Modification 0593 Workgroup- Privacy Impact Assessment

Appendix to Modification 0593 Work Group Report – Provision of access to domestic Consumer data for Price Comparison Websites and third Party Intermediaries

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PART ONE

1. **Explain what the project aims to achieve, what the benefits will be to the organisation, to individuals and to other parties.**

   The Competition and Markets Authority (CMA) has ordered Xoserve and the Gas Transporters, to provide Data Enquiry System (DES) access to Price Comparison Websites (PCWs) and Third Party Intermediaries (TPIs), this is to assist PCWs to validate customer data during domestic consumer switching processes.

   Definition of "Price Comparison Website" (PCW) shall mean an internet-based price comparison service or other internet based TPI that provides comparisons between, and/or access to, personalized quotes for retail energy to domestic customers, and may carry out, on behalf of the domestic customer an instruction to change the domestic customer's retail energy supplier, tariff or both;

   Definition of "Third Party Intermediary" (TPI) shall mean an internet based organisation or individual acting as a third party intermediary between a domestic customer and a retail energy supplier.

   The Energy Market investigation final report sets out reasoning for erroneous transfers and failed switches, and concludes that there is a requirement for PCWs to be granted access to data pertinent to the switching process. This will allow them to check or obtain MPRNs for domestic consumers seeking to switch supplier and to check other information provided by these consumers. This should help to reduce the number of erroneous transfers and failed switches, enabling consumers to switch gas supplier easier.

   The CMA on 12th June 2017 published a letter to Xoserve providing clarification that the CMA DES order 2016 can be achieved via an; API service and possible telephone service. The link to the letter can be found here; https://www.gov.uk/cma-cases/energy-market-investigation.

   This project aims to achieve the CMA order, via an enduring API solution and a possible interim telephone service enabling; access to domestic consumer sites only and transactional auditing functionality.

2. **You may find it helpful to link other relevant documents related to the project, for example a project proposal.**

   Please find the link for; The Energy Market Investigation (ECOES / DES) Order 2016 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585019/energy-market-ECOES-DES-order-2016.pdf

   Some of the relevant paragraphs of the CMA order are;

   4.1. Xoserve must give PCWs access to DES upon written request, and subject to the satisfaction of reasonable access conditions.

   4.2. Gas Transporters must not take any action that would prevent Xoserve from giving access to DES upon written request and subject to the satisfaction of reasonable access conditions.

   4.3. Gas Transporters, who are party to the UNC on the commencement date of this Order, must use their best endeavours to ensure that a modification proposal concerning any necessary amendments to the UNC to reflect the obligation in Article 4.1 and its associated date for implementation in Article 1.2 is approved and implemented as soon as reasonably practicable after the date of this Order.

   Please note, Xoserve will not provide access to DES as the CMAs letter provided on the 12th of June, enables an API service and interim telephone service to achieve the DES CMA order, as the data being provided to PCWs is data pertinent to the switching process.

   Please find the link for: CMA Energy Market Investigation – Final report below; https://assets.publishing.service.gov.uk/media/5773de34e5274a0da3000113/final-report-energymarketinvestigation.pdf

Some of the relevant paragraphs as to why the CMA has ordered for this data to be provided to PCWs/ TPIs are as below:

13.343 The aim of this remedy is to reduce actual and perceived barriers to switching resulting from erroneous transfers and failed switches, and we consider, based on responses to our provisional decision on remedies 265, that access to the ECOES and SCOGES databases will also benefit other TPIs providing similar services to PCWs.

13.344 In light of the above, this remedy will require (through a CMA order) the code administrator or governing body with authority to grant access to the ECOES database to grant access to the database to PCWs (and other TPIs providing similar services). This remedy will also require (through a CMA order) gas transporters to grant access to the SCOGES database to PCWs (and other TPIs providing similar services) on reasonable terms. We understand that amendments to the relevant industry codes may be required. Therefore, this remedy will also require gas transporters to make any necessary amendments to the Uniform Network Code

3. **Also summarise why the need for a PIA was identified (this can draw on your answers to the screening questions).**

The CMA has advised that PCW access to data can be provided via an enduring API solution and a possible interim telephone service.

The need for a PIA has been identified as the provision of the service is to; individuals, organisations or people who have not previously had routine access to this information.

The information being provided to PCWs consists of personal data. Personal data is any data that relates to a living individual that can be identified from it, or from the data and other information processed or stored. This includes any expressions of opinion about the individual and any indication of a data controller's intentions. Data that in itself is not personal may become personal data when used in conjunction with other items
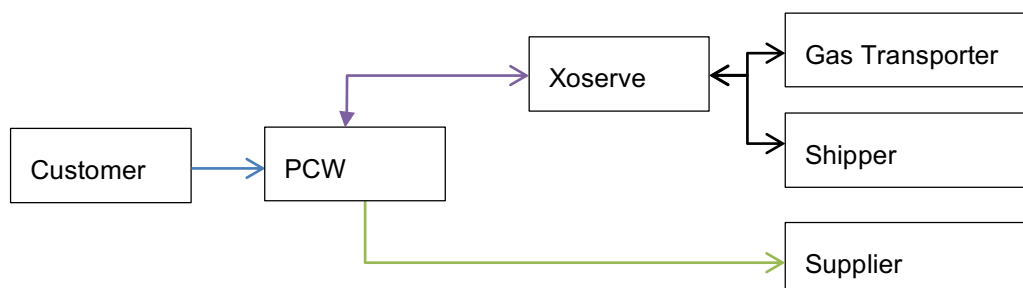
The PIA process will assist the Industry to foresee the likely privacy impacts to individuals and to weigh those against the benefits to society in the collection, use, and secure disclosure of information.

PART TWO

1. **The collection, use and deletion of personal data should be described here and it may also be useful to refer to a flow diagram or another way of explaining data flows. You should also say how many individuals are likely to be affected by the project.**

Information flow for an API and possible telephone service (Collection of data)

The below diagram demonstrates how data will flow between parties, for the facilitation of domestic consumer switches as set out by the CMA DES Order 2016.

———————→ Via web

———————→ Via an API service and possible telephone service

———————→ Unknown

———————→ Via Industry regulated flows (e.g. DES, IX etc.)

Considered rules

- Data available will be as listed below – Modification 0593 / iGT UNC Modification 095 creates the permission to release data to PCWs within Uniform Network Code (UNC) and iGT UNC, please note permission will be granted under a set of conditions being met by PCWs.
- For an API service, PCWs/ TPIs can only gain access to data through URLs for the API interface that will be provided specifically to the PCW/ TPI organisation.
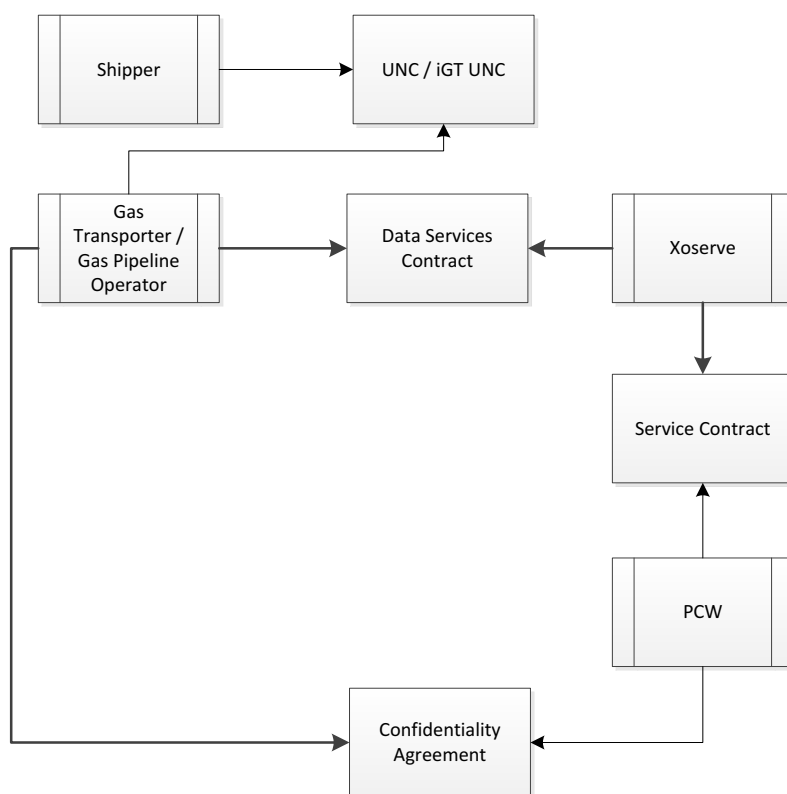
Data Items available by API service and possible telephone service

DATA ITEM	DESCRIPTION	PURPOSE OF PROVISION / JUSTIFICATION
MPRN	Unique Identifier for a supply offtake point and used to identify the meter to be switched	Allows confirmation of match with customer data provided. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer
Metering Point Address	The address for the metering point, as provided by the relevant GT	Allows confirmation of match with customer data provided. Also allows for triangulation of data. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer
Metering Point Address	The Postcode for the metering point, as provided by the relevant GT	Allows confirmation of match with customer data provided, also allows for triangulation of data. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer
Current Supplier ID	Industry identifier for the current Supplier	Used in confirming customer data provided and to assess likely current tariff. This is useful for Supplier and shipper use in the transfer.
Meter Mechanism Code	Industry identifier of the type of equipment fitted e.g. credit or PPM	Used in confirming customer data provided and to assess likely current and future tariff – note that gas meters are not 'smart' in and of themselves. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer
GT_ID	Unique identifier for the Transporter Organisation. For Large Transporters this can also be used to identify the geographical area a metering point is located in	Can be used to assist in determining customer's likely current and future tariff. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer.
Meter Capacity indicator e.g., 1= up to and including 11 cubic metres, 2= above 11 cubic metres	The maximum amount of gas that can be passed through the meter. This data item is provided for sites connected to a Transporter Network. The capacity of the metering point in m^3	Can indicate a high volume usage customer. This information is used to validate consumer data. This is useful for Supplier and shipper use in the transfer.

Meter Serial Number	Identifier for metering equipment at a property	Limited value since not unique, but may assist in triangulation of data. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer.
Annual Quantity	Annual quantity of gas assumed to be off taken over a period based on historical information	Provides accurate reflection of customer usage. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer.
Local Distribution Zone	This is a discrete gas system supplying gas to a region,	For Supplier and shipper use in the transfer. This is useful for Supplier and shipper use in the transfer.
Smart Meter Equipment Technical code	Specification id of the smart meter	For Supplier and shipper use in the transfer. This data item is mandatory in regulated flows for Suppliers, when switching a domestic consumer.

Contractual arrangements

The following contractual arrangements are in place for the provision of the service(s).

Use and deletion of personal data

Data accessed by a PCW via a possible telephone service and an API service should be in line with the intended purpose of the CMA order. This is considered to be, to facilitate a domestic consumer switch. Modification 0593 / iGT Modification 095 and contractual agreements between Xoserve and PCWs specify this to be the permitted purpose to access data.

The retention and deletion of data will not be visible to Industry participant's therefore contractual arrangements between Xoserve and PCWs will specify the need for; maintenance of appropriate

technical and organisational measures in line with the relevant DPA legislations that prevent any unauthorised or unlawful processing of data.

It is estimated that approximately 3 million domestic customers change gas supplier per year. (Please note - it cannot be determined how many of these customers utilise a PCW).

2. **Explain what practical steps you will take to ensure that you identify and address privacy risks. Who should be consulted, internally and externally? How will you carry out the consultation? You should link this to the relevant stages of your project management process.**

The Joint Modification 0593 / iGT Modification 095 working group are working towards the necessary permissions needed in UNC and iGT to meet the intent of the CMA order. The Joint Modification 0593 / iGT Modification 095 Workgroup are responsible for the PIA along with the DSC Contract Committee who will have visibility of Xoserve compliance assessments for such service provisions.

Consultation of the PIA will be carried out via the UNC Modification process and DSC Committees.

PART THREE

1. **Identify the key privacy risks and the associated compliance and corporate risks. Larger scale PIAs might record this information on a more formal risk register.**
2. **Describe the actions you could take to reduce the risks, and any future steps which would be necessary (e.g. the production of new guidance or future security testing for systems).**

DESCRIPTION OF RISKS TO PRIVACY	RISK IDENTIED BY	RISK ASSOCIATED TO; INDIVIDUAL, COMPLIANCE, ORGANISATION / CORPORATE RISK	PROPOSED SOLUTION	RISKS ELIMINATED / REDUCED OR ACCEPTED.	IS THE SOLUTION A JUSTIFIED, COMPLIANT AND PROPORIONATE RESPONSE TO THE AIMS OF THE PROJECT
The purpose by which the data is used for by a PCW should be captured and should be subject to auditing to ensure customer data is not misused.	SSE EDF EON British Gas CAB (to a degree) Npower ESPUG	Risk associated to Individual	An API solution will enable monitoring of transactions to provide assurance that data is being accessed for its intended purposes and there is consumer consent obtained by a PCW. Via a telephone service, information will be retained on individual queries to enable auditing i.e. that there is consumer consent present. Xoserve will develop proactive and reactive auditing methods.	This risk is reduced, as an API solution (and telephone service) can capture transactional level data to facilitate auditing requirements	Yes this solution is a justified, compliant and proportionate response

			The key principles of GDPR are accountability and portability i.e. requirement to show legal basis for processing data – consent is a valid legal basis for processing of data. The API service will comply with GDPR requirements as the API service enables recording of transactional data to enable auditing.		
Data related to those customer types mentioned within the CMA report should only be accessed, the solution should not provide unfettered access to all industry data including non-domestic data	SSE EDF Gazprom EON BU-UK ESPUG	Risk associated to organisation/ corporate	The API service and telephone service will only enable access to domestic customer data to facilitate switching as specified by the CMA. The data that will be accessed will only be for sites where the Market sector code is 'D'.	This risk is reduced, as an API solution (and telephone service) will only provide access to sites where the market sector code is 'D'.	Yes this solution is a justified, compliant and proportionate response
Potentially significantly more detailed information than PCWs require to enable customer switching is available	EDF EON	Risk associated to Individual, compliance	Only the data specified within this PIA will be provided via an API and / or telephone service. There is legitimate justification for each of these data items being accessed by PCWs.	This risk is reduced as the data being provided has been justified to be required to facilitate a domestic consumer switch	Yes this solution is a justified, compliant and proportionate response
Consumer consent and data accessed by PCWs should only be held by PCWs for no longer than reasonably	Modification 0593 / 095 requirement	Risk associated to Individual, compliance	Contractual arrangements will specify the need for PCWs to maintain appropriate technical and organisational	This risk is reduced as the validating and auditing functionality will enable	Yes this solution is a justified, compliant and proportionate response

			measures to prevent any unauthorised or unlawful processing of the Data. There will be provisions in the contract for Xoserve to undertake audits to enable assessment of data deletion.	processes to check data is deleted appropriately.	
required to comply with relevant legislation					
Where any suspected misuse comes to the attention of the Transporters, then the Transporter has the right to cancel provisions	Modification 0593 / 095 requirement	Risk associated to Individual, compliance, organisation/ corporate	Contractual arrangements will specify the right for termination of agreements with immediate effect. E.g. should it be found a consumer has not consented then a PCW is in breach of the contract terms and therefore the contract will be terminated and access will be seized. Reports detailing this information will be provided to DSC Contract committee as part of BAU compliance matters.	This risk is reduced as the contractual arrangements enables transporter-led termination of PCW API service with immediate effect	Yes this solution is a justified, compliant and proportionate response
What mechanism will the PCW's use and how will the Industry be sure (evidence) PCWs have the customer's consent to access what is personal data	British Gas	Risk associated to Individual, organisation/ corporate	Contractual arrangements will specify the (PCW) shall ensure that any Domestic Customer using their website has confirmed that their details are correct and that they give clear consent to the PCW to access the Domestic Customer's data. This will also be validated prior to PCWs accessing data. The API and telephone service will enable	This risk is reduced , as an API solution (and telephone service) can capture transactional level data to facilitate auditing requirements, furthermore there are requirements on the PCW to have an	Yes this solution is a justified, compliant and proportionate response.

Risk					
			transactional level monitoring of data accessed by a PCW and PCWs will be required to hold the customer consent which can be audited as part of the service.	'opt in' approach whereby a consumer can provide consent.	
How will PCWs ensure the security of Industry data i.e. retention and deletion processes	British Gas	Risk associated to Individual, organisation/ corporate	Contractual arrangements will require PCWs to provide Xoserve access to such retention and deletion policies alongside any other information required to complete auditing requirements.	This risk is reduced as PCWs will be required to have retention and deletion policies in place, as well as appropriate accreditation (ISO27001) which will be checked by Xoserve. The contract will include provisions for Xoserve to check the PCW is acting in accordance with these policies as part of the audit.	Yes this solution is a justified, compliant and proportionate response

PART FOUR

1. **Who has approved the privacy risks involved in the project? What solutions need to be implemented?**

Risk	Approved solution	Approved by

All of the risks highlighted are required to be mitigated as part of the project	All of the mitigating solutions are required to be implemented within the project	DSC Change Committee – will approve the document after consultation

PART FIVE

1. **Who is responsible for integrating the PIA outcomes back into the project plan and updating any project management paperwork? Who is responsible for implementing the solutions that have been approved? Who is the contact for any privacy concerns which may arise in the future?**

Action to be taken	Date for completion of actions	Responsibility for action
The mitigating solutions are required to be implemented within the project plan for implementation	API development phase	Xoserve

2. **Contact point for future privacy concerns**

The DSC Contract Committee or the CDSP can be contacted to discuss current or future privacy risks.

Appendix

1. **Confidentiality Agreement**

   Emailed to DSC Contract Committee members

2. **Service Agreement**
   Emailed to DSC Contract Committee members