

UNC Workgroup 0593 / iGT095 Minutes
Provision of access to Domestic Consumer data for Price
Comparison Websites and Third Party Intermediaries
Thursday 23 March 2017
at Consort House, 6 Homer Road, Solihull B91 3QQ

Attendees

Bob Fletcher (Chair)	(BF)	Joint Office
Mike Berrisford (Secretary)	(MB)	Joint Office
Andy Clasper	(ACI)	National Grid Gas Distribution
Andrew Margan*	(AM)	British Gas
Andy Miller	(AMi)	Xoserve
Angela Love*	(AL)	ScottishPower
Chris Warner	(CW)	National Grid Gas Distribution
Colette Baldwin	(CB)	E.ON Energy
Dan Simons	(DS)	MRASCo
David Addison	(DA)	Xoserve
Eleanor Laurence*	(EL)	EDF Energy
Fraser Mathieson	(FM)	Scotia Gas Networks
Gavin Anderson*	(GA)	EDF Energy
Jon Dixon*	(JD)	Ofgem
John Welch	(JW)	npower
Kathryn Turner*	(KT)	Good Energy
Kish Nundloll	(KN)	ESP
Lorna Lewin	(LL)	DONG Energy
Mark Jones	(MJ)	SSE
Nikki Rozier*	(NR)	BUUK
Paul Rock*	(PR)	Gemserv
Phil Lucas*	(PL)	National Grid NTS
Rachel Hinsley	(RH)	Xoserve
Richard Pomroy*	(RP)	Wales & West Utilities
Sean Hayward	(SH)	Ofgem
Shanna Key*	(SK)	Northern Gas Networks
Steve Ladle*	(SL)	Gemserv
Steve Mulinganie	(SM)	Gazprom
Steven Britton*	(SB)	Cornwall
Tahera Choudhury	(TC)	Xoserve

* via teleconference

Copies of all UNC meeting papers are available at: <http://www.gasgovernance.co.uk/0593/230317>

The UNC Workgroup Report is due to be presented at the UNC Modification Panel by 20 July 2017.

1.0 Introduction to Joint Governance Workgroup Meeting

In introducing this joint governance workgroup meeting, BF provided a brief outline of the Ofgem letter that has triggered this additional piece of work to consider the four main points outlined on pages 2 and 3 of the letter.¹

In response to the letter, the March 2017 Panel voted unanimously to return Modification 0593 (iGT095) to the Workgroup for further assessment with the aim being that a supplemental report would be provided to the July 2017 Panel meeting.²

2.0 Consideration of Ofgem Specific Issues

Opening discussions, BF referred to the revised Workgroup Terms of Reference, dated 16 March 2017.³

When asked whether as the Proposer of 0593, she has a view on the requested items, SK advised that in liaising with Xoserve on the matter of whether they would be looking to provide a suitable Privacy Impact Assessment (PIA) Statement, the conclusion has been that a statement would not be forthcoming at this time, as this is really a Workgroup consideration.

In responding to industry concerns around whether the proposed solution for 0593 is deemed 'fit for purpose' and how the solution would be implemented should the modification be approved, AMi explained that the solution proposed for 0593 had been built in response to the Competition and Market Authority (CMA) order (specifically paragraphs 13 and 14) placed on both Xoserve and the Transporters to provide access to the Data Enquiry Service (DES).

AMi went on to explain that should Ofgem ultimately reject the modification, Xoserve would be in a position to look at alternative solutions that could then be discussed with the CMA, who have declined to amend the current order.

When asked whether DES provides a suitable solution, AMi acknowledged that whilst it is the answer provided within the gas market, it would (inadvertently) allow Price Comparison Websites (PCWs) and Third Party Intermediaries (TPI's) access to larger supply point information, which is outside of the original order scope.

BF observed that the Workgroup would now need to better understand how any agreements/contracts would be established and what form these might take in order to make a more informed view, especially as this information was not available at the time the original Workgroup Report was compiled. However, it must be borne in mind that the modification is not about the agreements/contracts per se, but provides permission for the release of data.

When asked, DS provided an overview of the MRASCo obligations and approach, during which he explained that MRASCO is considered to be the Data Controller and the MRA/ECOES seen as Data Processors. He then went on to explain that there are not only ECOES system changes involved, but also contractual and audit process changes. DS advised that the ECOES solution went live on 28 February 2017 and included a new user category with restricted data access (i.e. no access to larger supply point information). DS went on to explain that a usage monitor has also been introduced, and that the workaround solution, is expected to be upgraded to a fully automated solution later in 2017. Furthermore, agreements to gain access to the information have been signed by interested parties. When asked, DS confirmed that user access applications are considered against a set of established criteria that could/would potentially apply equally across both the electricity and gas markets.

When asked, DS agreed to discuss with his MRA/MRASCo contacts whether the Electricity PIA and user access criteria could be shared with the (0593/iGT095) Workgroup. DS also agreed to double check whether there had been any ICO involvement in assessing MRASCo's

¹ A copy of the Ofgem direction letter to amend the Final Modification Report is available to view and/or download from the Joint Office web site at: <http://www.gasgovernance.co.uk/0593>

² A copy of the March 2017 UNC Panel meeting minutes are available to view and/or download from the Joint Office web site at: <http://www.gasgovernance.co.uk/panel/160317>

³ A copy of the revised Workgroup Terms of Reference are available to view and/or download from the Joint Office web site at: <http://www.gasgovernance.co.uk/0593>

role as Data Controller and also the PIA aspects. In quoting the Data Protection Act and CMA explanatory note, AMi pointed out that Xoserve is deemed to be a Data Processor and not a Controller. When asked why the difference in approaches, DS pointed out that on the electricity side MRASCo is taking the place of the Uniform Network Code Committee (UNCC).

New Action 0301: MRASCo (DS) to ascertain whether or not a (redacted if necessary) copy of the Electricity Privacy Impact Assessment (PIA) and user access criteria could be shared with the Workgroup, and whether there has been any ICO involvement (inc. assessing MRASCo's role as data controller).

New Action 0302: MRASCo (DS) to ascertain whether or not a copy of the assessment process (criteria) for new user parties (PWCs/TPIs) wishing to access MRASCo data and systems (inc. the audit/control provisions in place once agreement is in place and actual take up numbers) can be shared with the Workgroup.

When asked who funded the ECOES changes, DS indicated he believes that in the first instance this was the MRA parties, whilst TPIs also pay a charge to access the service. DS advised that the changes involved were minimal in nature as existing audit and monitoring mechanisms were already in place.

When asked, DS confirmed that the electricity PIA was commissioned to improve understanding of the ECOES changes and the subsequent compliance with the CMA order aspects, rather than simply to inform the MRA of industry parties' decisions. He also confirmed that limiting access avoided the need to develop onerous security mechanisms, whilst at the same time addressing risk(s) identified as part of the PIA exercise.

During a brief onscreen review of the 'Conducting privacy impact assessments code of practice' document, which will be considered in more detail at the 27 April 2017 Workgroup meeting, AMi advised that Xoserve has reviewed the document and concluded that development via this Workgroup is the preferred route. When asked whether or not Xoserve would be in a position to provide an initial 'strawman' paper based on the document, AMi agreed to look to provide something in time for consideration at the April Workgroup meeting.

New Action 0303: Reference the 'Conducting privacy impact assessments code of practice' document - Xoserve (AMi) to provide an initial (gas market) 'strawman' paper based on the document for consideration at the April Workgroup meeting.

When some parties suggested that the DES based solution was selected because of time constraint factors, AMi pointed out that this was not actually the case as initially the 0593 proposal was looking at an API based solution which was superseded by the DES based option when the CMA order was clarified and published.

In noting that discussions with the CMA have failed to convince them to move away from a DES based solution, AMi explained that Xoserve are presently unable to provide a 'restricted' DES access mechanism (i.e. similar to the ECOES solution) due to the relationship and potential impacts with the Project Nexus delivery requirements. It was also pointed out that currently the DES solution does not match the PCW requirements and that to date, only one party has sought DES access.

During discussions, it was suggested that one outcome from the Supplemental Report could be used to highlight industry concerns around the proposed DES based solution and an indication of a preference for a MRASCo style option.

When AMi enquired as to whether the Workgroup could look to add an additional section within the gas market PIA in order to address some of the Ofgem questions, BF suggested that this would/could be better served by an industry wide consultation on Ofgem's questions and the PIA considerations.

When AMa advised that British Gas has, following an internal PIA exercise, already provided an initial view around on who should be recognised as the data controller matter, AMi noted that the Gazprom lawyers might have a different view, based on their I&C user portfolio, as these users do not fall under Data Protection requirements.

Whilst some Workgroup members continued to believe that Xoserve is a data controller and not simply a processor, other members pointed out that Xoserve has little or not control over what information is provided as it is the CMA order that has defined what information should be provided – views remained diametrically opposed.

New Action 0304: All parties to consider Shipper/Supplier Data Controller aspects and provide views at the April 2017 Workgroup meeting.

SM suggested that all the Workgroup needs to do is adopt a simple approach whereby it identifies that DES does not provide a viable solution and provides a suitable justification to the CMA to request that they reconsider their position.

When asked if any engagement with the ICO had taken place, SK advised that she has been trying to contact them, which has not been successful to date.

New Action 0305: Northern Gas Networks (SK) to approach the ICO to discuss privacy aspects and provide feedback at the April 2017 Workgroup meeting.

New Action 0306: Xoserve (AMi) to consider what would be required for any consumer consent agreements and provide a view at the April 2017 Workgroup meeting.

When it was suggested that perhaps there would be benefit in looking to ascertain whether or not the ECOES could be adapted to include gas market information in a cost effective manner, it was noted that Northern Gas Networks has already raised a change order looking to investigate that option, although this is currently ‘on hold’.

Continuing with the debate, AMi reminded those present that whilst there is more than one possible solution, each and any option would need a separate supporting Impact Assessment (IA) to be undertaken. He also explained that currently Xoserve has no mechanisms to transfer the DES Gas Date into the ECOES and as a consequence, a PIA would be needed beforehand to identify potential costs. In recognising that the industry has already voiced concerns around the proposed DES solution, and Ofgem has responded accordingly, AMi pointed out that a change order would need to be raised by a party (Shipper) in order to look for an alternative to the 0593 solution – any costs associated with this initiative would need to be borne by the party concerned.

Refocusing discussions, BF reminded everyone that the main aim for the Workgroup is to focus on the specific Panel scope.

AMi indicated that he believes that the industry should look to allow 0593 to progress through the modification process in a timely manner, and if and when Ofgem rejects the modification, it can be presented to the CMA as a ‘change of circumstance’ thereby reopening the option to looking at possible alternative solutions. When one party voiced concern that in recommending to the CMA that DES is not a suitable solution, we could potentially invoke an additional 6 month CMA consultation process, others disagreed and suggested that perhaps the best option would be to complete the Supplemental Report in a timely fashion in order to allow Ofgem to make an informed and timely decision.

3.0 Consideration of MRA Letter

DS provided a brief verbal update on the MRA letter during which he confirmed that the MRASCo Security Committee (MSC) had completed a Privacy Impact Assessment (PIA) on the Electricity Central Online Enquiry Service (ECOES) in accordance with the Code of Practice guidelines.

4.0 Development of Supplemental Report

Whilst not specifically covered during the meeting, BF noted that subject to the timely provision by Xoserve of the initial (gas market) ‘strawman’ paper based on the document for consideration at the April Workgroup meeting, the Workgroup could aim to complete the Supplemental Report at the 27 April 2017 meeting. However, failing that the Workgroup has until the June 2017 Panel meeting in which to complete and submit the report.

When asked whether or not the iGTs would be considering the matter in more detail at their forthcoming 04 April 2017 meeting, SL explained that whilst this is possible, he agrees with Xoserve's view that it is better to take more time to prepare a more meaningful 'strawman' for consideration at the April Distribution Workgroup meeting. Parties were invited to dial into the 04 April 2017 iGT meeting should they wish to.

When asked whether the industry needs to undertake another formal consultation process for Modification 0593, BF explained the possible approach and how any consultation could look to seek views around the Ofgem questions. He also reminded those present that only the UNC Panel can authorise a further consultation.

5.0 Agree Actions

None outstanding.

6.0 AOB

None.

7.0 Next Steps - timetable

Subject to receiving responses to the outstanding action items, the Workgroup would look to:

- Consider and respond to the Ofgem questions;
- Consider the Electricity Privacy Impact Assessment (PIA) and user access criteria, and
- Develop/complete the Workgroup Final Modification Report - Supplemental Report.

8.0 Diary Planning

Further details of planned meetings are available at: www.gasgovernance.co.uk/Diary

Workgroup meetings will take place as follows:

Time/Date	Venue	Workgroup Programme
10:30 Thursday 27 April 2017	Elexon, 350 Euston Road, London NW1 3AW	<ul style="list-style-type: none"> • Standard Agenda items • <i>Other – to be confirmed</i>
10:30 Thursday 25 May 2017	Consort House, 6 Homer Road, Solihull B91 3QQ	<ul style="list-style-type: none"> • Standard Agenda items • <i>Other – to be confirmed</i>

Action Table (23 March 2017)

Action Ref	Meeting Date	Minute Ref	Action	Owner	Status Update
0301	23/03/17	2.0	To ascertain whether or not a (redacted if necessary) copy of the Electricity Privacy Impact Assessment (PIA) and user access criteria could be shared with the Workgroup, and whether there has been any ICO involvement (inc. assessing MRASCo's role as data controller).	MRASCo (DS)	Pending
0302	23/03/17	2.0	To ascertain whether or not a copy of the assessment process (criteria) for new user parties (PWCs/TPIs) wishing to access MRASCo data and systems (inc. the audit/control provisions in place once agreement is in place and actual take up numbers) can be shared with the Workgroup.	MRASCo (DS)	Pending
0303	23/03/17	2.0	<i>Reference the 'Conducting privacy impact assessments code of practice' document - Xoserve (AMi) to provide an initial (gas market) 'strawman' paper based on the document for consideration at the April Workgroup meeting.</i>	Xoserve (AMi)	Pending
0304	23/03/17	2.0	To consider Shipper/Supplier Data Controller aspects and provide views at the April 2017 Workgroup meeting.	All parties	Pending
0305	23/03/17	2.0	To approach the ICO to discuss privacy aspects and provide feedback at the April 2017 Workgroup meeting.	Northern Gas Networks (SK)	Pending
0306	23/03/17	2.0	To consider what would be required for any consumer consent agreements and provide a view at the April 2017 Workgroup meeting.	Xoserve (AMi)	Pending