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01	Initial Assessment Report
02	Preliminary Change Report
03	Final Change Report

INITIAL ASSESSMENT REPORT

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

DOCUMENT VERSION	V1.1
DATE ISSUED	05/12/2023
DOCUMENT APPROVAL STATUS	APPROVED

RESPONSIBLE COMMITTEE	TECHNICAL EXPERT PANEL	**CHANGE PATH**	SELF-GOVERNANCE
PRIORITY STATUS	HIGH	**URGENCY**	URGENT

DEADLINE FOR ALTERNATIVE CHANGE PROPOSALS	TBC

LEAD CHANGE ANALYST



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CHANGE OVERVIEW

Ofgem have been in with discussion with Energy Suppliers this year, requesting them to voluntarily change how they use the consent option within the Priority Services Register (PSR) flow. This Change Proposal (CP) has been raised to make sure the Market Message mirrors the process agreed between Ofgem and Energy Suppliers by re-naming the Priority Services Register (PSR) Data Item DI51497 (J2208) as "Lawful basis for sharing" and to amend the relevant clauses in REC Schedule 13 if needed.

	High Impact: N/A
	Medium Impact: Energy Suppliers Distribution Network Operators Metering Equipment Managers
	Low Impact: N/A

1 BACKGROUND

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 has been in with discussion with Suppliers this year, 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 PROBLEM STATEMENT

The current PSR Data Item DI51497(J2208) 'Consent to share data obtained' does not mirror the legal basis for sharing data that DNOs rely on, or the process that Suppliers have planned to have in place by early 2024.

3 USER STORIES

REF.	USER STORIES
CONSUMER USER STORIES	
C1	As a Consumer, I want to ensure my data is shared and processed appropriately
MARKET PARTICIPANT USER STORIES	
M1	As an Energy Supplier, I want to ensure I am receiving, sharing, and processing data in accordance with UK GDPR.
M2	As a Distribution Network Operator, I want to ensure I am receiving, sharing, and processing data in accordance with UK GDPR.
M3	As a Metering Equipment Manager, I want to ensure I am receiving, sharing, and processing data in accordance with UK GDPR.

4 IMPACTS

REC PARTIES AND SERVICE USERS
Energy Suppliers
Distribution Network Operators
Metering Equipment Manager

REC DOCUMENTS / PRODUCTS
Data Specification
Schedule 13 – Transfer of Consumer Data (TBC)

- Affected Electricity Data Item: DI51497 (MM000128)

5 CROSS CODE IMPACTS

There will be changes needed to the gas data flow DI92280. These will need to be addressed by Central Data Services Provider (CDSP).

6 CHANGE PATH AND RESPONSIBLE COMMITTEE

CHANGE PATH	SELF-GOVERNANCE

RESPONSIBLE COMMITTEE	TECHNICAL EXPERT PANEL

Technical Expert Panel has been determined as the Responsible Committee as the proposed changes are to the Data Specification. The change will follow the self-governance change path.

7 PRIORITY STATUS AND URGENCY

Category	Significance / Resource impacts / Urgency	Further selection / breakdown	Score (0-3)	Weighting	Weighted Score
Impacts	Consumer Impact	Direct	2	25	50
	Retail Markets Impact	Innovation and Market Arrangements	1	15	15
	RECCo / REC Party / REC Service Provider Impact	Operational Effectiveness and Efficiencies	1	5	5
		Legal and Regulatory Compliance	2	13	25
Resource	Complexity / Effort / Duration		3	8	23
Strategic Alignment	Contribution to/ Alignment with the objectives of the REC		2	15	15
	Contribution to/ Alignment with RECCo's Forward Work Plan		2		15
Urgency *(The need to progress a change to meet a targeted date)*		Other Planned Activity (High Priority activity)	1	20	20
				Overall Priority Score (rounded)	168

Priority Status	HIGH
Change Proposal Type	URGENT

This Change Proposal has a ‘High’ priority status based on a prioritisation score of 168 and has been assessed as an urgent change. This is broken down as below:

Impact:

- Consumer– a score of 2 as this change will directly impact the consumer, as it will be Consumer data that will be shared between parties, however, due to trials and changes to organisations privacy statements, this is already in progress for some Customers.
- Innovation and Market Arrangements – a score of 1 as it has a minor impact in introducing innovation across the electricity retail market.
- Operational Effectiveness and Efficiencies- a score of 1 as will have a minor impact by enabling the sharing of data between Parties and therefore creating efficiencies.
- Legal Regulatory and Compliance – a score of 2 to reflect the moderate impact of making it easier to meet obligations/of all relevant laws, regulations and licence conditions, particularly around GDPR and vulnerable Customers.

Resource:

- Complexity/Effort/Duration – a score of 3 to reflect that there is a fully formed solution and should be a simple change.

Strategic alignment:

- Contribution to the REC Objectives – a score of 2 to reflect moderate improvements to the effectiveness of the operation of the REC and wider industry objectives.
- Contribution to RECCo’s Forward Work Plan – a score of 2 to reflect a moderate contribution to the implementation of activity and changes set out in RECCo’s Forward Work Plan, particularly around vulnerability and PSR improvements.

Urgency:

- This Change Proposal has been given an urgency score of 1 to reflect the minor urgency for this change to progress due to its impact on other high priority activity.

8 SUMMARY OF CHANGE PROPOSAL PLAN

We consider that there is an immediate priority to progress this Change Proposal due to its high prioritisation and urgent Change Proposal type.

The Change Proposal Plan allows time for a REC Party Impact Assessment to be completed, with additional time built in to allow for annual leave over the Christmas period. Once the responses to the Impact Assessments have been reviewed, an additional plan with appropriate next steps will provided at the following Change Panel.

	FROM	TO
PARTY IMPACT ASSESSMENT	08/12/2023	05/01/2024
REVIEW RESPONSES FROM PARTY IA	05/01/2024	12/01/2024

9 GLOSSARY

TERM	DEFINITION
Energy Suppliers	means a person which is either or both an Electricity Supplier and/or a Gas Supplier.
Distribution Network Operators (DNO)	means a person holding an Electricity Distribution Licence.
Priority Services Register (PSR)	means the register of certain of Domestic Customers established and maintained by relevant Parties pursuant to their licence.
Market Message	means a structured communication sent between two Market Participants in the form and with the content required (and as otherwise specified) by the Data Specification.
Data Item	means the most granular level of data defining a specific attribute in respect of a data type, the permissible values for which are defined and controlled in the Data Item Catalogue.
Information Commissioner's Office	means the supervisory authority responsible for enforcing Data Protection Legislation in the United Kingdom, including any successor or replacement body from time to time.
Office of Gas and Electricity Markets (Ofgem)	Ofgem is the regulator for Britain's gas and electricity industries, overseen by the Gas and Electricity Markets Authority (the Authority).
Data Specification	means the document of that name forming part of the Technical Specification.