

## Representation - Draft Modification Report 0593V

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

Responses invited by: **5pm on 08 September 2017**

To: [enquiries@gasgovernance.co.uk](mailto:enquiries@gasgovernance.co.uk)

<b>Representative:</b>	Kirsty Dudley
<b>Organisation:</b>	E.ON
<b>Date of Representation:</b>	08/09/2017
<b>Support or oppose implementation?</b>	Qualified Support
<b>Relevant Objective:</b>	d) Positive

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

We recognise development of this modification has varied and it is now in a position where the solution can be delivered; Xoserve/CDSP however now needs to deliver a technical solution which is in line with DPA/GDPR, although the PIA goes towards providing comfort there is still more development work required for it to be a robust solution with mitigated DPA risks which is also compliant to the CMA order.

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

The implementation of this modification should be aligned with the delivery of the technical solution by the Xoserve/CDSP and also the iGT UNC equivalent modification.

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

The costs of this modification should be covered by the Gas Transporters as required by the CMA order. We are unclear of our costs at this time as this information has not been forthcoming from the Xoserve/CDSP. Additionally costs need to be transparent for the solution so additional clarity is required.

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

We have no comments on the legal text.

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

*Q1: To inform Panel's consideration of the varied modification, views are requested as to whether you agree that Ofgem's sendback questions have been addressed in the revised modification.*

Our answers to the Ofgem questions are:

- 1) Whether Shippers and Suppliers are Data Controllers in this context and the implications of this data disclosure as well as any mitigating actions that should be taken

We would view Xoserve/CDSP as the Data Controller for this solution.

- 2) How PCWs and TPIs will have their access to data restricted (contractually or otherwise), including for access to non-domestic supply point data which is not permitted by the proposed modifications

We do not have access to the detailed information and are therefore unable to respond to this question – this answer will need to be completed by Xoserve/CDSP

- 3) What provisions are in place to ensure consumer consent will be positive informed consent

We are unable to answer this question but we do believe that provisions should be put in place for compliance and regular monitoring for the solution.

- 4) Any implications and mitigating actions that should be taken in the context of the changes to Xoserve's governance and funding arrangements as a result of FGO and the forthcoming implementation of the GDPR

We recognise the modifications are to allow permissions but the lack of answers regarding the requirements of DPA/GDPR is a concern for the effective functioning of the new DSC arrangements. This potentially introduces risk to Shippers/Suppliers/Transporters and should be tackled as a matter of urgency.

**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.*

Nothing identified

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

NA