RETAIL ENERGY CODE

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NON-CONFIDENTIAL CONSOLIDATED IMPACT ASSESSMENT RESPONSES

R0139 - ALIGNMENT OF MARKET MESSAGE D0225 'CONSENT TO SHARE FLAG' TO SUPPORT PSR DATA SHARING

On 08 December 2023 the Code Manager issued a Party Impact Assessment for R0139.

The purpose of this document is to consolidate the responses and for the Code Manager to answer any questions raised within those responses.

DOCUMENT VERSION	1.0
RESPONSE TYPE	NON-CONFIDENTIAL
DATE ISSUED	26/01/2024
RESPONSIBLE COMMITTEE	TECHNICAL EXPERT PANEL
LEAD ANALYST	HOLLY LAW

DATE IMPACT ASSESMENT ISSUED	08/12/2024
RESPONSE DEADLINE	05/01/2024

Question 1:	Do you have any comments on the proposed solution?	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	N/A	N/A
Northern PowerGrid Ltd (Distribution Network Operator)	We support the proposal.	N/A
Octopus Energy (Supplier)	We are aware that some DNOs have already made the change to "lawful basis for sharing" and according to the REC proposal document, inbound flows should be flagged as "TRUE" unless the customer objects to sharing their data. We are currently unclear as to how we are meant to handle inbound flows with customer PSR data and the "legal basis for sharing" field flagged as "FALSE"? This would imply that this data has been shared on an unlawful basis. How should we proceed with this? We would welcome REC clarifying this as soon as practicable to ensure all suppliers are consistently applying the same logic.	The flow should only be marked as true if you have a lawful basis for sharing, which will either be customer consent or legitimate interests. If there is no lawful basis for sharing (this would be where the customer has objected to their data being shared), then that flow should not be shared, so there should be no flows received flagged as "FALSE". As such any "FALSE" responses could be assumed to be sent as per the current flow description. This means there is no change to how flows are currently handled. If there are any examples, we recommend these are taken up with the specific DNO to provide clarity and your OAM is happy to support.

Question 2:	What lead time would be required for your business to implement the proposed solution? Please provide justification. Please note, OFGEM want this to be implemented as soon as feasibly possible due to its impact on the Data Sharing Project.	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	N/A	N/A
Northern PowerGrid Ltd (Distribution Network Operator)	Minor changes are expected, we anticipate this to require around a 4-week timeframe.	Noted
Octopus Energy (Supplier)	We are confident that we can implement changing the name of the J2208 field from “consent” to “legal basis for sharing” quickly. That being said, we’re unclear as to the broader implications of this change on the customer journey, when joining the PSR and the associated deliverables. Therefore, we would urge REC clearly outlining the operational expectations on suppliers from this change, which would impact delivery timescales, more specifically: 1. What are the implications of the change on how we gather customer consent e.g. if a customer were to disagree with their data being shared, would suppliers be required to add them onto the PSR regardless? 2. Would suppliers be expected to update their privacy policies? 3. Would suppliers be expected to make changes to how they discuss consent with the customer e.g. would we be required to	Continue to gather customer consent as you would now. Changing how you gain consent from a customer is not in scope of R0139. If you share customer data on the Lawful Basis of explicit consent, continue to do so. This change only looks to change the name of the J2208 field to “lawful basis for sharing” so that it is broad enough to cover all lawful basis for sharing, whether that be explicit consent or legitimate interests. No. Please see above. No. Please see above.

	explicitly advise the customer that their data will be shared with water? 4. How should backlogs be treated - both DNO backlogs and backlogs pre 12 April? 5. Does the data collected by water companies differ from data currently collected by energy suppliers, for example whether they capture the names of the occupants of the household that the vulnerability applies to rather than just the account holder/household level data. This will support us in shaping our communications and any updates to our privacy notice. We think a clear explanation of the above will ensure the change is delivered consistently across suppliers and will eliminate any risks of differences in customer journeys. We strongly believe this guidance document should be produced and shared **before** to go live to ensure supplier processes align.	They should be treated in the same way as you have always treated them. Please see above. Comment shared with ENA / Ofgem for clarification.
British Gas (Supplier)	6 Months	Following further conversations with the respondent, they believe that this release date would now be achievable.

Question 3:	Would an implementation date of 12 April 2024 be achievable? If not, please provide justification.	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	Yes we believe that an implementation date of 12th April 2024 is achievable	N/A
Northern PowerGrid Ltd (Distribution Network Operator)	Yes.	N/A
Octopus Energy (Supplier)	We are confident that if REC provides sufficient clarity on deliverables we can deliver the change on time.	Noted. Please see response for question 2.
British Gas (Supplier)	We believe this should be aligned to the standard release. As this will require system changes and testing.	Following further conversations with British Gas, they believe that this release date would now be achievable and may not be as costly as initially determined.

Question 4:	Do you agree the proposed solution addresses the problem statement? If not, please provide details?	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	Yes we believe the proposed solution addresses the problem statement.	N/A
Northern PowerGrid Ltd (Distribution Network Operator)	We agree.	N/A
Octopus Energy (Supplier)	Yes, if delivered consistently across suppliers, water and DNOs.	N/A
British Gas (Supplier)	Yes	N/A

Question 5:	Would implementing the proposed solution incur any costs to your business? If so, please provide details	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	No	N/A
Northern PowerGrid Ltd (Distribution Network Operator)	Yes, IS framework, contractor evaluation, development & test costs, estimate to be £10,000.	Noted
Octopus Energy (Supplier)	Yes, we believe we will incur some immaterial costs.	Noted
British Gas (Supplier)	We believe to do an adhoc release would incur unnecessary costs, if the change was incorporated as per the above into the standard industry release it could be factored into broader system changes.	Following further conversations with British Gas, they believe that this release date would now be achievable and may not be as costly as initially determined.

Question 6:	Do you identify any benefits to your business through the implementation of the proposed solution?	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	We believe the proposed solution will benefit our business for the reasons stated in the impact assessment.	Noted
Northern PowerGrid Ltd (Distribution Network Operator)	Yes, this enables the sharing of PSR data to enhance service capability of all data recipients.	Noted
Octopus Energy (Supplier)	We expect that this change will enable industry to better identify customers that should be on the PSR This will enable us as the supplier to offer support to a wider range of customers.	Noted

Question 7:	Do you have any other comments relating to this Change Proposal?	
RESPONDENT DETAILS	**RESPONSE**	**CODE MANAGER COMMENTS**
National Grid Electricity Distribution (Distribution Network Operator)	No	N/A
Octopus Energy (Supplier)	As discussed elsewhere in our response, we believe it's extremely important that alongside this change REC produces and consults on a guidance document on: a) how to treat customers who do not consent to data being shared; b) how to treat the backlogs of PSR; c) how to discuss the consent field with customers when signing them up to the PSR. There should be an agreed industry mechanism for customers to be able to easily object to their data being recorded/ shared with other parties and to exercise their other individual rights. There should also be practical mechanisms in place to enable a customer to object via any of three parties and how that objection will then flow through to the other parties, so that the customer doesn't need to object three times.	Please see response in question 2. This is already in place, if the customer does not want their data to be shared, then you do not have a lawful basis for sharing and the J2208 flag would be marked as false as it is now, and would not be shared. This has been shared with Ofgem and the Data Sharing Project.

	The ICO also mentions in their guidance on this matter that they would expect any objection to be time-bound. This may be something everyone decides independently but again, in terms of transparency and consistency for the customer, it would be helpful if there was a way of sharing that so that, at a customer level, everyone was aligned. Without this work, we are concerned the changes will not be delivered comparably, which risks delivering consistent customer outcomes. We strongly believe this guidance document should be produced and shared **before** going live to ensure supplier processes align.	
British Gas (Supplier)	while we fully support this change, again it should be brought through in with the standard industry release.	Noted.