

Representation - Draft Modification Report 0593

Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries

Responses invited by: **5pm on 09 February 2017**

To: enquiries@gasgovernance.co.uk

Representative:	Simon Moore
Organisation:	Citizens Advice
Date of Representation:	31 January 2017
Support or oppose implementation?	Support* <i>delete as appropriate</i>
Relevant Objective:	d) Positive* <i>delete as appropriate</i>

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

Citizens Advice supports the intention of the modification to ease the process of switching using a price comparison service or third party intermediary. We believe that the provisions included in the description of the associated confidentiality and service agreements take sufficient account of the need to protect consumers' data. If they are enforced as described, it should prevent access to the data by malicious parties, and the gathering of data for purposes of marketing and other uses not intended by the CMA Order.

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

N/A

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

N/A

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

N/A

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 competition between, or commercial arrangements for, Shippers or Transporters. Please provide evidence to support your response.

While it may not be a literal impact of the permissions granted by this proposal, competition is materially affected as a deliberate and direct consequence of the modification. Because improving competition is the intended purpose of the mod, it

should not be considered self-governance.

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.*

Insert Text Here

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

Much of the impact of the remedy will be covered by the confidentiality and service agreements, rather than the mod itself. We would encourage Xoserve to present early experiences of PCWs' and TPIs' use of these access permissions after an appropriate amount of time, for example 3 or 6 months after initiation. This should include:

- How much the service has been used by PCWs and TPIs - How many PCWs/TPIs have requested access? How many PCWs/TPIs have been granted access? How many consumer records have been accessed?
- Have any audits been carried out to ensure data is being used appropriately? What did they find?
- Have any PCWs/TPIs been asked to produce evidence of consent, data obtained, length of period data held for, etc? What evidence was provided?
- Has any misuse of data been suspected? What follow-up action took place in response?