker or easier for Energy Suppliers to launch certain new customer tariffs or products, if they have the option of outsourcing this data collection, rather than doing this in house. (Basically, they would have two fulfilment routes, and could choose which one to use.) So there would be an indirect customer benefit.
EDF	Large Supplier	Yes	We believe that the impacts to the consumer will be negative as they will have little to no control on who has access to their data, which in turn will leave them feeling vulnerable and at risk
E.ON Next	Large Supplier	Yes	Energy consumers may benefit from lawful use of their consumption data to take advantage of tariff offerings available to them but may have their privacy negatively impacted if data sharing is not aligned with current data protection legislation.
IMServ Europe Ltd	Other SEC Party	Yes	By allowing an OU to operate without the issues of managing detailed records of consent held by suppliers will allow the provision of consumption data to customer in order for them to ensure accurate billing, energy management and usage, using this data to select appropriate beneficial TOU tariffs
National Grid Electricity Distribution	Networks Party	Yes	We believe consumers will be impacted by the reasons stated in the modification report.
Northern Powergrid Metering Limited	Other SEC Party	Yes	Consumers will have less control over their personal data. The modification will likely lead to increased traffic on the smart metering network, which may degrade other necessary services.

Question 8			
Respondent	Category	Response	Rationale
N3rgy	Other SEC Party	Yes	This significantly benefits consumers by simplifying their engagement with such services was ESO DFS by enabling the Supplier to “contract out” the DFS service to a specialist organisation without subject the consumer to further barriers of access (subsequent consent requirements). This also allows Network parties to, similarly, under their approved privacy plan to contract out the collect and aggregation of energy data for network planning and improvement activities.
OVO Energy	Large Supplier	Yes	Costs will ultimately be passed on to consumers as a result of the increase in capacity. We also have concerns around data privacy.
Smart Meter Assets	Other SEC Party	No	It was clear at March’s Change Working Group that all present had concerns around this modification being negative for consumers data protection rights.
SMS PLC	Other SEC Party	Yes	This significantly benefits consumers by simplifying their engagement with such services was ESO DFS by enabling the Supplier to “contract out” the DFS service to a specialist organisation without subject the consumer to further barriers of access (subsequent consent requirements). This also allows Network parties to, similarly, under their approved privacy plan to contract out the collect and aggregation of energy data for network planning and improvement activities.
SSEN	Networks Party	Yes	Greater access to consumption data for suppliers and therefore the bills that are issued.
Utilita Energy Ltd	Large Supplier	No	We do not believe that consumers will see any additional benefit from this change, as all the services being provided by it can already be delivered by Suppliers themselves.

Question 9: Noting the costs and benefits of this modification, do you believe MP219 should be approved?

Question 9			
Respondent	Category	Response	Rationale
British Gas	Large Supplier	Yes	
EDF	Large Supplier	No	Based on our answers to questions 1-8 we strongly believe this change should not be implemented
E.ON Next	Large Supplier	Yes	
IMServ Europe Ltd	Other SEC Party	Yes	As a text only change we view this change as having little cost impact on those SEC parties who currently pay for Modifications and that the benefits of implementation outweigh those. IMServ believe that this isn't just a change for Other Users to sell services but that there is interest from Suppliers for Other Users to manage and provide consumption data for their customers and the proposal benefit those industry parties.
National Grid Electricity Distribution	Networks Party	Yes	
Northern Powergrid Metering Limited	Other SEC Party	No	
N3rgy	Other SEC Party	Yes	Given there is zero cost of this modification and significant benefit, there is no rational to reject this modification.
OVO Energy	Large Supplier	No	It is very easy to push through a modification of this type as, on the surface, this is a text only change with very little cost associated with it. We cannot ignore, unless something changes under MP218, that these modifications will not be paid for by the proposer and we are struggling to see the true benefits

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Question 9			
Respondent	Category	Response	Rationale
			for that that will be paying for these types of modifications, especially, as we have already mentioned, it is more than likely going to have a consequential impact on traffic that cannot be quantified. We believe that the benefits, therefore, will not outweigh the costs and that this modification as far too risky and ambiguous. This modification has been raised by an Other User wanting to provide a service to SEC Parties rather and being for the greater good and for consumer benefit.
Smart Meter Assets	Other SEC Party	No	There is no stated need. If there was a need for this the Modification should be raised by SEC Parties who would benefit. This Modification should be considered very carefully considering, among other things, the motives of the proposer.
SMS PLC	Other SEC Party	Yes	Given there is zero cost of this modification and significant benefit, there is no rational to reject this modification.
SSEN	Networks Party	No	Legal text requires further refinement.
Utilita Energy Ltd	Large Supplier	No	As drafted, we believe that this modification would lead to breaches in GDPR, as there is no requirement for contracting Suppliers or the Other User being contracted to inform the Consumer of the Third Party gathering and passing on their data, directly violating Articles 13 and 14 of the GDPR.

Question 10: Do you have any further comments about traffic management across the DCC System in relation to this modification?

Question 10			
Respondent	Category	Response	Comments
British Gas	Large Supplier	Yes	I was confused by the suggestion that this SEC modification might reduce Service Requests (at the top of page 6 of the Modification Report). I would expect the Energy Supplier's privacy notice to include reference to this potential arrangement. However, that is something for the Energy Supplier to put in place, not under the jurisdiction of this modification.
EDF	Large Supplier	Yes	Please see our response to previous questions around concerns regarding the consequential impact to DCC traffic. We are concerned about the additional traffic impacting core services that are provided to parties necessary for installation and maintenance of smart meters. We are concerned that any additional capacity would be paid for by suppliers and networks who do not drive the additional increase in traffic.
E.ON Next	Large Supplier	No	
IMServ Europe Ltd	Other SEC Party	Yes	I appreciate that there is a concern that one of the outcomes of this modification is that it could lead to an increase in traffic across DCC systems as both the other user and the supplier could continue to collect the same data but we don't feel that's the case, there is no analysis to support the view that it will lead to an increase in traffic or an increase that would cause considerable strain on the network
National Grid Electricity Distribution	Networks Party	Yes	Whilst we agree with this modification we feel this could potentially lead to an increase in traffic across the DCC system, if suppliers and DNO's continued to collect Consumption Data alongside the contracted Other User.

Question 10			
Respondent	Category	Response	Comments
Northern Powergrid Metering Limited	Other SEC Party	Yes	<p>Whilst this modification does not specifically talk about traffic, it is clear that the implications of this have the potential to drastically increase network traffic.</p> <p>Consumption data is already gathered by suppliers, DNOs, transporters, and this modification will not move this data collection away, only duplicate it. If a supplier/DNO/Transporter wished for a third party to carry out this work, they would be able to give the third party this data directly, without impact on the network, and without the need for this modification.</p>
N3rgy	Other SEC Party	Yes	We strongly object to the misleading nature of linking this specific modification. There is no direct impact on DCC traffic by this modification any more than any other modification could impact DCC traffic.
OVO Energy	Large Supplier	No	As above
Smart Meter Assets	Other SEC Party	Yes	There are already concerns around traffic volumes and this Modification would leave us all wide open to further increases.
SMS PLC	Other SEC Party	Yes	We strongly object to the misleading nature of linking this specific modification. There is no direct impact on DCC traffic by this modification any more than any other modification could impact DCC traffic.
SSEN	Networks Party	Yes	<p>If this becomes active then will the DCC be able to handle the sudden increase in the traffic when other users obtaining data for SEC parties who are not ready are creating traffic.</p> <p>As another user will be spending money to collect consumption data when there is a central store of all consumption data that SEC parties can all access which could mean that this process is not required.</p>

Question 10			
Respondent	Category	Response	Comments
Utilita Energy Ltd	Large Supplier	Yes	<p>We believe there is a risk of increased network traffic stemming from Consumption Data being requested by multiple parties for the same Consumer.</p> <p>We note that there are ongoing discussions over DCC traffic management, and several mods already in the pipeline on this topic, MP028 and MP208 amongst these. We are concerned about the use of network by Other Users and note that Other User behaviour has already negatively impacted Price Change and EBSS payment windows.</p>

Question 11: Do you have any further comments about data privacy associated with this modification?

Question 11				
Respondent	Category	Response	Rationale	SECAS Response
British Gas	Large Supplier		I would expect the Energy Supplier's privacy notice to include reference to this potential arrangement. However, that is something for the Energy Supplier to put in place, not under the jurisdiction of this modification.	
EDF	Large Supplier		We would like the DCC to consider the following: - The protection of customers data is fundamental to overall public perception of the smart metering programme - Would the privacy framework sufficiently audit and protect customers from misuse of their data by parties they have not given explicit permission to - How could customers know who has permission to access their data and how do they choose who to stop and when?	
E.ON Next	Large Supplier		To ensure consistency, will there be any guidance issued regarding the recommended approach relating to consumer communication about sharing of data to employed Other Users and use of consent held by the employing party?	No guidance will be issued as part of this modification. Changes to the Privacy Control Framework will take place once this modification has been implemented which SEC Parties must adhere to.
IMServ Europe Ltd	Other SEC Party		No further comments.	

Question 11				
Respondent	Category	Response	Rationale	SECAS Response
National Grid Electricity Distribution	Networks Party			
Northern Powergrid Metering Limited	Other SEC Party		<p>As mentioned in the answer to question 1, there is already a route for Other Users to gather consumption data, through unambiguous consent. This modification does not alter the ability to gather personal data, only take away the power of consent from consumers who own that data.</p> <p>Obtaining unambiguous consent from consumers is an important personal data protection, particularly where third-party “other user” does not necessarily have a direct commercial relationship with those consumers.</p>	
N3rgy	Other SEC Party		There are no further data privacy implications that are relative to the SEC or other parties	
OVO Energy	Large Supplier			
Smart Meter Assets	Other SEC Party		No – we expect other parties with more expertise will document their concerns	
SMS PLC	Other SEC Party		There are no further data privacy implications that are relative to the SEC or other parties	
SSEN	Networks Party		N/A	
Utilita	Large Supplier		Within the Solution Development it is stated that “SECAS has confirmed that Energy Consumers will not know	Energy Consumers will be unaware at the point of the Consumption Data being taken

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Question 11				
Respondent	Category	Response	Rationale	SECAS Response
			<p>whether an Other User has collected their data unless the employing Party chooses to inform the Energy Consumer of this". We believe that this would result in a breach of the GDPR, as according to the ICO: "You must provide individuals with information including: your purposes for processing their personal data, your retention periods for that personal data, and who it will be shared with." (Right to be informed ICO)</p> <p>We also note that there are stated changes to the Privacy Control Framework being proposed as part of this modification and would request a draft of these changes be provided to the Working Group for discussion before this mod is progressed.</p>	<p>from their Smart Metering System. However, Suppliers or Network Parties are required to update their privacy notices if they choose to employ an Other User to work on their behalf.</p> <p>The changes to the Privacy Controls Framework have been drafted and are available in the modification report.</p>

Question 12: Please provide any further comments you may have.

Question 12		
Respondent	Category	Response and rationale
British Gas	Large Supplier	<p>Is there an impact on DCC cost sharing here – if the Other User isn't paying for the data messages, but the Energy Supplier or Network Party would have been had they accessed the data directly themselves? However, if this is only in relation to the 0.4% costs (as quoted in DP218), that is probably small enough to be overlooked.</p> <p>I've read the March Working Group notes on this, and realise that there is quite a lot of concern over unintended consequences from this mod. However, it is only a Legal text change, and if you read the proposed Legal change it is very specifically just linked to the consent aspect, and only applies when an Other User is specifically accessing this data on behalf of an Energy Supplier or Network Party. I do not think some of the wider 'fears' are well founded. However the Modification Report may be making it sound 'worse' than the actually Legal change is.</p>
EDF	Large Supplier	We believe this change should not be implemented and do not agree with the rationale.
E.ON Next	Large Supplier	
IMServ Europe Ltd	Other SEC Party	
National Grid Electricity Distribution	Networks Party	
Northern Powergrid Metering Limited	Other SEC Party	
N3rgy	Other SEC Party	

Question 12		
Respondent	Category	Response and rationale
OVO Energy	Large Supplier	
Smart Meter Assets	Other SEC Party	<p>This kind of proposal is exactly what we need to consider in light of other issues already around including the concerns raised in DP218 where SEC parties who benefit commercially from changes pay no cost. In this instance the proposer would be the party to benefit.</p> <p>We are concerned that this modification may be pushed through purely because it is low cost and concerns legal drafting only, yet it should be reviewed and subject to scrutiny due to the wider implications. We strongly believe that all modifications need to start with a demonstration of need and benefit which is absent in this case. Just because the cost is low we firmly believe this proposal should go no further.</p>
SMS PLC	Other SEC Party	
SSEN	Networks Party	N/A
Utilita Energy Ltd	Large Supplier	<p>The mod report continually references Suppliers being “unable to retrieve” Consumption data, which we believe could be misleading, as it makes it sound like Other Users are using a different or more efficient method of obtaining this data, however, both parties would be using the same network and service requests.</p> <p>The Impacts section notes that this change will allow Other SEC Parties to “act more widely on behalf of contracting Suppliers and Network Parties”, as well as engaging with Flexibility Providers. There needs to be clarity within the document that goes to Ofgem for decision that these services are wholly dependent on the terms of the contract between the Other SEC Party and the Supplier or Network Provider.</p>