

Representation - Draft Modification Report 0574
Creating the permission to release supply point data to the Theft Risk Assessment Service (TRAS)

Responses invited by: 5pm on 09 September 2016

To: enquiries@gasgovernance.co.uk

Representative:	Fraser Mathieson
Organisation:	SGN
Date of Representation:	9 th September 2016
Support or oppose implementation?	Oppose
Relevant Objective:	d)(ii) None

Reason for support/opposition: Please summarise (in one paragraph) the key reason(s)

SGN opposes this modification on the grounds that sufficient justification has not been provided for the release of the requested data in the absence of customer consent. Whilst we strongly support the sharing of data where there is a tangible customer or industry benefit, we are not satisfied that the case has been sufficiently made in this instance for the existence of such benefit nor has any discussion been held regarding data protection issues and the control measures that would be put in place to ensure data is not misused.

The Information Commissioners Office is clear that where data items within a data set can be linked to other data held by the requesting organisation, or to data available in the public domain, and there is potential for an individual to be identified or for actions to be taken that affect that individual, the entire data set must be considered personal data. The TRAS provider will already have access to supply point data, noticeably from electricity suppliers and aims to take actions that could affect an individual (such as the profiling of theft risk). As such, the Data Protection Act (DPA) applies and the sharing of personal data must be legitimised by ensuring at least one of the DPAs prescribed conditions are met. Given that the nature of the TRAS is such that customer consent cannot be obtained, it is vital that a strong case is made regarding which of the DPAs conditions have been met. To date, no such data protection case has been made, nor has a sufficient outline of the sharing arrangements, access and use agreements, auditing arrangements or sanctions for misuse of data been provided that satisfies us that suitable and sufficient controls will be in place.

The objectives of the TRAS provider in receiving the requested data (as stated in the 'Why Change' section of the Draft Workgroup Report) are to "help to improve TRAS data quality" and to "create a better set of predictive models". We consider that this objective, combined with the data protection issues outlined above, is not proportionate to the risk to customers and the risk to UNC parties in reputational terms from misuse or breach of data, particularly given that individuals may find the sharing objectionable should they be

made aware. Similarly, we are not satisfied that there is a direct link between the stated objectives and the furthering of objective d)(ii) – the securing of effective competition between relevant suppliers.

Self-Governance Statement: *Please provide your views on the self-governance statement.*

SGN does not support self-governance status for this modification as we consider that the data protection issues and potential for misuse of data, particularly given the lack of clarity or discussion regarding control measures, could have a material impact on UNC parties.

Implementation: *What lead-time do you wish to see prior to implementation and why?*

Implementation of this permission only modification would be possible as soon as is reasonably practicable following the Authority's decision but subsequent work would be required to sufficiently develop the associated service delivery aspects.

Impacts and Costs: *What analysis, development and ongoing costs would you face?*

Whilst there are no costs associated with implementing this permission only modification, work would be required to develop the service and the associated privacy impact assessments, access and use agreements, confidentiality agreements, auditing arrangements and sanctions. Input from qualified experts may also be required (such as data privacy and security experts).

Legal Text: *Are you satisfied that the legal text will deliver the intent of the Solution?*

Yes.

Modification Panel Members have requested that the following questions are addressed:

Q1: To inform Panel's consideration of self-governance, views are requested as to whether respondents believe that releasing these data items represents a material impact on commercial arrangements for either / both Shippers and Transporters.

Given that we are not satisfied that the release of the requested data is sufficiently justified from a DPA perspective and given the lack of clarity surrounding the service delivery aspects related to this permission only modification and the potential impacts should data be misused or a data breach occur, we believe the release of these data items could have a material impact on both Shippers and Transporters.

Are there any errors or omissions in this Modification Report that you think should be taken into account? *Include details of any impacts/costs to your organisation that are directly related to this.*

N/A

Please provide below any additional analysis or information to support your representation

N/A