

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:	Andrew Margan
Organisation:	Centrica Plc
Date of Representation:	09 Feb 2017
Support or oppose implementation?	Oppose
Relevant Objective:	d) None

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

Through the Energy Market Investigation (ECOES/DES) Order 2016¹, which seeks to remedy weak domestic customer switching responses, Modification 0593 seeks to permit Transporters (and their Agency) to make available industry data, to Price Comparison Websites, through access to the system Data Enquiry Service,.

We support the order and the principle of providing industry data to PCWs, to enable more frequent and improved switching journeys. Notwithstanding this the ICO letter to the CMA, states access to customer data must “be balanced with safeguards to ensure the personal data is kept secure and used appropriately”. “Consideration therefore needs to be given to how to monitor PCWs’ access and usage”.

The Agency, through instruction by the Transporters will put in place a legal framework with the PCWs before access is granted. Unfortunately, PCW access and usage of DES is not robustly, monitored, controlled or auditable, which raises concerns the solution is non-compliant with the Data Protection Act and risks breaches of customer data. Therefore until adequate controls are developed, we cannot support this modification.

¹<https://assets.publishing.service.gov.uk/media/58513cde40f0b60e4c0000b1/energy-market-notice-ECOES-DES-order.pdf>

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

The CMA (ECOES/DES) Order² paragraph 33 sets out PCW access must be subject to the satisfaction of reasonable access conditions, which includes compliance with data protection legislation³.

As a result implementation of this modification should only take place after a Privacy Impact Assessment has occurred and the CDSP has implemented adequate monitoring, access and usage system controls.

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

The main concern is a DPA breach, which will result in a financial fine which will flow back to shippers and their consumers.

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: *Remove Section if no questions*

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.

Considering the weak system controls and the probability of DPA non-compliance, and therefore the likely material impact to consumers, we believe this change should be sent to the authority for decision.

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.*

No

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

None

²<https://assets.publishing.service.gov.uk/media/58513dc9e5274a13070000ac/energy-market-ECOES-DES-order-explanatory-note.pdf>

³ Any such access needs to be balanced with safeguards to ensure that personal data is kept secure and used appropriately.