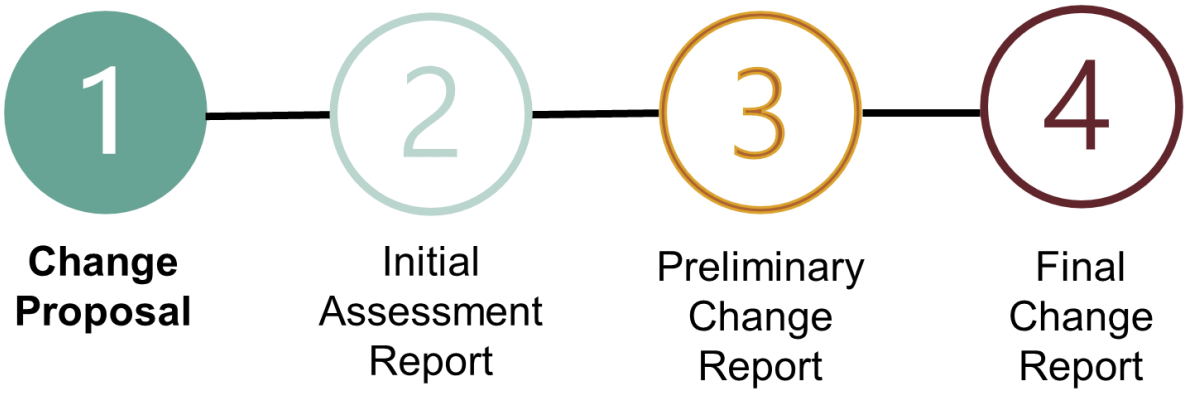
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CHANGE PROPOSAL FORM (COPY)

PLEASE NOTE: THIS IS A COPY FOR INFORMATION ONLY. TO SUBMIT A CHANGE PROPOSAL PLEASE USE THE ONLINE FORM ON THE REC PORTAL.



PURPOSE:	This is a copy of the Change Proposal Form submitted by the Proposer on the REC Portal.
NOTES:	The information in this form is subjective to the views of the Proposer at the time of submitting the form, and prior to formal assessment by the Code Manager. The solution will not be finalised until the publication of the Preliminary Change Report.
NEXT STEPS:	The Code Manager will complete an initial assessment of the Change Proposal and determine if additional development or assessments is required. The Initial Assessment Report will be published with the Change Proposal Plan and reviewed by the Change Panel.

1 PERSONAL DETAILS

PROPOSER NAME *(Mandatory)*	Brian O'Shea
COMPANY *(Optional)*	RECCo
COMPANY TYPE *(Optional)*	
TELEPHONE NUMBER *(Optional)*	
EMAIL ADDRESS *(Mandatory)*	brian@retailenergycode.co.uk

2 CHANGE PROPOSAL SUMMARY

CHANGE PROPOSAL TITLE *(Mandatory)*	Use of Data under the REC
WHAT IS THE ISSUE YOU ARE SEEKING TO SOLVE? *(Mandatory)*	The modification is proposed in order to clarify, update and extend the requirements of the REC which govern the use of data. RECCo is keen to ensure that data governed under the REC is treated in accordance with the Ofgem data best practice guidance and that data is able to be used to support innovation and to further the interests of consumers. We are also keen to ensure that no party gets an unfair commercial advantage in use of data from their position in relation to energy market systems or processes. The existing data protection clauses set out under Clauses 19 and 20 of the REC are being updated to ensure closer alignment with UK GDPR requirements following developments in the legal and regulatory landscape since the GDPR came into force in 2018 (including updated guidance issued by the ICO and the impact of Brexit). The restrictions on use of data by the DCC are also being updated to reflect the controls which apply to other REC Service Providers, and to give RECCo a gateway approval role concerning additional uses of data beyond the provision of the CSR services which will enable RECCo to maintain a comprehensive approach to the governance of data under the REC. The drafting is designed to ensure that in doing so,

	RECCo would not unreasonably withhold permission with assessment based on data best practice principles, and that any use or commercialisation of the data governed by the REC should be on fair, reasonable and non-discriminatory terms that are available to others.
WHAT IMPACT IS THIS HAVING? *(Mandatory)*	The updated data protection clauses address, in particular, the following provisions: Removing the potential for ambiguity by making the clauses more agnostic in relation to which entity is a Data Controller and/or Data Processor– thereby requiring the REC Parties to assess their own circumstances when the relevant clauses will apply; Imposing additional internal reporting obligations on parties who have suffered a personal data breach to ensure that REC Board is made aware; and Tightening definitions. REC Parties will still need to independently assess and document their respective data protection roles under the REC. The additional confidentiality obligations replicate and build upon the confidentiality obligations that already exist in condition 10 of the DCC licence. Condition 10 of the DCC licence allows DCC to use confidential information outside its Mandatory Business with Ofgem's approval. The new proposed REC Clause 18 requires – in the case of data obtained under the REC – the DCC to obtain RECCo's approval. This requirement for approval will ensure a process is place to provide, subject to the criteria set out above, a mechanism for DCC to legitimately use data obtained from the REC for any additional purposes beyond the provision of the CSR services. The proposed clause replicates the following drafting from the DCC licence – (a) the definition of Confidential Information (written by reference to the CRS Provider); (b) condition 10.12 (subject to the exceptions under condition 10.5); and condition 10.13.

WHAT OUTCOMES DO YOU CONSIDER ARE NEEDED TO ACHIEVE AN EFFECTIVE SOLUTION? *(Mandatory)*	The Parties to the REC wish to achieve better compliance and clarity regarding their data protection obligations in the context of the REC services. The changes to the REC clauses are a critical step in this process.
IS THERE ANY BACKGROUND INFORMATION OR CONTEXT TO THE CHANGE PROPOSAL THAT WOULD BE USEFUL? *(Optional)*	The content of this change proposal has been the subject of series of meetings between DCC and RECCo and their respective legal advisors and discussions have been overseen by Ofgem. The drafting proposed for Clauses 19 and 20 has been agreed between DCC and RECCo. It is essential that the REC provisions are updated to reflect the proposed changes to ensure that DCC is able to comply with its obligation to submit RMP (MPXN) reporting information in accordance with Paragraph 8.1 of the REC Central Switching Service Definition from 18 July 2022. In carrying out the review of those provisions, RECCo, DCC and Ofgem further agreed the principle that data governed under the REC should be treated in accordance with the Ofgem data best practice guidance and that data is able to be used to support innovation and to further the interests of consumers. RECCo considers that the drafting of Clause 18 best achieves this by providing a governance mechanism for allowing DCC use of data governed under the REC for purposes other than CSS, with RECCo and Ofgem permission, with a presumption that data should be open, with constraints on use applied only where necessary.

3 CONSUMER IMPACTS

WHICH CONSUMER TYPES WILL BE IMPACTED BY THIS CHANGE PROPOSAL? *(Mandatory)*	☐ Electricity ☐ Gas ☐ Domestic Prepayment ☐ Domestic Credit ☐ Microbusiness ☐ Small and Medium Enterprise (SME)

	☐ Industrial and Commercial (I&C) ☐ Other (please specify in the Additional information box below)
WHAT IMPACT WILL THIS CHANGE PROPOSAL HAVE FOR THESE CONSUMERS? *(Mandatory)*	☐ Switching experience ☐ Billing accuracy ☐ Trust and confidence ☐ Safety ☐ Security of supply ☐ Ability to pay ☐ On site experience ☐ Other (please provide details in the Additional information box below)
ADDITIONAL INFORMATION *(Optional)*	

4 CODE IMPACTS

Does this Issue relate to or impact:

THE REC OR REC SCHEDULES? *(Optional)*	☒ Main Body ☐ Interpretations and Definitions Schedule ☐ Transition Schedule ☐ Accession Agreement ☐ Company Governance Schedule ☐ Change Management Schedule ☐ Performance Assurance Schedule ☐ Qualification and Maintenance Schedule ☐ Market Exit Schedule ☐ Charging Methodology Schedule ☐ Prepayment Arrangements Schedule ☐ Central Switching Service Schedule ☐ Data Access Schedule ☐ Energy Theft Reduction Schedule ☐ Transfer of Consumer Data Schedule ☐ Metering Operations Schedule ☐ Metering Accreditation Schedule ☐ Smart Meter Installation Schedule ☐ Secure Data Exchange Schedule ☐ Green Deal Arrangements Schedule

	☐ Registration Services Schedule ☐ Related Metering Points Schedule ☐ Address Management Schedule ☐ Switching Data Management Schedule ☐ RMP Lifecycle Schedule ☐ Switching Service Management Schedule ☐ Resolution of Consumer Facing Switching and Billing Issues Schedule ☐ SPAA Transition Schedule ☐ MRA Transition Schedule ☐ Unbilled Energy Code of Practice ☐ Gas Metering Code of Practice ☐ MOCoPA ☐ ASPCoP ☐ Change Panel Terms of Reference ☐ Performance Assurance Board Terms of Reference
ADDITIONAL INFORMATION *(Optional)*	

THE DATA SPECIFICATION? *(Optional)*	☐ Data Item Catalogue ☐ Market Message Catalogue ☐ Data Access Matrix ☐ Standards Definition
ADDITIONAL INFORMATION *(Optional)*	

CENTRAL SYSTEMS OR REC SERVICES? *(Optional)*	☐ Electricity Enquiry Service ☐ Central Data Service Provider Further Services ☐ Secure Data Exchange Service ☐ Green Deal Central Charging Database ☒ Central Switching Service (CSS) ☐ CSS Certificate Authority ☒ Switching Operator ☐ Gas Retail Data Service ☐ Electricity Retail Data Service ☐ Gas Enquiry Service

	☐ Energy Theft Tip Off Service (ETTOS)
ADDITIONAL INFORMATION *(Optional)*	

REC PARTIES AND/OR MARKET PARTICIPANTS? *(Optional)*	☐ Energy Suppliers ☐ Distribution Network Operators ☐ Gas Transporters ☐ Metering Equipment Managers ☒ DCC ☐ Shippers ☐ Data Collectors ☐ Data Aggregators ☐ Green Deal Providers ☐ Green Deal Finance Parties ☐ Meter Asset Providers ☐ AMR Service Providers ☐ EES Users ☐ GES Users ☐ GDCC Users ☐ Other (please provide details in the Additional Information box)
ADDITIONAL INFORMATION *(Optional)*	

OTHER INDUSTRY CODES? *(Optional)*	☐ BSC ☐ DCUSA ☐ SEC ☐ UNC ☐ IGT UNC
ADDITIONAL INFORMATION *(Optional)*	

DOES THIS CHANGE PROPOSAL IMPACT A SIGNIFICANT CODE REVIEW? *(Optional)*	
ADDITIONAL INFORMATION *(Optional)*	

5 CHANGE PROGRESSION

DO YOU BELIEVE THIS CHANGE PROPOSAL MEETS THE CRITERIA FOR 'URGENCY' AND SHOULD BE PROGRESSED UNDER AN URGENT TIMETABLE? **IF SO, PLEASE PROVIDE JUSTIFICATION?** *(Optional)*	Yes. The changes to are required to ensure DCC can meet its REC Obligations to submit RMP/MPXN reporting data from the REC v3.0 Go-Live Date
ARE THERE ANY REQUIRED TIMESCALES FOR THE DEVELOPMENT OR IMPLEMENTATION OF THIS CHANGE PROPOSAL? *(Optional)*	
ARE YOU AWARE OF ANY DEPENDENCIES ASSOCIATED WITH THE CHANGE PROPOSAL WHICH MAY IMPACT ITS PRIORITY OR PROGRESSION TIMETABLE? *(Optional)*	
DOES THIS CHANGE PROPOSAL RELATE TO AN EXISTING OR PREVIOUS CHANGE PROPOSAL? *(Optional)*	No

6 ATTACHMENTS

ATTACH/PROVIDE ANY SUPPORTING DOCUMENTS TO BE SUBMITTED WITH THE FORM	Proposed legal text attached.