

UNC Final Modification Report	At what stage is this document in the process?
<h1>UNC 0640S:</h1> <h2>Provision of access to Domestic Consumer data for Suppliers</h2>	<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 01 Modification </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 02 Workgroup Report </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 03 Draft Modification Report </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 04 Final Modification Report </div> </div>
<p>Purpose of Modification:</p> <p>This is an enabling modification, which seeks to create the necessary permissions in the Uniform Network Code (UNC) to permit the release of domestic consumer data to Suppliers similar to the current arrangements that are in place for Price Comparison Websites (PCWs) (as per UNC Modification 0593V - Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries).</p> <p>The release of data is subject to validations undertaken by the Transporter and would be pursuant to data protection principles.</p>	
	<p>Panel consideration is due on 15 March 2018 (<i>at short notice by prior agreement</i>)</p>
	<p>High Impact: None</p>
	<p>Medium Impact: None</p>
	<p>Low Impact: CDSP</p>

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5	Solution	5	 email address Andrew.margan@centrica.com
6	Impacts & Other Considerations	5	 telephone 07789 577327
7	Relevant Objectives	7	Transporter: Wales & West Utilities
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10	Consultation	9	Systems Provider: Xoserve
11	Panel Discussions	11	 UKLink@xoserve.com
12	Recommendations	11	Other: Tahera Choudhury
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Timetable			
Modification timetable:			
Initial consideration by Workgroup	05 January 2018		
Workgroup Report presented to Panel	15 February 2018		
Draft Modification Report issued for consultation	15 February 2018		
Consultation Close-out for representations	08 March 2018		
Final Modification Report available for Panel	12 March 2018		
Modification Panel decision	15 March 2018 (at short notice)		

1 Summary

What

This is an enabling modification seeking to grant permission to release domestic consumer data to Suppliers. This modification seeks to extend the services that are available to PCWs granted under UNC Modification 0593V to Suppliers.

Why

PCWs are entitled access to domestic consumer data via an Application Programming Interface (API) service (permissions for this are specified within UNC Modification 0593V). Suppliers also offer comparison services to end consumers and would therefore benefit from the same API services available to PCWs. This modification is raised to create the necessary permissions in the UNC code to facilitate this.

How

In order to allow Suppliers to be permitted access to domestic consumer data, the necessary permission and any restrictions or requirements on Suppliers needs to be created within the UNC.

2 Governance

Justification for Self-Governance, Authority Direction or Urgency

Panel determined this modification is unlikely to have a material effect on competition or the contractual arrangements for the conveyance of gas, as it is simply allowing the release of data (subject to pre-defined conditions – as per Section 3 below) to Suppliers.

Modification 0640S will therefore follow self-governance procedures.

Requested Next Steps

This modification should:

- be considered a non-material change and subject to self-governance
- proceed to Consultation

The Workgroup agrees with Panels determination for the reasons set out above and confirm the modification is sufficiently developed to proceed to consultation.

3 Why Change?

Suppliers currently do not have access to the same service being provisioned for PCWs granted under UNC Modification 0593V. However, Suppliers also offer comparison services to end consumers and would, therefore, benefit from the same data provisions available to PCWs.

This modification has, therefore, been raised to grant Suppliers access, upon request (subject to reasonable access conditions to data as listed below), to assist consumers seeking to switch.

The data to be accessed is:

- Supply Meter Point Reference Number,
- supply point address,
- Meter Post Code,
- Current supplier ID,
- meter mechanism code,

- network operator,
- meter capacity,
- meter serial number,
- Annual Quantity,
- Local Distribution Zone,
- Smart Meter Equipment Technical code.

This modification would, with sufficient controls in place, grant permissions to the above data, for Suppliers.

The confidentiality and service agreements are not to be included in the UNC solution itself; however, in order to ensure compliance of the data in accordance with the Data Protection Act, Suppliers will be subject to, but not limited to, the following principles which will be solidified in a forthcoming service build:

- Legitimate justification will be required by Suppliers for accessing this information. This will be subject to confidentiality agreements between Suppliers and the Gas Transporters, and a contract with the CDSP for the provision of the service.
- Suppliers access to data will be subject to organisational validations and conditions, as set out in legal contracts between Suppliers and the CDSP. The relevant section of the UNC will be amended to include the definition of Suppliers.
- The data provided is confidential information and is, therefore, only permitted to be accessed by Suppliers (subject to organisational validations) where consent has been obtained from the relevant consumer, through a clear statement of consent on the Suppliers website, which will be required to be actively triggered by a consumer.
- Consumer consent and data accessed by Suppliers will be securely held by Suppliers for no longer than reasonably required to comply with relevant legislation.
- The CDSP has the right to audit Suppliers, without notice, to ensure data is being used solely, with consumer consent, for the purposes of facilitating change of Supplier activity.
- The CDSP has the right to request Suppliers to produce evidence of the following information, but are not limited to only this information: consumer consent, data obtained, time periods data was obtained for, switching evidence (if switch took place), and data retention policies.
- Where any suspected misuse comes to the attention of the CDSP, including via a third party or an audit or security investigation, then the CDSP has the right (after appropriate investigation) to cancel provisions of access to data to the Supplier.
- If any of the evidence requested by the CDSP, as specified within the UNC and legal contracts, is not provided within a reasonable timeframe, then the CDSP has the right to immediately cancel provisions of access to data to the Supplier.

This modification should be considered as 'enabling or facilitating change' since the change would mainly be of benefit to Suppliers, which are not Code parties and therefore, of indirect benefit to UNC parties.

4 Code Specific Matters

Reference Documents

Please find the link for UNC Modification 0593V here;

<https://www.gasgovernance.co.uk/sites/default/files/ggf/page/2017-09/Final%20Modification%20Report%200593V%20%28including%20Supplemental%20Report%29%20v2.0.pdf>

Please also find attached the link to the API technical compliance document provided to support UNC Modification 0593V;

https://www.gasgovernance.co.uk/sites/default/files/ggf/book/2017-11/%5B11.3.1%5D%20Evidence%20-%20API%20compliance%20document_0.pdf

Knowledge/Skills

No specific knowledge or skills required to consider this modification.

5 Solution

This enabling modification is proposing to grant the relevant permissions to allow Suppliers access to domestic consumer data through amending UNC Section V to include a requirement on the Suppliers to enter into a confidentiality and service agreements with the Transporters on terms no less onerous than those of TPD Section V5, but including clauses detailing the data and permitted purpose, and clauses to include enforcement of the confidentiality agreement.

The data to be included is:

- Supply Meter Point Reference Number,
- Supply Point Address,
- Meter Post Code,
- Current Supplier ID,
- Meter Mechanism Code,
- Network Operator,
- Meter Capacity,
- Meter Serial Number,
- Annual Quantity,
- Local Distribution Zone,
- Smart Meter Equipment Technical Code.

This data is to be obtained specifically for the purpose of enabling a change of supplier event in response to a specific request from a consumer.

In order to provide the industry with transparency of the use of this data, an annual report will be provided detailing the Supplier market participants who are permitted to access this data.

This modification, once implemented, will grant the necessary permissions for the creation of a commercial service which will provide access to domestic consumer data only for the sole purpose of aiding in faster supplier switching. Domestic data is identified using the market sector code 'D'.

6 Impacts & Other Considerations

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

This requirement may be transitional until the SCR is implemented where Suppliers may be able to access the data from the new Central Registration Service (CRS).

Consumer Impacts

Consumer Impact Assessment	
Criteria	Extent of Impact
Which Consumer groups are affected?	<ul style="list-style-type: none"> Domestic Consumers
What costs or benefits will pass through to them?	<ul style="list-style-type: none"> It is not anticipated that any costs will be passed through to Consumers. Services facilitated by this modification will be provided using bilateral arrangements between the CDSP and Supplier This modification facilitates the provision of data that should allow Domestic consumers to be better engaged and able to understand and choose between the range of options available to them through Supplier services, offered both online and by telephone.
When will these costs/benefits impact upon consumers?	<ul style="list-style-type: none"> Immediately following the implementation of the services provided by Transporters, on a date to be provided.
Are there any other Consumer Impacts?	<ul style="list-style-type: none"> None identified.

Cross Code Impacts

The Workgroup noted that this service would also be required within Electricity; it is understood that the relevant permissions are already in place within the Master Registration Agreement (MRA) to facilitate the process.

However, an equivalent iGT UNC modification would be required to ensure the appropriate permissions have been identified and granted to allow access to data for iGT sites.

EU Code Impacts

None identified.

Central Systems Impacts

It is currently proposed to deliver an API system solution to allow access to data by PCWs (Modification 0593V) and this modification would utilise the same systems. The proposed changes would be managed through the DSC Change Management Procedures.

Workgroup Impact Assessment

The Workgroup agrees that the Privacy Impact Assessment (PIA) developed for Modification 0593V and the associated DSC Change Procedure, would with minor amendment be suitable for the scope of this modification. As with Modification 0593V, it is proposed that the DSC Change Management Committee be given oversight of the implementation of the API system to ensure it complies with the PIA and modification requirements.

Rough Order of Magnitude (ROM) Assessment

A ROM is not required as this modification grants permissions and does not provide a service or require a change to Central Systems.

7 Relevant Objectives

Impact of the modification on the Relevant Objectives:	
Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	Positive
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	None
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

This modification would further Relevant Objective d) Securing Effective Competition (ii) between relevant suppliers, as it would provide information to Suppliers to allow them to efficiently manage the consumer switching process.

8 Implementation

As self-governance procedures are proposed, implementation could be sixteen business days after a Modification Panel decision to implement, subject to no Appeal being raised.

9 Legal Text

Legal Text has been provided by Wales & West Utilities and is included below. The Workgroup has considered the Legal Text and is satisfied that it meets the intent of the Solution.

Text Commentary

Section V 5.3.5 provides that “Confidentiality as between a Party or Parties and the CDSP governed by the DSC and not the Code”. Accordingly, the CDSP’s entitlement to disclose data has not been added to V5.5.3 as a new exception to the Transporter’s general duty of confidentiality. Instead a new section V 5.18 has been inserted so (when the Modification Proposal takes effect) the disclosure becomes permissible under existing DSC rules.

V5.18.1 defines the information that may be disclosed (“Supply Point Premises Data”). The identity of LDZ operators has not been included in this data as it is not Protected Information. The Modification Proposal refers to a Smart Meter Technical Code as well as a meter mechanism code. As the Smart Meter Technical Code is not referred to at Annex M1 to Section M or any of the Annexes to Section V, it is assumed that for Smart Meters the two code are in fact the same.

V5.18.2 creates, for the purposes of the DSC (specifically condition 9.2(a) of the DSC Terms and Conditions which creates an exception to the CDSP’s duty of confidentiality in respect of information disclosed for the purposes of performing its obligations and exercising its rights under or in connection with the UNC), an entitlement for the CDSP to disclose “Supply Point Premises Data” to suppliers, where this is done pursuant to a Third Party Services agreement which complies with the DSC Third Party and Additional Services Policy, and which includes provisions restricting the circumstances in which the information can be requested and used and limiting onwards disclosure.

The DSC Third Party and Additional Services Policy is referenced because the DSC requires any Third Party Service agreement to be compliant with that policy. Reference is made to the CDSP being entitled to treat Users as having agreed to the disclosure of information pursuant to such agreement because paragraph 2.3.1(c) of the policy provides that the CDSP may only provide a Third Party Service if at the time the CDSP enters into the agreement the CDSP is satisfied that the provision of the Third Party Service will not involve the disclosure of Confidential Information without the consent of the relevant Customer (User). The entitlement to treat Users as having consented to disclosure is by virtue of GTD 1.7.2(d) a CDSP-Related Provision which the CDSP is entitled to rely on by virtue of Condition 3.5 of the DSC Terms and Conditions.

As well as providing that the information may be requested by the supplier in connection with a gas supply contract between it and the owner or occupier of premises, in line with the solution proposed in section 5 of the Modification Proposal, V5.18(2)(b) addresses the problem identified in section 3 of the Modification Proposal by permitting the disclosure of the information where the owner or occupier of the premises has authorised the supplier to obtain it for the purposes of offering terms of supply. The purpose of the Modification Proposal is to assist prospective suppliers of consumers who are seeking to switch, not just the suppliers of consumers who have already decided to do so.

GTC 2.9.2(b) states that a reference in the Code to a “supplier” (with a small s) is a reference to “a person who supplies to premises gas offtaken from the Total System”. Consequently, it is not necessary to introduce, as suggested by the Modification Proposal, a new defined term for a supplier which is the prospective supplier of Supply Point Premises.

V5.18.3 imposes an obligation on the CDSP to report annually on those suppliers which are party to contracts with the CDSP for the provision of Supply Point Premises Data. This reporting requirement is a Non-Service Function of the CDSP by virtue of GTD Section 1.7.1, which provides that such functions are those assigned to the CDSP in the Code which are not specified as CDSP Services in, or pursuant to, the CDSP Service Description. Condition 3.4 of the DSC Terms and Conditions requires the CDSP to perform the Non-Service Functions of the CDSP. As a result, the reporting obligations will become a binding obligation as between the CDSP and its customers under the DSC.

The relationship between the DSC and the UNC is complex. Parties to the UNC may wish to consider whether the creation of new rights for the CDSP (in this case the right to disclose data to suppliers) and the imposition of new obligations (in this case to report on the suppliers whom have contracted to receive the data) might be more appropriately be dealt with by modifying the DSC Terms and Conditions and the DSC Third Party and Additional Services Policy. It would be sensible to consider whether comparable CDSP obligations and entitlements, for example, at sections TPD V5.5.3(m), V5.11 and V5.15 to V5.17 and now 5.18, or elsewhere in the UNC, should be moved from the UNC to the DSC.

Text

Transportation Principal Document

Section V

Insert the following new paragraph 5.18.

5.18 Disclosure of Supply Point Premises Data

5.18.1 In this paragraph 5, “Supply Point Premises Data” means the following information with respect to Supply Point Premises:

- (a) the address and post code;
- (b) the Local Distribution Zone to which those premises are situated;
- (c) the Supply Meter Point Reference Number(s); Annual Quantity(or Quantities) of the Supply Meter Point(s) at such premises;
- (c) the Meter Post Code(s), meter mechanism code(s), meter serial number(s) and capacity of the Supply Meter(s) at those premises; and
- (d) the identity of the current supplier(s).

5.18.2 The CDSP is entitled to disclose Supply Point Premises Data to a supplier pursuant to an agreement for Third Party Services with that supplier provided that such agreement:

- (a) complies with the Third Party and Additional Services Policy (for which purposes the CDSP shall be entitled to treat Users as having agreed to the disclosure of information pursuant to such agreement);
- (b) provides that the supplier may only request such information in respect of Supply Point Premises where the owner or occupier of those premises has either entered into a contract with the supplier to supply gas to such premises or authorised the supplier to obtain such information for the purposes of enabling the supplier to offer terms on which such a supply may be made;
- (c) restricts the supplier from using the information other than for the purposes of offering terms for gas supply or facilitating the commencement of gas supply by the supplier;
- (d) includes confidentiality obligations which are no less onerous than those set out in this paragraph 5

5.18.3 The CDSP shall, no later than 31 March in each year, publish a report identifying those suppliers which have a Third Party Services agreement in place with the CDSP for the disclosure of Supply Point Premises Data as contemplated by paragraph 5.18.2.

10 Consultation

Panel invited representations from interested parties on 15 February 2018. The summaries in the following table are provided for reference on a reasonable endeavours basis only. We recommend that all representations are read in full when considering this Report. Representations are published alongside this Final Modification Report.

Implementation was unanimously supported in the 6 representations received.

Representations were received from the following parties:

Organisation	Response	Relevant Objectives	Key Points
Cadent	Support	d - positive	<ul style="list-style-type: none"> • Agrees that suppliers should be afforded equal access to Domestic customer data as that afforded to Price Comparison Website providers (PCWs) as they both provide similar price comparison services to customers. • Agrees self-governance should apply.
ENGIE	Support	d - positive	<ul style="list-style-type: none"> • Believes there will be a positive impact on competition and that appropriate data protection measures seem to be

			in place.
NPower	Support	d - positive	<ul style="list-style-type: none"> • Believes this will improve competition and give suppliers access to information, which is currently only available to PCWs and TPIs. • Agrees self-governance should apply.
Scotia Gas Networks	Support	d - positive	<ul style="list-style-type: none"> • Creates the necessary permissions within the UNC to permit the release of domestic consumer data to suppliers similar to the arrangements introduced by UNC Modification 0593V Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries. The release of data to suppliers is subject to them entering into a confidentiality agreement that will sit outside of the UNC. • They believe this modification will aid the change of supplier process by providing data held in the central systems, which may make it faster for end users to change supplier. • Fulfils the self-governance criteria as it is releasing data subject to the fulfilment of predetermined conditions.
SSE	Support	d - positive	<ul style="list-style-type: none"> • Suppliers currently do not have access to the same domestic consumer data that is available to PCWs following implementation of UNC Modification 0593V, but they also offer price comparison services to end consumers. They therefore agree that suppliers would benefit from the same data provisions being made available to them as are available to PCWs, and that this enabling modification, which seeks to grant permission to release domestic consumer data to Suppliers, will achieve this purpose. • Agrees self-governance should apply.
Wales & West Utilities	Support	d - positive	<ul style="list-style-type: none"> • The modification clarifies that information listed in the proposal may be provided to suppliers as well as PCWs and TPIs. • They believe that this change could have probably been achieved by a change to SPAA; however, they accept that having the provision in the same place as the provision relating to PCWs and TPIs may be beneficial for UNC parties. • Agrees self-governance should apply. • Notes the comments in the legal text commentary regarding whether the arrangements on TPD V5 should move into the Data Services Contract. They consider that

			since the DSC includes, Shippers, Transporters and the CDSP as parties this is a worthy consideration at a future date.
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Please note that late submitted representations will not be included or referred to in this Final Modification Report. However, all representations received in response to this consultation (including late submissions) are published in full alongside this Report and will be taken into account when the UNC Modification Panel makes its assessment and recommendation.

11 Panel Discussions

12 Recommendations

Panel Determination

Members agreed:

- that Modification 0640S should **[not]** be implemented