

Consultation Response**iGT095VV: Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries**

Responses invited by: 08 September 2017

Respondent Details

Name: Victoria Parker

Organisation: ESP Utilities Group

Support Implementation ☐

Qualified Support **X**

Neutral ☐

Do Not Support ☐

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

ESPUG supports the intent of this modification proposal, subject to the CDSP having adequate protections in place to ensure the third party service is compliant with the CMA order and Data Protection Act principles. The Privacy Impact Assessment has identified a number of risks to consumer's data, and measures to reduce these risks; however, we are not assured that the proposed controls will be adopted in the solution design. Safeguards should be in place to protect customer's data before access permission is granted to the PCWs.

ESPUG's support is provided on the condition that the CDSP provide sufficient evidence (e.g. the solution design project plan and final solution design document) demonstrating that adequate controls and safeguards will be put in place.

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?

We agree with the Modifications Panel determination; this modification does not qualify for self-governance.

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

The current design appears to be in early development, and the CDSP is unable to guarantee the data privacy controls proposed will be included in the final solution. As such, we believe access permission for PCWs should be withheld until adequate privacy controls are included as part of the final solution design.

We believe the CDSP should communicate their project plan (or at minimum, the timeline) for the solution design with relevant parties. Implementation of this modification could then be aligned more closely with the 'go-live' date of the API solution.

Relevant Objectives

How would implementation of this modification impact the relevant objectives?

ESPUG agrees with the proposer; this modification will support Objective D; securing of effective competition between suppliers.

Impacts and Costs

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

ESPUG does not foresee any development costs, based on the CDSPs proposal to recover costs for this service via the DSC Third Party provisions. We note that this information has not been included in the modification report, and suggest the solution section be updated to make this intention clear to stakeholders.

If the scope of the CDSP continues to grow, we believe a fundamental review of the performance incentives and treatment of liability will be required (e.g. should shippers and IGTs (ultimately, consumers) face increased liabilities due to Xoserve's expansion of its third party services?).

Implementation

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

We believe the modification should be implemented as soon as practicable following appraisal and approval of the final solution design by the DSC Change Committee.

Legal Text

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

We believe the requirement for the CDSP to monitor compliance with the service agreement and DPA should be included in the proposed legal text. We suggest an additional clause, j (ii), be added as follows:

j) The CDSP are authorised to disclose the following data items: Supply Meter Point Reference Number, supply point address, Meter Post Code, supplier, meter mechanism, network operator, meter capacity, meter serial number, Annual Quantity, Local Distribution Zone to a Price Comparison Website where the Price Comparison Website has received consent from the domestic consumer associated with the Supply Point and where they have entered into confidentiality and service agreements (on terms no less onerous than those in paragraph 23) and reasonable access conditions.

- (i) The CDSP shall, by 31 March each year, produce a report to identify the service recipients who have signed up to the confidentiality and service agreements;
- (ii) The CDSP shall, by 31 March each year, produce a report summarising activities undertaken to monitor compliance and identify any breaches to the confidentiality and service agreements.

(ii) **"Price Comparison Website"** (PCW) shall mean an internet-based price comparison service or other internet based TPI that provides comparisons between, and/or access to, personalized quotes for retail energy to domestic customers, and may carry out, on behalf of the domestic customer an instruction to change the domestic customer's retail energy supplier, tariff or both;

(iii) **"Third Party Intermediary"** (TPI) shall mean an organisation or individual acting as a third party intermediary between a domestic customer and a retail energy supplier.

Further Comments

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

Xoserve's proposal to create and recover costs for the new service via a third party agreement between Xoserve and individual PCWs should be included in section 5 of the modification report. Without this, parties do not have adequate assurance that the cost of the new service will be recovered from the service recipients (i.e. PCWs).

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