














UNC Modification		At what stage is this document in the process?
<h1>UNC 07XX:</h1> <p><b>Mod Title:</b> Amendment of reference to Data Protection Act for GDPR</p>		<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid green; background-color: #00a651; color: white; padding: 5px; display: flex; align-items: center; justify-content: center;"> <span style="font-weight: bold; font-size: 1.2em;">01</span> Modification         </div> <div style="border: 1px solid #00a651; padding: 5px; display: flex; align-items: center; justify-content: center;"> <span style="font-weight: bold; font-size: 1.2em;">02</span> Workgroup Report         </div> <div style="border: 1px solid #00a651; padding: 5px; display: flex; align-items: center; justify-content: center;"> <span style="font-weight: bold; font-size: 1.2em;">03</span> Draft Modification Report         </div> <div style="border: 1px solid #00a651; padding: 5px; display: flex; align-items: center; justify-content: center;"> <span style="font-weight: bold; font-size: 1.2em;">04</span> Final Modification Report         </div> </div>
<p><b>Purpose of Modification:</b> This modification updates the reference to the Data Protection Act (1998) to (2018). The 2018 act put the EU General Data Protection Regulations (2018) into UK law.</p>		
	<p><i>Please provide an initial view of the preferred governance route/pathway and impacted parties</i></p> <p>The Proposer recommends that this modification should be: <i>(delete as appropriate)</i></p> <ul style="list-style-type: none"> <li>subject to fast track self-governance</li> </ul> <p>This modification will be presented by the Proposer to the Panel on 21 November 2019. The Panel will consider the Proposer’s recommendation and determine the appropriate route.</p>	
	<p>High Impact:</p>	
	<p>Medium Impact:</p>	
	<p>Low Impact:</p> <p>All parties to Code, CDSP</p>	

Contents		?
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Timetable		
<p><i>Please provide proposer contacts and an indicative timeline. The Code Administrator will update the contents and provide any additional Specific Code Contacts.</i></p>		
<p><b>The Proposer recommends the following timetable:</b></p>		
<p>Modification Panel decision</p>	<p>21 November 2019</p>	

## 1 Summary

### What

The reference to the Data Protection Act needs to be updated.

### Why

For all intents and purposes, the Data Protection Act 1998 Act is repealed and replaced by 2018 Act. The provisions in the 2018 Act that repeal most of the 1998 Act are [s.211 \(1\) \(a\)](#) and [para 44](#) of Sched. 19 of the Data Protection Act 2018. S.211 (1) (a) provides:

"In Schedule 19—

(a) Part 1 contains minor and consequential amendments of primary legislation ..."

Para 44 of Sched. 19 adds:

"The Data Protection Act 1998 is repealed, with the exception of section 62 and paragraphs 13, 15, 16, 18 and 19 of Schedule 15 (which amend other enactments)."

Therefore, for the purposes of the UNC the Data Protection Act 2018 repealed the Data Protection Act 1998 and this needs to be reflected in the UNC TPD V 5.3.4.

### How

By an amendment to the legal text of TPD V 5.3.4

## 2 Governance

### Justification for [Fast Track] Self-Governance, Authority Direction or Urgency

This modification should be subject to Fast Track Self-Governance as it

- a. would meet the self-governance criteria; and
- b. is properly a housekeeping modification required to update the reference to the Data Protection Act in TPD V 5.3.4

### Requested Next Steps

This modification should:

- be subject to fast track self-governance

## 3 Why Change?

The Data Protection Act 2018 put the EU General Data Protection Regulations (2018) into UK Law and the UNC needs to be updated to reflect this change. Although the reference in Code is for the avoidance of doubt

and Parties are subject to this and any other UK Law whether, or not, the reference is updated, the reference needs to be updated for clarity.

## 4 Code Specific Matters

### Reference Documents

s.211 (1) (a) and para 44 of Sched. 19 of the Data Protection Act 2018.

### Knowledge/Skills

None

## 5 Solution

### Insert subheading here (if required)

In TPD V 5.3.4 delete “1998” and replace with “2018”

## 6 Impacts & Other Considerations

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

No

### Consumer Impacts

None

### Cross Code Impacts

None

### EU Code Impacts

None

### Central Systems Impacts

None

### Further comments

There are some sections of TPD V that probably should be reviewed in the light of the introduction of GDPR as the provisions on the release of data could be too wide. The sections are, 5.15.1 and 5.18.1, in each case there may be that there is the risk of the CDSP providing personal data without permission although it may be that one of the statutory exemptions applies. This needs to be tested if it has not already been done. Notwithstanding that compliance with GDPR overrides provisions of Code and therefore data that Code allows to be released may be withheld to avoid breaking UK Law, Code should be revised if required to remove any

potential for misunderstanding. 5.11.1 looks at first sight as though it falls into the same category as the other clauses but the information supplied in Annex V-5 does not appear to include personal information.

Agreements authorised by the UNC such as confidentiality agreements, third party services agreements (5.18.2) and the Data Services Contract should be review for GDPR compliance if they have not already been reviewed.

## 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.	None
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.	Positive
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

Updating the reference means that the Code is up to date and will make it easier for Parties to understand their legal obligations.

## 8 Implementation

As fast track self-governance procedures are proposed, implementation could be sixteen business days after a unanimous vote in favour of implementation by the Modification Panel, subject to no Objection being raised.

## 9 Legal Text

### Text Commentary

This change updates the reference to the Data Protection Act from 1998 to 2018.

### Text

In TPD V 5.3.4 delete “1998” and replace with “2018”

## 10 Recommendations

### Proposer’s Recommendation to Panel

Panel is asked to:

- Agree that Fast Track self-governance procedures should apply