

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

Responses invited by: 22 FEB 2017

Respondent Details

Name: Andrew Margan

Organisation: Centrica PLC

Do Not Support	X
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**Please briefly summarise the key reason(s) for your
support / opposition**

Through the Energy Market Investigation (ECOES/DES) Order 2016, which seeks to remedy weak domestic customer switching responses, Modification IGT095 seeks to permit Transporters (and their Agency) to make available industry data, to Price Comparison Websites, through access to the system Data Enquiry Service.

We support the order and the principle of providing industry data to PCWs, to enable more frequent and improved switching journeys. Notwithstanding this the ICO letter to the CMA, states access to customer data must “be balanced with safeguards to ensure the personal data is kept secure and used appropriately”. “Consideration therefore needs to be given to how to monitor PCWs’ access and usage”.

The Agency, through instruction by the Transporters will put in place a legal framework with the PCWs before access is granted. Unfortunately, PCW access and usage of DES is not robustly, monitored, controlled or auditable, which raises concerns the solution is non-compliant with the

Data Protection Act and risks breaches of customer data. Therefore until adequate controls are developed, we cannot support 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?

Considering the weak system controls and the probability of DPA non-compliance, and therefore the likely material impact to consumers, we believe this change should be sent to the authority for decision.

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

The CMA (ECOES/DES) Order¹ paragraph 33 sets out PCW access must be subject to the satisfaction of reasonable access conditions, which includes compliance with data protection legislation.

As a result implementation of this modification should only take place after a Privacy Impact Assessment has occurred and the CDSP has implemented adequate monitoring, access and usage system controls.

It should also be noted that the CDSP does not offer the only solution for PCWs to access industry data. The ECOES Gas Ready Solution could provide the gas solution and meet the ICO requirements. We believe this option should be fully investigated before this modification is implemented.

Relevant Objectives

How would implementation of this modification impact the relevant objectives?

We can't identify which relevant objective this facilitates.

Impacts and Costs

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

The main concern is a DPA breach, which will result in a financial fine which will flow back to shippers and their consumers.

Implementation

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

N/A

¹<https://assets.publishing.service.gov.uk/media/58513dc9e5274a13070000ac/energy-market-ECOES-DES-order-explanatory-note.pdf>

Legal Text

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

Yes

Further Comments

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

None

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