

Consultation Response

iGT095: **Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries**

Responses invited by: **22 02 2017**

Respondent Details

Name: Kishan Nundloll

Organisation: ESP Utilities Group Ltd (ESPUG)

Do Not Support /Oppose **X**

Please briefly summarise the key reason(s) for your support / opposition

ESPUG is supportive of this modification's intent and believes that the modification would create the necessary permissions in the IGT UNC to allow the release of domestic consumer data to Price Comparison Websites (PCWs) and Third Party Intermediaries (TPIs). However, ESPUG does not believe that adequate protection is in place for this data and, therefore, does not support implementation of this modification.

Self-Governance Statement

Do you agree with the Modification Panel's determination with respect to whether or not this should be a self-governance modification?

ESPUG agrees that this modification does not meet the Self-Governance Criteria.

Please state any new or additional issues that you believe should be considered

As per the modification it is ESPUGs understanding that the Large Transporters' Agent (Xoserve) intends to give access to PCWs/TPIs from the 28th February 2017. When providing such access, we understand that Xoserve will not be able to restrict the access to exclude iGT Supply Points and hence they require the iGT UNC to be amended to allow such access by the 28th February 2017.

iGTs and Xoserve agree that the inclusion of the iGTs data in the data sets made available to PCWs/TPIs will not be possible if the current iGT UNC Modification Rules were followed, hence the reason for requesting Urgent status.

Although the reasons are understood, ESPUG is concerned that this modification is being progressed so rapidly. Due to these timescales, iGTs have less than one week to review and agree a confidentiality agreement (between iGTs and Xoserve) regarding the use and sharing of this data by Xoserve. As this has yet to be agreed, we cannot say at this time whether the provisions proposed by this modification give iGTs the appropriate permissions to make available the relevant data to PCWs/TPIs.

In addition to the absence of an agreed contract with Xoserve, ESPUG is also concerned that PCW access and usage of the Data Enquiry Service (DES) may not be robustly, monitored, controlled or auditable. This raises the concern that this solution may lead to the misuse of consumer data by third parties (and potential non-compliance with the Data Protection Act), where it may otherwise be better protected through the use of technical controls.

It is ESPUG's view that the implementation of this modification should only take place after a privacy impact assessment has occurred and Xoserve has implemented appropriate mechanisms to monitor and control the usage of consumer data by PCWs/TPIs. We'd ask that Xoserve provide assurances to Panel of exactly how access to, and the use of, this data will be controlled and monitored.

Relevant Objectives**How would implementation of this modification impact the relevant objectives?**

ESPUG agree that relevant objectives (D) Securing effective competition between relevant Gas Suppliers would be better achieved if this modification were to be implemented. Providing PCWs/TPIs with relevant data to support consumer switching process will improve consumers' ability to switch, thus facilitating greater competition between shippers/suppliers.

Impacts and Costs**What development and ongoing costs would you face if this modification was implemented?**

This service will be provided by Xoserve and ESPUG does not expect to bear any additional costs following implementation.

Implementation**What lead time would you wish to see prior to this modification being implemented, and why?**

Sufficient lead time to ensure that consumer data is adequately protected, subsequent to a risk assessment.

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

ESPUG understands the legal text and also understand that a requirement will be placed on all iGTs, under 24.3A, to publish an annual list of persons who have entered into agreements for this data.

The legal text delivers the ability to grant DES access to a PCW or TPI for the use of domestic only data, however we understand that DES cannot currently be restricted to show only domestic data, and therefore it cannot deliver the intent of the modification or the CMA order.

Further Comments

Is there anything further you wish to be taken into account?

ESPUG considers the most pragmatic way to deliver the CMA Order would not be to grant DES access in the way currently proposed, but to work with the industry to bring a more secure solution forward without any further delay or risk to consumer data.

ESPUG would like to reiterate we do not believe that adequate controls and safeguards are being put in place to ensure data is kept secure and is used appropriately and therefore, cannot support this modification.

Responses should be submitted by email to IGTUNC@gemserv.com