

iGT104 - Permissions modification to allow the CDSP to release iGT supply point information under UNC MOD0520A

The following text was added to the UNC to deliver the requirements set out in Mod0520A.

UNC Part V

16.5 Monthly Reports

16.5.1 For the purposes of the Code the Performance Assurance Report Registers is the document so entitled, published by the DNOs, as amended pursuant to paragraph 16.5.2.

16.5.2 Any amendment to the Performance Assurance Report Registers shall be made in accordance with the Modification Rules and for such purposes the Performance Assurance Report Registers shall be deemed to be a part of the Code.

16.5.3 The DNOs shall publish such reports in accordance with their implementation dates and at the timeframes and intervals as are specified in the Performance Assurance Report Registers Schedules 1A, 1B, 2A and 2B. Reports produced pursuant to Schedules 1A and 2A will be made available to, Shipper Users. Where reports produced pursuant to Schedules 1A and 2A relate to the performance of individual Shipper Users the identity of individual Shipper Users shall not be disclosed. Reports pursuant to Schedules 1B and 2B shall be made available only to a relevant sub-committee of the Uniform Network Code Committee. Where reports produced pursuant to Schedules 1B and 2B relate to the performance of individual Shipper Users such Shipper Users shall be identified using only the Shipper User's short codes assigned to them by the CDSP.

16.5.4 When the CDSP confirms that it can provide all the reports in the Performance Assurance Report Registers Schedules 2A and 2B, it shall no longer be required to produce the reports in Schedules 1A and 1B. When the CDSP produces the reports in Schedules 2A and 2B it shall produce them, as required by 16.5.3 using data from the Project Nexus Implementation Date.

UNC has a clause TPD V5.5.2(d):

5.5.2 Nothing in paragraph 5.1 or 5.2 shall apply: (Information and Confidentiality – UNC equivalent of iGT UNC K 23.1 and K23.2 – Protected Information etc.....

(d) to the disclosure of any Protected Information (whether pursuant to an Agency Function or a Direct Function) by the CDSP (and no disclosure of information by the CDSP shall be treated as disclosure by a Party).

iGT UNC Mod 104 has been raised to introduce a similar permission in the iGT UNC

Issues

Some parties may believe that the current iGT UNC already provides sufficient authority for the CDSP to make available information relating to iGT Shipper Supply Points to the Uniform Network Code Committee.

23.1 Each party shall secure that Protected Information is not:

- (a) disclosed to any person other than (strictly in accordance with Clause 24) the Permitted Categories;
- (b) used by it for any purpose other than the Permitted Purpose.

23.2 For the purposes of the Pipeline Operator's obligations under Clause 23.1:

(a) **"Protected Information"** means any information relating to the affairs of a Pipeline User which is obtained by the Pipeline Operator pursuant to or in the course of the negotiation, implementation or performance of the Code, the Framework Agreement or any Ancillary Agreement to which that Pipeline User is party. For the sake of clarity this includes invoice supporting data and Portfolio Extracts sent between the Pipeline User and Pipeline Operator. When the Pipeline Operator or User sends such data either by email or CD/DVD they must use password protection as detailed in the iGT UNC Ancillary Document "Password Protection Protocols";

(b) **"Permitted Categories"** means an officer or employee of the Pipeline Operator or any Party on whose behalf the Pipeline Operator acts as an agent who is engaged in the Permitted Purposes or a professional adviser of or consultant to the Pipeline Operator or (but without prejudice to any requirement under the Pipeline Operator's Licence) any Affiliate (other than an Affiliate which is the holder of a Shipper's Licence or a gas Suppliers licence) of the Pipeline Operator;

(c) **"Permitted Purposes"** means the carrying on of the transportation business (as defined in the Pipeline Operator's Licence) the operation administration, maintenance and development of the Pipeline facilitation of connections to the Pipeline and the implementation and performance of the Code, the Framework Agreement, any Ancillary Agreement and any Siteworks Contract;

23.3 For the purposes of the Pipeline User's obligations under Clause 23.1:

(a) **"Protected Information"** means any information relating to the affairs of the Pipeline Operator or of another Pipeline User which is obtained by the Pipeline User pursuant to or in the course of the negotiation, implementation or performance of the Code, the Framework Agreement or any Ancillary Agreement to which that Pipeline User is party;

23.7 Confidentiality as between a Party or Parties and the CDSP is governed by the DSC and not the Code.

24.3 Nothing in Clause 23.1 shall apply:

.....

(i) to an Upstream System Operator or Downstream System Operator to the extent required to enable such Operator to fulfil its Gas Transporter Licence requirements, the requirements of its Network Code or its duties under any Legal Requirement .

iGT UNC

If it is agreed that an addition is required to the iGT UNC to allow iGT Supply Point Information to be included in the Performance Assurance Reports then the following legal text change is suggested:

23 Information and Confidentiality

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23.6 The Pipeline Operators are authorised to disclose such data as is set out within Annex V-10 of the UNC to the holder of the "smart meter communications licence" as defined by the Statutory Instrument 2012 No.2400: The Electricity and Gas (Smart Meters Licensable Activity) Order 2012. Such data may relate to all Supply Meter Points regardless of status. Pipeline Operators are authorised to appoint a third party agent (i.e. Xoserve) to manage the collation and transmission of the data set out within Annex V-10 of the UNC on to the holder of the "smart meter communications licence".

23.7 Confidentiality as between a Party or Parties and the CDSP is governed by the DSC and not the Code.

Add:

23.8 The Pipeline Operators are authorised to disclose such data as is required for the reports as are specified in the Performance Assurance Report Registers Schedules 1A, 1B, 2A and 2B in accordance with paragraph 16.5 of Section V of the UNC.

Part M

“Performance Assurance Report Registers Schedules” shall have the meaning ascribed thereto in the UNC;