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Paper Reference:	**SECP_59_1008_02**
Action:	**For Decision**

Privacy Controls Framework Update

1. Purpose

This paper outlines the changes that have been made to the Privacy Controls Framework (PCF) as part of the version 2.0 updates. It also highlights feedback received from SEC Parties during the consultation period and how that feedback has been actioned in the final PCF.

2. Consultation

SEC Section I2.16 states: In developing the Privacy Controls Framework, and prior to making any subsequent change to it, the Panel shall consult with and have regard to the views of all Parties, Citizens Advice and Citizens Advice Scotland, and the Authority.

To facilitate this SECAS hosted a Privacy Provisions Forum on the 19th June 2018, which was well attended by privacy and data protection experts from across industry. Following the forum, SECAS invited industry participants to respond to a consultation on the amendments to the PCF.

The consultation closed on the 23rd July 2018 and SECAS received three responses. The Independent Privacy Auditor (IPA) and SECAS have reviewed the responses (consisting of 11 comments) and made relevant amendments to the PCF. The full responses to the comments received can be found in Appendix A of this paper.

Whilst PCF v2.0 is fit for purpose it is likely that as the obligations and practices are used, further amendments will be required to the framework. SECAS will keep the Panel up to date when such amendments are required in the evolution of this document.

3. Residual Risk

As part of the process in updating the PCF, the IPA has made considerable amendments to the guidance given in relation to obligation I1.5. The PCF now provides both a set of principles to help shape thinking in this area and some illustrative examples of how these principles might be implemented in practice.

The IPA notes that verifying the identity of the individual from whom consent is being sought is not necessarily expected to form part of every compliant solution. With this in mind, SECAS would like to point out that the absence of such a verification does leave some risks to the privacy of the individual unmitigated (e.g. where consent could be provided by an individual with a right to be present in the premises but no right to provide such consent, such as a cleaner or babysitter.) The level of privacy

risk in this instance is considered to be low, as given these types of individuals do have a right to be physically present within the relevant consumer premises, they will likely already have access to this consumption data either via the In-Home Display (IHD) or the smart meter itself.

4. Recommendations

The Panel is requested to:

- **APPROVE** the Privacy Controls Framework V2.0.

Nick Blake

SECAS Team

3rd August 2018

Attachments:

Appendix A – IPA Response to PCF Consultation V2.0 (Amber)

Appendix B – Privacy Controls Framework V2.0