

Ofgem,

During the preparation of legal text in support of UNC Modification Proposal 0253, SGN, as the Transporter responsible for the provision of the text on behalf of all Transporters, highlighted a number of concerns in relation to the intent of the proposal and possible conflicts with the Data Protection Act 1998 (DPA 1998). These concerns related specifically to the aim of the Modification Proposal which would, upon implementation, introduce a Large Supply Point (LSP) enquiry service to Shipper Users on demand. The enquiry service which would take the form of a report detailing LSP data items, would also encompass a number of domestic Supply Point records with an Annual Quantity > 73200kWh and it is these domestic records which SGN have concluded would potentially place Transporters in breach of the DPA 1998. SGN have previously provided an external legal view prepared by Dundas & Wilson LLP, which concluded certain data items required to be provided in the LSP report would be of a 'personal' nature and hence, as they could be attributable to an identifiable individual, could place Transporters in breach of the DPA 1998.

Although SGN have submitted legal text for Modification 0253 which would facilitate the intent of the MOD in the UNC, Transporters consider they would not be able to provide an implementation date for the Modification Proposal, following a direction to implement by Ofgem, as the provision of the LSP report could, for reasons previously detailed, place Transporters and xoserve in breach of primary legislation.

Additionally, even if the Market Sector Code data were to be populated and validated to a suitable level against all domestic Supply Points, the legal text would still fail to carve out domestic Supply Points from the LSP report as the MOD does not allow for this.

It is unfortunate that the Modification Proposal can not be amended or varied at this stage of the process to allow the exclusion of domestic Supply Points from the report which may have allowed the legal text to be produced to facilitate the exclusion of these domestic records.

Regards

National Grid Distribution
National Grid Transmission
Northern Gas Networks
Scotland Gas Networks
Southern Gas Networks
Wales and the West Utilities.