

## **E.ON – National Revenue Protection Service (NRPS)**

### **Summary of the NRPS proposal**

The proposed NRPS would be a central service provider to which gas suppliers and transporters would have an obligation to provide customer account data, for the purpose of identifying and preventing theft. This would be done by the following process:

- the NRPS receives data from suppliers
- the data is profiled by the NRPS
- the NRPS reports back to a supplier if further investigation is required at an address they currently supply
- the supplier investigates further and reports the outcome to the NRPS, who would record the data to enhance intelligence

The type of data shared with the NRPS is expected to be the following:

- Customer name, telephone numbers and email addresses
- Payment type (whether prepayment or credit meter, paid by fixed or variable DD, cash payments etc)
- Payment history – more probably nil vending for prepayment meters
- Any internal credit ratings applied
- Dual fuel customer
- Vulnerable indicator
- Valid historic thefts
- Change of tenancy information (date and previous / forwarding address)
- Change of supplier information (date)
- Address and postcode of the property
- Annual quantity of gas expected to be used
- Meter readings – last 3 years

The advantage of using a central agent to receive and analyse the data is that holding all the data centrally will allow a customer to be 'followed' to a new supplier when they change. This is currently a problem for suppliers, as once a customer switches supplier, the previous supplier loses rights of entry which prevents the investigation of suspected theft in many cases.

'Appropriate controls and restrictions' around the data and the agent are planned to prevent abuse of the data. NRPS would only supply data to suppliers about sites in their ownership.

## **Comments on the proposal**

### **Fair and lawful processing**

The first principle of the Data Protection Act 1998 (DPA98) requires that personal data be processed fairly and lawfully. This means in practice that:

- the data controller must have legitimate grounds for collecting and using personal data;
- the data must not be processed in ways that have unjustified adverse effects on the individuals concerned;
- the data controller must be transparent about how they intend to use the data, giving appropriate privacy notices when collecting the data;
- the data controller must handle people's personal data in ways they would reasonably expect; and
- the data controller must not do anything unlawful with the data.

The industry could probably argue that the processing of personal data via the NRPS for the purposes of identifying and preventing customer theft can be justified as they have a legitimate interest in pursuing that purpose, which is likely to balance favourably against any intrusion into customer privacy in this case.

It would be useful to know the actual effect of this data sharing would have on customers – could it lead to prosecutions, or customers having their supply cut off? Presumably there will be some sort of adverse effect on customers if they are identified as having unlawfully obtained gas from their supplier. Of course, whether this adverse effect is justified or not will depend upon the accuracy of the allegation and the proportionality of the adverse effect.

What fair processing information is currently in place? Do current privacy notices already provided by suppliers to their customers cover this sort of data sharing? If not, before the data is shared an appropriate privacy notice must be provided to customers so they are aware of what will happen to their personal data, in terms of who it will be shared with and for what purpose.

In terms of general fairness, it is important that if and when the NRPS is rolled out, data relating to all customers is shared, not just certain types.

## **Data controller / data processor**

It is vital to ascertain at the outset who the data controller for the NRPS will be – as they will be ultimately responsible for data protection compliance. If the data controller is one (or all) of the suppliers who provide data and the NRPS agent is solely a data processor, there must be an appropriate contract in place to ensure that the NRPS acts only on the instruction of the data controller and that the DPA98 is complied with.

## **Data quality**

The third principle of the DPA98 requires that personal data must be adequate, relevant and not excessive. It is therefore important that the information held in the NRPS is sufficient for meaningful analysis to be undertaken and for customers to be correctly identified, but that information unnecessary for the analysis is not shared. There must be good reason for each piece of data to be held – for example whether a customer is 'vulnerable' or not must be relevant for the analysis. If not it could be deemed excessive and should not be shared.

The fourth principle of the DPA98 states that personal data must be accurate and up to date. This is especially important in this case as there could be some adverse consequences to customers once the data is analysed. Internal credit ratings should have been applied by a consistent and fair process and their meaning should be clear. I would be interested to know what constitutes a 'valid historic theft' – is it one for which a customer has been prosecuted, or had their supply cut off? For reasons of accuracy this should be more than unsubstantiated allegations or suspicions.

As per the fifth principle of the DPA98, there would have to be an appropriate retention policy in place, ensuring that personal data was not held for longer than necessary for the stated purpose.

With regard to data quality in general, it is particularly important to note that the data controller is responsible for ensuring the data is of sufficient quality to be shared. The data controller must be satisfied with the quality of the data before the project is rolled out and any data is shared.

## **Conclusion**

The above are initial comments based on the outline proposal seen so far, and are not exhaustive. We would welcome the opportunity for further comment as the detailed proposal progresses.