

# Consultation

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## Consultation on Guidance for Third Party Intermediary Alternative Dispute Resolution scheme criteria

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Gas and Electricity suppliers, when securing microbusiness contracts through Third Party Intermediary's (TPIs), must only work with TPIs that are members of a Qualifying Dispute Settlement Scheme (QDSS). These are schemes that demonstrate they can provide, independent, fair, effective, and transparent out-of court dispute settlement relating to Relevant Broker Activities, to support microbusiness customers. We are consulting on further guidance on the processes and structures in a QDSS we believe can deliver these objectives.

We would like views from people with an interest in the non-domestic energy market in particular this Dispute Settlement Scheme. We particularly welcome responses from alternative dispute settlement scheme providers, microbusinesses, third party intermediaries i.e. brokers and any relevant consumer groups and charities. We would also welcome responses from other stakeholders and the public.

This document outlines the scope, purpose and questions of the consultation and how you can get involved. Once the consultation is closed, we will consider all responses. We want to be transparent in our consultations. We will publish the non-confidential responses we receive alongside a decision on next steps on our website at [ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations). If you want your response – in whole or in part – to be considered confidential, please tell us in your response and explain why. Please clearly mark the parts of your response that you consider to be confidential, and if possible, put the confidential material in separate appendices to your response

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## Introduction

### What are we consulting on?

- 1.1. Last year, we implemented new rules<sup>1</sup> whereby energy suppliers agreeing microbusiness contracts through Third Party Intermediaries (TPIs), or brokers, could only work with TPIs that were signed up to a suitable Qualifying Dispute Settlement Scheme (QDSS). This sought to provide microbusiness customers and TPIs with added support if they had a dispute. This supply licence requirement went live on 1 December 2022.
- 1.2. Under Standard Licence Condition (SLC) 20.5D in the electricity licence and 20.6 in the gas licence, we define a 'Qualifying Dispute Settlement Scheme' as any scheme of dispute settlement, resolution and/or redress operated by the Relevant Energy Ombudsman or such other organisation as demonstrably provides, independent, fair, effective and transparent out-of court dispute settlement relating to Relevant Third Party Activities and constitutes a Qualifying Dispute Settlement Scheme.' In our Decision we stated that we may issue clarification guidance as to what we consider should be included in a scheme to be able to meet the above requirements and therefore what would constitute a Qualifying Dispute Settlement Scheme ("QDSS").
- 1.3. Ofgem does not have powers to appoint a TPI dispute settlement provider or providers. However, we provided guidance to the Energy Ombudsman who approached us to set up a TPI dispute resolution scheme during our microbusiness review. We wish to be transparent to all stakeholders on the aspects we believe a scheme should contain to provide independent, fair, effective and transparent out-of court dispute settlement relating to Relevant Third Party Activities. This is what we would expect suppliers to look for if they are approached by a potential scheme provider on behalf of brokers, so that suppliers can meet their requirements in the new SLCs.
- 1.4. The additional details we set out in our draft guidance in Appendix 1 have been aligned to most of the existing standards in place for the body that handles disputes between suppliers and microbusiness customers. This is because we do not consider that expectations for a dispute body to resolve issues between

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<sup>1</sup> [Microbusiness Strategic Review: Decision to modify the SLCs of all gas and electricity supply licences | Ofgem](#)

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brokers and microbusiness customers should be lower than that established for a dispute body between suppliers and customers.

- 1.5. This consultation seeks feedback on the proposed guidance. Not only do these qualities match existing standards elsewhere, but as there is already a QDSS running that meets these provisions, we do not believe there is any reason to weaken these standards. But we are seeking feedback on whether our guidance is clear enough. Or if there is anything missing. It is very important to us that microbusiness customers have confidence that a TPI dispute resolution scheme will be able to offer an effective, transparent, independent and fair service.
- 1.6. Section 1 explains the sections contained in the draft guidance, with the full draft guidance set out in Appendix 1. The questions we are seeking feedback on appear in Section 1. Section 2 sets out details of how to respond and our next steps.

## Section 1: The draft guidance

- Q1. Does the proposed guidance clearly set out the guideline structures for a provider to offer a high quality and effective service for microbusiness customers seeking TPI dispute resolution services?
- Q2. Is there anything missing from the draft guidance that could result in a provider offering ineffective TPI dispute resolution services now or in the future?
- Q3. Do you have views on how QDSS providers can inform customers, TPIs and suppliers that they meet and can continue to meet these requirements - and therefore give microbusiness customers confidence in using it?

### The structure of the draft guidance

1.7. We have grouped the draft guidance, shown in Appendix 1, into the following sections:

#### 1.7.1. Access to the dispute Settlement Scheme

- Section 2 in the draft guidance highlights that a QDSS must be easily accessible
- Section 2.2 highlights some of the ways accessibility can be ensured.

#### 1.7.2. Expertise, Independence and Impartiality

- Section 3 in the draft guidance offers further clarity on what qualifies as independent, as referenced in SLC 20.5D in the standard electricity licence and SLC20.6D in the Standard Gas Supply Licence.

#### 1.7.3. Transparency

- Section 5 in the draft guidance offers further clarity on what qualifies as transparent, as referenced in SLC 20.5D in the standard electricity licence and SLC20.6D in the Standard Gas Supply Licence.

#### 1.7.4. Effectiveness

- Section 6 in the draft guidance offers further clarity on what qualifies as effective, as referenced in SLC 20.5D in the Standard Electricity License and SLC20.6D in the Standard Gas Supply Licence.

#### 1.7.5. Fairness

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- Section 7 and 8 in the draft guidance offers further clarity on what qualifies as fair, as referenced in SLC 20.5D in the Standard Electricity License and SLC20.6D in the Standard Gas Supply Licence.

1.8. As set out above, we were guided by the elements contained in the scheme resolving disputes between gas and electricity suppliers and customers. We believe that these qualities will be what customers are familiar with and, as they are currently being applied, we consider them to be achievable. We are interested in hearing where any of these elements need to be more clearly explained.

## Customer confidence

1.9. More broadly, we are keen to hear views on how a QDSS provider can give confidence and transparency to customers, suppliers and TPIs about how they meet the qualities of independence, fairness, effectiveness and transparency - and will continue to meet them on an enduring basis. As noted, we do not have powers to accredit TPI dispute resolution schemes. But we do want microbusiness customers to have confidence in a scheme their TPI is a part of and believe providers of such schemes would support suggestions that boost confidence in a well-run scheme.

## Section 2: Response and Next Steps

### Consultation stages

Figure 1: Consultation stages

Stage 1	Stage 2	Stage 3	Stage 4
Consultation open	Consultation closes (awaiting decision). Deadline for responses	Responses reviewed and published	Consultation decision/policy statement
13/02/2023	20/03/23		Summer 2023

### How to respond

- 1.10. We want to hear from anyone interested in this consultation. Please send your response via email to **NonDomesticRetailPolicy@ofgem.gov.uk** by **20/03/23**.
- 1.11. We've asked for your feedback in each of the questions. Please respond to each one as fully as you can.
- 1.12. We will publish non-confidential responses on our website at [www.ofgem.gov.uk/consultations](http://www.ofgem.gov.uk/consultations).
- 1.13. We will review all the responses carefully. The feedback we received will be used to inform and change the guidance as necessary. We will issue a decision and final guidance during the summer of 2023.

### Your response, data and confidentiality

- 1.14. You can ask us to keep your response, or parts of your response, confidential. We'll respect this, subject to obligations to disclose information, for example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.
- 1.15. If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you do wish to be kept confidential and those that you do not wish to be kept confidential. Please put the confidential material in a separate appendix to your response. If necessary, we'll get in touch with you



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to discuss which parts of the information in your response should be kept confidential, and which can be published. We might ask for reasons why.

- 1.16. If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 3.
- 1.17. If you wish to respond confidentially, we'll keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.

### General feedback

- 1.18. We believe that consultation is at the heart of good policy development. We welcome any comments about how we've run this consultation. We'd also like to get your answers to these questions:
1. Do you have any comments about the overall process of this consultation?
  2. Do you have any comments about its tone and content?
  3. Was it easy to read and understand? Or could it have been better written?
  4. Were its conclusions balanced?
  5. Did it make reasoned recommendations for improvement?
  6. Any further comments?

- 1.19 Please send any general feedback comments to [stakeholders@ofgem.gov.uk](mailto:stakeholders@ofgem.gov.uk)

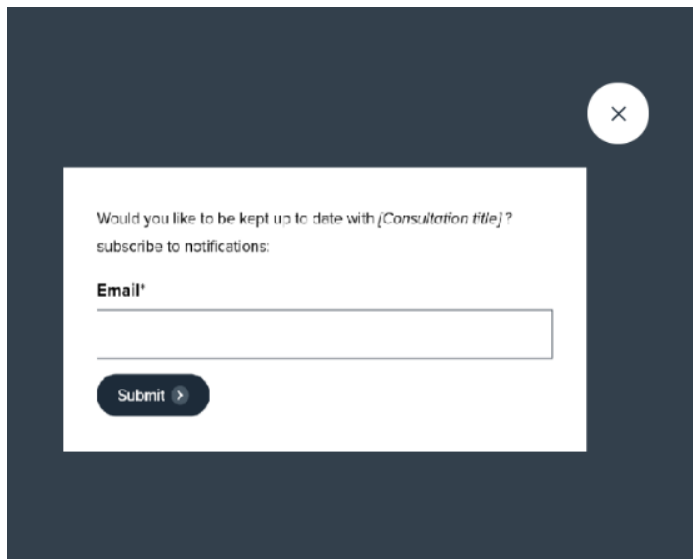
## How to track the progress of the consultation

- 1.20. You can track the progress of a consultation from upcoming to decision status using the 'notify me' function on a consultation page when published on our website. [Ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations)

Notify me +

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Would you like to be kept up to date with [Consultation title]?  
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**Email'**

Submit >

1.21. Once subscribed to the notifications for a particular consultation, you will receive an email to notify you when it has changed status. Our consultation stages are:

**Upcoming** > **Open** > **Closed** (awaiting decision) > **Closed** (with decision)

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## **Appendix 1 – Draft Guidance for Third Party Intermediary (TPI) Qualifying Dispute Settlement Schemes**

Ofgem has required that gas and electricity suppliers must only work with Third Party Intermediary's (TPIs) that are valid members of a Qualifying Dispute Settlement Scheme (QDSS) when contracting with microbusiness customers<sup>2</sup>. The requirement aims to offer protection to microbusiness by allowing them to resolve disputes via an independent body.

Ofgem does not have the authority to approve a QDSS. However, we wish to assist suppliers to meet their licence conditions by ensuring the dispute resolution scheme that the TPI they are working with for microbusiness customers is of sufficient quality to protect these customers from detriment. We are therefore issuing this guidance to set out the criteria that Ofgem recommends a TPI Dispute Settlement Scheme contain, to be considered to be a QDSS.

Appendix 2 provides any definitions required for the understanding of this document.

### **1. Services offered by the provider**

1.1. A QDSS should:

- a) offer services in relation to a dispute brought by a microbusiness consumer against a TPI;
- b) be able to resolve disputes by requiring that TPIs pay compensation, give an apology and/or explanation or take some other form of action which is considered advantageous to the complainant.

### **2. Access to the dispute settlement scheme**

2.1. It is essential that the scheme is, and is seen to be, easily accessible to microbusiness consumers. Several factors can impede access, including a lack of awareness of the scheme, processes and procedures that prevent timely access to the scheme and its ease of use (or perceived ease of use) across all groups of microbusiness consumers.

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<sup>2</sup> As set out in Standard Licence condition 20.5D in the electricity supply licence and 20.6D in the gas supply licence.

2.2. To ensure that the scheme is accessible and seen to be accessible, a QDSS should:

- a) be available free of charge to microbusiness consumers;
- b) maintain procedures and processes for raising a complaint that are easy to understand and use and are not overly bureaucratic or time consuming;
- c) maintain an up-to-date website, which provides the parties to a microbusiness TPI dispute with information regarding the QDSS procedure operated by the provider;
- d) provide the information referred to in sub-paragraph (c) to a party on an alternative durable medium such as paper, if a party requests it;
- e) enable the microbusiness consumer to file an initial complaint and progress it by receiving meaningful step-by-step resolution via a range of methods, including telephone, webform/email and post;
- f) enable the exchange of information between the parties via electronic means or, if a party wishes, by post;
- g) provide a wide range of translation services for those microbusiness consumers that do not speak English as their first language, including a Welsh Language Service and additional services for those that are hearing or visually impaired;
- h) adopt processes that allow for additional help in accessing the scheme to be given to those consumers that need it. For example, this could include allowing persons to act on behalf of the relevant consumer; or supporting customers to complete forms.

### **3. Expertise, Independence and Impartiality**

3.1. Independence for the purposes of this guidance means that the provider must be, and be seen to be, independent from those whose disputes it is resolving, i.e. microbusiness consumers, the TPIs and suppliers. This is essential to ensure that consumers and industry have confidence in the scheme, it is seen to be credible and that decisions are seen as taken without bias. There must be sufficient safeguards in place to demonstrate impartiality and the provider must be able to demonstrate that these safeguards are functional.

3.2. To ensure that these requirements are met, the provider should:

- a) ensure that representatives possess a general understanding of the law and energy regulation, and the necessary knowledge and skills relating to the out-

- of-court or judicial resolution of energy disputes, to be able to carry out his or her functions competently;
- b) remunerate scheme representatives in a way that is not linked to the outcome of the QDSS procedure;
- c) ensure that a representative of the provider, without undue delay, discloses any circumstance that may, or may be seen to—
  - (i) affect the representative independence or impartiality; or
  - (ii) give rise to a conflict of interest with a party to the dispute which the representative is asked to resolve;
- d) report to a body or person independent of those subject to investigation (this does not exclude their minority representation on that body). The body or person must also be responsible for safeguarding the independence of the person responsible for the scheme;
- e) maintain a majority of independent members on any Body or Council which appoints the person responsible for the scheme;
- f) ensure that any terms of reference for a scheme, or changes to the terms of reference, are agreed by a body or person independent of those subject to investigation;
- g) ensure that the governance arrangements and fee structure of the scheme shall not have a disproportionate effect on any particular group of members.

#### **4. Conflict of interest procedure**

- 4.1. The provider must have in place the following procedure in the event that a representative declares or is discovered to have a conflict of interest in relation to a microbusiness TPI dispute —
- a) If the above under 4.1. occurs, where possible, the representative is replaced by another representative to handle the particular dispute;
  - b) if the representative cannot be replaced by another representative—
    - (i) the representative must refrain from conducting the QDSS procedure, and
    - (ii) the provider must, where possible, propose to the parties that they submit the dispute to another QDSS entity which is competent to deal with it;
  - c) if the dispute cannot be transferred to another QDSS entity, the provider —
    - (i) must inform the parties to the dispute of the circumstances of the conflict of interest;
    - (ii) must inform the parties to the dispute that they have the right to object to the conflicted person continuing to handle the dispute, and;

(iii) can only continue to deal with the dispute if no party to the dispute objects.

## **5. Transparency**

5.1. Demonstrating that a dispute settlement scheme is publicly accountable is an important step in ensuring that consumers have confidence in the decision-making processes of the scheme. To achieve this, it is important that the scheme is transparent about all aspects of its operations, including its membership and expulsion policies, decisions and any statistical information that informs the public about the performance of the scheme. The scheme should also inform relevant organisations of the generic and systemic issues that it has identified.

5.2. Reports and external documents must be easily understood by their target audience, including TPIs, regulated providers, consumers, regulators and the general public.

5.3. In order to ensure that these requirements are met, the provider must ensure that the following information is publicly available on its website in a clear and easily understandable manner, and provides, on request, this information to any person on a durable medium such as paper copies—

- a) its contact details, including postal address, telephone number and e-mail address;
- b) its representatives, jurisdiction, and powers;
- c) the type of microbusiness disputes which it is competent to deal with, including any financial thresholds which apply;
- d) a register listing all TPI members of the scheme, and any that have been removed
- e) the procedural rules of the QDSS procedure operated by it and the grounds on which it can refuse to deal with a given dispute in accordance with section 8 of this Guidance;
- f) the languages in which its QDSS procedure can be conducted, which must include English and Welsh as a minimum;
- g) the principles the provider applies, and the main considerations the provider takes into account, when seeking to resolve a dispute;
- h) the preliminary requirements, if any, that a party to a dispute needs to communicate before the QDSS procedure can commence;

- i) a statement as to whether or not a party to the dispute can withdraw from the ADR procedure once it has commenced;
- j) the costs, if any, to be borne by a party, including the rules, if any, on costs awarded by the provider at the end of the ADR procedure;
- k) the average length of each QDSS procedure handled by the provider;
- l) the effect of the outcome of the dispute resolution process, including whether the outcome is enforceable and the penalties for non-compliance with the outcome, if any.

## 6. Effectiveness

6.1. In order for a dispute procedure to be effective, it has to be prompt, cost effective, fair, impartial and allow both parties to present their views. All representations, whether general enquiries or cases, must be dealt with on a fair and equitable basis. The scheme's dispute procedures and processes must facilitate the achievement of this objective.

6.2. Effectiveness also relies on the scheme having sufficient scope in terms of the type of complaint it can consider, the range of remedies it can require and its ability to enforce those remedies.

6.3. In order to ensure that these requirements are met, the provider —

- a) ensures that the scheme is adequately staffed and funded in such a way that complaints can be effectively and expeditiously investigated and resolved and to allow the provider to function impartially, efficiently and appropriately;
- b) carries out periodic quality assurance monitoring;
- c) establishes a set of procedures for enforcing its decisions and the scheme's rules;
- d) ensures that its QDSS procedure is available and easily accessible to both parties irrespective of where they are located including by electronic means and non-electronic means;
- e) ensures that the parties to a dispute are not obliged to obtain independent advice or be represented or assisted by a third party although they may choose to do so;
- f) notifies the parties to a dispute as soon as it has received all the documents containing the relevant information relating to the dispute constituting the complete complaint file;



- g) effectively signposts a consumer to alternative organisations or sources of advice if a complaint is outside its remit;
- h) notifies the parties of the outcome of the QDSS procedure within a reasonable time period, and notifies parties of any delays due to complex cases;
- i) requires TPIs to have proper and effective internal complaint handling procedures, and where issues are identified in such procedures recommends improvements;
- j) requires TPIs on their scheme to have proper and effective call and document record management and handling;
- k) recommends changes to TPI's on their scheme, processes and/or policies where systemic failures are identified in order to promote improved service;
- l) regularly collects information regarding trends in complaints, company performance, scheme performance and consumer satisfaction with the scheme, and publishes this information on its website;
- m) notifies all interested parties, including suppliers and TPIs, about any significant changes to the scheme before the end of the period of 14 days beginning with the day on which the change is made;
- n) establishes procedures to consider and resolve complaints by microbusiness consumers or TPIs about the service provided by the scheme, and the final decision on the complaint must be made by a person not previously involved in the determination of the complaint and with sufficient authority to direct how the issue may be resolved.

6.4. Providers must ensure they have clear processes and procedures in case of a conflict of laws. Actions conducted by the provider must be in line with existing laws and any outcomes from the QDSS procedure should not remove any existing consumer rights.

## 7. Fairness

7.1. The provider must demonstrate that they –

- a) ensure that any deadlines for bringing a complaint to the Qualifying Dispute Settlement Scheme must be reasonable and allow for flexibility taking into account the circumstances of the case and the complainant, and do not unnecessarily limit access to the scheme;
- b) allows a TPI a reasonable period of time to attempt to resolve the complaint;

- c) provides a party to a dispute within a reasonable period of time, upon request, with the arguments, evidence, documents and facts put forward by the other party to the dispute, including a statement made, or opinion given, by an expert;
- d) ensure that the parties may, within a reasonable period of time, comment on the information and documents provided under paragraph (c);
- e) make decisions that are based on what is fair in all the circumstances, having regard to principles of law, good practice and any inequitable conduct or maladministration. This must also include having regard to any regulatory requirements and codes of practice. All evidence must be clearly documented and analysed by the provider. Natural justice and fair procedure must be observed, including appropriate opportunity to comment on facts, conclusions or outcomes. Conclusions must be evidence based and decisions and recommendations must flow clearly from the analysis;
- f) make decisions which take account of the nature of the issue and the effect it has had on the complainant. Redress must take into account any maladministration that has occurred and take account of the hardship or injustice suffered as a result. Proportionality is key, whereby the process and resolution are appropriate to the complaint;
- g) notifies the parties of the outcome of the QDSS procedure on a durable medium such as paper copies, and gives the parties a statement of the grounds on which the outcome is based.

7.2. In relation to an QDSS procedure which aims at resolving a dispute by proposing a solution, the provider ensures that the consumer —

- a) before the QDSS procedure commences, is informed of their right to withdraw from the QDSS procedure at any stage;
- b) is informed, before agreeing to or following the proposed solution—
  - (i) that they have a choice as to whether or not to agree to, or follow, the proposed solution, making it clear to the consumer that the scheme's decisions are binding on the TPI but not on the complainant;
  - (ii) that their participation in the QDSS procedure does not preclude the possibility of them seeking redress through court proceedings;
  - (iii) that the proposed solution may be different from an outcome determined by a court applying legal rules; and
  - (iv) of the legal effect of agreeing to, or following the proposed solution;
- c) before expressing their consent to a proposed solution or amicable agreement, are allowed a reasonable period of time to reflect.

## **8. Grounds to refuse to deal with a dispute**

8.1. We would expect that the provider would only refuse to deal with a microbusiness dispute which it is competent to deal with on one of the following grounds—

- a) prior to submitting the complaint to the provider, the consumer has not already attempted to resolve the complaint with the TPI;
- b) the dispute is frivolous or vexatious;
- c) the same dispute based on the same cause and facts is being, or has been previously, considered by another QDSS entity or by a court;
- d) the consumer has not submitted the complaint to the provider within the time period specified by the provider. Provided that such time period is not less than 12 months from the date upon which the TPI has given notice to the consumer that the TPI is unable to resolve the complaint with the consumer. It may be appropriate to extend this time period taking into account the circumstances of the case and the consumer and not unreasonably limiting access to the scheme;
- e) dealing with such a type of dispute would seriously impair the effective operation of the provider.

8.2. The provider ensures that its policy regarding when it will refuse to deal with a dispute does not significantly impair consumers' access to its QDSS procedures.

8.3. Subject to paragraph 8.2, where a provider refuses to deal with a dispute, it must, within three weeks of the date upon which it received the complaint file, inform both parties and provide a reasoned explanation of the grounds for not considering the dispute.

8.4. Where following the expiry of the period referred to in paragraph 8.3, it appears to the provider that one of the parties has sought to mislead the provider as regards the existence or non-existence of one of the grounds for it to decline to deal with a dispute, the provider may immediately decline to deal further with the dispute.

## Appendix 2 – Relevant Definitions

Relevant definitions are set out below in alphabetical order.

### Microbusiness

Your business is classed as a 'microbusiness' if it either:

- has fewer than 10 employees (or their full-time equivalent) and the yearly turnover, or yearly balance sheet, is not more than €2 million.
- uses less than 100,000 kWh of electricity a year
- uses less than 293,000 kWh of gas a year

### Provider

'Provider' refers to an organisation or body that is offering Qualifying Dispute Settlement Services.

### Qualifying Dispute Settlement Scheme

'Qualifying Dispute Settlement Scheme' means any scheme of dispute settlement, resolution and/or redress operated by the Relevant Energy Ombudsman or such other organisation as demonstrably provides independent, fair, effective and transparent out-of court dispute settlement relating to Relevant Third Party Activities and constitutes a Qualifying Dispute Settlement Scheme in accordance with any guidance issued by the Authority.

### Relevant Third Party Activities

'Relevant Third Party Activities' means any activity undertaken by a Third Party in respect of a Micro Business Supply Contract including (but without prejudice to the generality of the foregoing):

- (a) any written or oral communications relating to the supply of electricity to a Micro Business Consumer including:
  - (i) any pre-sales communications;
  - (ii) any communications regarding Billing or Contractual Information; and
  - (iii) any matters falling within the scope of standard conditions 7A, 14, 14A and 21B (insofar as they relate to a Micro Business Consumer); and

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(b) any processing of information relating to the supply of electricity to a Micro Business Consumer, together with any other Relevant Activities as the Authority may direct from time to time, following consultation.

### **Representatives**

'Representatives' are individuals who are working for a given organisation.

### **Supplier**

'Supplier' is an organisation which possess a relevant supply licence. <sup>3</sup>

### **Third Party**

'Third Party' means a third party organisation or individual that, either on its own or through arrangements with other organisations or individuals, provides information and/or advice to a Micro Business Consumer about the licensee's Charges and/or other terms and conditions and whose payment or other consideration for doing so is made or processed by the licensee.

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<sup>3</sup> [Licences and licence conditions | Ofgem](#)

## Appendix 3 – Privacy notice on consultations

### Personal data

The following explains your rights and gives you the information you are entitled to under the General Data Protection Regulation (GDPR).

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

#### **1. The identity of the controller and contact details of our Data Protection Officer**

The Gas and Electricity Markets Authority is the controller, (for ease of reference, “Ofgem”). The Data Protection Officer can be contacted at [dpo@ofgem.gov.uk](mailto:dpo@ofgem.gov.uk)

#### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

#### **3. Our legal basis for processing your personal data**

As a public authority, the GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

#### **4. With whom we will be sharing your personal data**

We will only share anonymised data and therefore will not be sharing any personal data with external bodies outside of Ofgem unless legally obligated to do so

#### **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for until 24 months after the project is closed.

#### **6. Your rights**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete

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- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data
- get your data from us and re-use it across other services
- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3<sup>rd</sup> parties
- tell us your preferred frequency, content and format of our communications with you
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

### **7. Your personal data will not be sent overseas**

### **8. Your personal data will not be used for any automated decision making.**

### **9. Your personal data will be stored in a secure government IT system.**

**10. More information** For more information on how Ofgem processes your data, click on the link to our "[ofgem privacy promise](#)".