RETAIL ENERGY CODE

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STATUS	APPROVED

R0139 ALIGNMENT OF MARKET MESSAGE D0225 'CONSENT TO SHARE FLAG' TO SUPPORT PSR DATA SHARING– EXTENSION TO CHANGE PLAN

BY HOLLY LAW

LEAD ANALYST	Holly Law
TECHNICAL LEAD	Beth Brown

1 CHANGE PROPOSAL SUMMARY

Energy Networks Association and Water UK are running a project to enable two-way data sharing of Priority Services Register (PSR) data between Distribution Network Operators (DNOs) and Water companies. Concerns have been raised regarding the mandatory status and the naming of Data Item DI51497 (J2208) 'Consent to share data obtained'.

After consulting with the Information Commissioners Office (ICO), DNOs have changed the legal basis on which they are sharing PSR data. DNOs now rely on "legitimate interests" as the legal basis for processing personal data under Article 6 of the UK GDPR and substantial public interest as the legal basis for processing special category personal data under Article 9 of the UK GDPR.

Ofgem had been in with discussion with Suppliers in 2023, requesting them to voluntarily change how they use the consent option within the PSR flow. Ofgem has confirmed that some Suppliers have already amended their Privacy Notices with others planning to make the change early in 2024.

This Change Proposal seeks only to change the title of the PSR flag J2208 to "Lawful basis for sharing" so that it covers all legal bases for sharing this data. It does not look to change a party's legal basis for sharing data, but just capturing Y or N for the question, do you have a lawful basis for sharing this data and therefore that the Market Message mirrors the process agreed. Relevant clauses in REC Schedule 13 will be amended if needed.

Further background information can be found here in this letter from the ICO to Ofgem.

2 CHANGE PLAN UPDATE

A Change Proposal Plan was presented and approved at Change Panel on the 05 December 2023 and included timescales for Party Impact Assessment.

This extended plan provides milestones beyond Party Impact Assessment.

The Preliminary Change Report will be published on the 26 January 2024 and as there is a fully formed solution, will proceed directly to a shortened consultation period of 10 days.

This Change Proposal has a 'High' priority status and has been assessed as an urgent change due to its impact on other high priority activity (Data Sharing Project). The below plan has been developed with this in mind, and with a proposed implementation date of 12 April 2024. All respondents to the Party Impact Assessment have confirmed this date is achievable.

	FROM	TO
PARTY IMPACT ASSESSMENT	08/12/2023	05/01/2024
PRELIMINARY CHANGE REPORT ISSUED	26/01/2024	26/01/2024
CONSULTATION	26/01/2024	09/02/2024
FINAL CHANGE REPORT ISSUED	16/02/2024	16/02/2024
RESPONSIBLE COMMITTEE DECISION	28/02/2024	28/02/2024
APPEAL WINDOW CLOSURE	13/03/2024	13/03/2024

3 COMMITTEE ACTIONS

Change Panel Members are asked to approve the extended plan by 26 January 2024.