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Solihull
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18th June 2016

Mr Christopher Graham
Information Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Dear Mr Graham,

Occasional access to data to facilitate the smooth transfer by a Non Domestic customer to a Gas supplier of choice

I am a Director of the Utilities Intermediaries Association www.uia.org.uk a Trade Association, now ten years old, whose members are Third Party Intermediaries (Tpi's) and who work to a Code of Practice, backed up by an Independent Redress scheme. They work on behalf of non-domestic customers in the utilities arena.

Prior to setting up the UIA with two others who also have wide experience, I worked in the Gas industry for 41 years and for the 10 years prior to leaving I worked as a senior manager within Transco, the pipeline business as it developed the systems and processes that allowed the competitive market to develop. Later a merger with Nation Grid brought the gas and electricity transporters and gas distribution companies under one umbrella. Subsequent network sales by National Grid now means that a number of companies now own Distribution companies. Xoserve is a part of National Grid separated by Chines Walls. Xoserve manages the data for 22 Million Gas Customers.

The issue on which I wish to seek clarification and support is one of data, i.e. who may have access and under what circumstances.

The smooth running of the transfer process when a customer wishes to change their energy supplier relies solely on data held by a number of parties to be in line. In the domestic market, there is significant support through the process. For Non Domestic customers it is minimal.

Under licence condition when the market opened, then Transco now Xoserve, Transporters who own the pipes, Shippers who own the gas and Suppliers who retail the gas, were required to ensure that all changes / updates to held data was transferred up and down the line to ensure matches were in place across those data pools. As the market has developed Licence conditions were relaxed around the requirement to ensure all data was passed up and down, with the effect that data held by Suppliers, Shippers and Xoserve are not always in sync. The data held by Xoserve is the key reference data held on behalf of Shippers and Transporters.

When an application to transfer supplier is generated by a TPI working under a 'Letter of Authority' (LOA) authorised by the customer, the request is made to the supplier of the customer's choice, with the information which the customer provides. If this data matches the data held on the systems within Xoserve, providing the incumbent supplier does not object, the transfer goes through. That is how it should happen.

In circumstances where the transfer does not go through, because the data does not match, that is when the issues start. The Tpi working with the customer will seek to identify what additional information will help, but if all else fails there is no process to fulfil the customers wishes.

The data in question is mainly address data, for instance a unit number may have been used to identify a commercial building within a development, say Unit 5, yet when gas is required the supplier has registered the customer's name as say, 'JD sports Ltd'. and no Unit number is mentioned. Alternatively, the specific 8 digit 'Meter Point Reference Number' (MPRN) which uniquely identifies the customers supply point may be incorrect or unknown. All this data is specific to the customer, **but is not personal data**, and is no more and no less than the Tpi would have if the transfer had gone smoothly. It is only in question because the transfer has failed and adjustments are required to ensure a match with that held within the system managed by Xoserve.

This issue is of long standing, but continues only in a small number of cases it has to be said, however, these small number of cases create frustration and customer dissatisfaction. This issue was raised with me directly by our members and in 2012. Through the good offices of my contacts within Xoserve; a 'Trial' was set up. The process was that when a transfer was unsuccessful, and all means explored by the Tpi member of the UIA to obtain the appropriate data; that which had been obtained was sent to me. I in turn communicated this information to a senior manager within Xoserve. A review of information available on Xoserves system was carried out and where flaws were identified correct information would be passed to me and I would pass it on to the Tpi Member.

Over the four years around 40 data issues were dealt with which could not have been resolved any other way. Customers were transferred successfully to the Supplier of their choice and the quality of data improved across those supply points. I can provide examples should they be required.

In April this year Xoserve felt that the trial could not be continued with as they had no vires to provide the data through this channel because the UIA could not be considered as a suitable party.

The comment from the legal Department within Xoserve was:-

I do not wish to be obstructive but I cannot allow the release of any further information to you or your organisation unless a valid reason under the Data Protection Act or other relevant legislation can be shown. Regardless of good intention, Xoserve are simply not in a position to be able to take any steps which would put us or our customers into a questionable position.

The UIA is an organisation set up to raise standards in the Tpi Market. Members could not abuse the use of the 'Trial' as I was the arbiter of what went through to Xoserve and none of the UIA members were given the contact details of the people within Xoserve who provided the assistance. The supply point information was unique and dealt with mainly on a one by

one basis. Members of the UIA would have been subject to discipline if it was ever found they had abused the Trial, which they did not.

The process was water tight and only used when all else failed. The facilitating of smooth transfers when address or other significant data could not be obtained by any other means was the purpose and in many instances, the data on Xoserves system was improved to the benefit of all.

As you will read in Xoserves response, what is required is a ruling to help unlock the process and provide reassurance for Xoserve that they would not be jeopardising the data or the relationship with their customers, whom they serve reliably and well.

The only way to clarify the data is to create a process, accessible by authorised persons, only when required, and designed to ensure it cannot be used inappropriately.

It is such a process I am seeking to have authorised through your office and for the UIA to be able to work with Xoserve to agree an extension of the trial, which could then be offered to others or not, as Xoserve considers appropriate.

I would be very happy to attend a meeting if required to explore the circumstances surrounding this issue, I feel sure that Xoserve would also be prepared to attend. Indeed a meeting at their office in Solihull may be appropriate, as the systems I refer to are available to view within their offices.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter N Thompson', with a long horizontal flourish underneath.

Peter N Thompson
Non Exec Director
Utilities Intermediaries Association

Mobile 07778 416365

Emailed also to Sally Hall – **Legal Counsel & DPO, Xoserve**