

Consultation

Orkney Transmission Project – Minded-to consultation on Needs Case and Delivery Model

Response deadline: 31 March 2023

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We are consulting on our minded-to position on the Orkney Transmission Project. We would like views from people with an interest in this project. We particularly welcome responses from generators and local stakeholders on Orkney. 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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Executive Summary

Needs Case for the Orkney transmission project

In March 2018 Scottish Hydro Electric Transmission (SHE-T) submitted a Final Needs Case (FNC) to Ofgem for its proposed Orkney project, specifically a 220MW subsea cable between Orkney and the Scottish mainland.

We published a needs case consultation in December 2018 under Strategic Wider Works (SWW), where we consulted on our minded to position to apply the Competition Proxy Model (CPM) to the Orkney transmission project. In 2019 we published a conditional decision to approve the project. We set out that we need to be satisfied that new generation projects totalling at least 135MW had to either be awarded a Contract for Difference (CfD) or be likely to go ahead despite not being awarded a CfD and be subject to an independent audit.

Since the conditional decision, the RIIO-T2 price control has come into effect and under it SWW has been replaced by Large Onshore Transmission Investment (LOTI). We are proposing to revoke our conditional decision and are minded to approve the needs case for the project under LOTI. We do not believe a further submission under LOTI is proportionate or required to assess the needs case for this project as we already have sufficient information from SHE-T to make our assessment. As referenced in publications on various recent projects, we have noticed a variability in the cost of debt benchmarks used to set the financing arrangements under CPM. We believe that consumers would benefit from assessing the project based on the LOTI mechanism instead.

We have taken into consideration the current and forecast levels of generation on Orkney and the constraints of the existing network. This includes consideration of the levels of generation progressing on Orkney that have subsequently been awarded a CfD in AR3 and subsequent CfD auctions, and the level progressing through the planning process. We are satisfied that these levels give us an equivalent level of confidence that the costs would be proportionate to benefits of the investment, therefore meeting our initial policy intention to ensure that the Orkney link will be sufficiently utilised.

We are consulting on a minded-to position to revoke our conditional decision, and to approve the project based on the LOTI delivery model, without a further FNC submission from SHE-T.

Next steps

Subject to the outcome of this consultation, we expect to publish our decision on the Final Needs Case for the Orkney transmission in Q1 2023. This will confirm our view on the Final Needs Case for the project. If we decide to approve the Final Needs Case, we will confirm our decision on the delivery model at the same time.

Chapter 1: Introduction

Section summary

This Chapter sets out what we are consulting on and provides the context and previous publications related to this consultation. It also covers how interested parties can respond to this consultation.

What are we consulting on?

1.1 This consultation document sets out our minded to position on the FNC for the Orkney project, a 220MW electricity transmission connection that SHE-T is proposing to construct between the Orkney islands and Scottish mainland. This project had initially estimated costs of £262m, which based on the latest update are expected to increase to £371m.

Scope of this document

1.2 This document covers two areas we are consulting on:

- Revoking of the conditional decision we published in 2019.
- Approving the FNC for the Orkney Transmission Project based on the LOTI assessment mechanism, without a further submission from SHE-T.

Context and related publications

1.3 SHE-T submitted its FNC for the Orkney transmission project in March 2018 under the RIIIO SWW funding mechanism. Ofgem published a consultation on the FNC and Delivery Model in December 2018.¹ We then stated that we would approve FNC if we could be confident that GB consumers were protected from SHE-T building an underutilised transmission link to Orkney.

1.4 In our 2018 consultation, under SWW, we stated that in order to approve this project, a total of at least 135MW of new generation on Orkney had to either be awarded a CfD in AR3, or secure planning consent and finance. This was because we wanted to ensure that the costs of the project would provide equivalent benefits for consumers.

¹ [Orkney transmission project – Consultation on Final Needs Case and potential delivery models | Ofgem](#)

- 1.5 Based on the stakeholder responses, in September 2019, we published our decision to conditionally approve the SWW FNC for the Orkney electricity transmission project.² We stated that the approval of the Orkney transmission project is subject to the condition that that new generation projects totalling at least 135MW generation has to be either awarded a CfD; or be likely to go ahead despite not being awarded a CfD. To satisfy the second part, we stated that an independent audit needs to be completed by December 2021. We also stated that we would appoint the auditor and the relevant generators would pay for the audit.
- 1.6 In March 2021 Orkney developers requested a twelve-month extension to the deadline for meeting our conditions for the approval of the Orkney transmission project. They argued that an extension would: allow certainty on planning decisions that had been delayed due to the Covid-19 pandemic; enable consented projects to bid for a CfD and the auction results to be published; and also allow impact of charging reforms to be considered.³ In May 2021, we granted an extension to the deadline for meeting the conditions to 31 December 2022.⁴
- 1.7 Chapter 2 covers the changes that have taken place since our conditional decision, which were taken into consideration into forming our minded-to view. Chapter 3 focuses on the rationale for our minded-to position. Chapter 4 covers next steps.

How to respond

- 1.8 We want to hear from anyone interested in this consultation. Please send your response to the person or team named on this document's front page.
- 1.9 We've asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.
- 1.10 We will publish non-confidential responses on our website at www.ofgem.gov.uk/consultations.

Your response, data and confidentiality

² [Orkney transmission project – Conditional decision on Final Needs Case | Ofgem](#)

³ https://www.ofgem.gov.uk/sites/default/files/docs/2021/05/20210325_orkney_deadline_extension_request_2.pdf

⁴ [Orkney transmission project – May 2021 update | Ofgem](#)

- 1.11 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.
- 1.12 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 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.
- 1.13 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 4.
- 1.14 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

1.15 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:

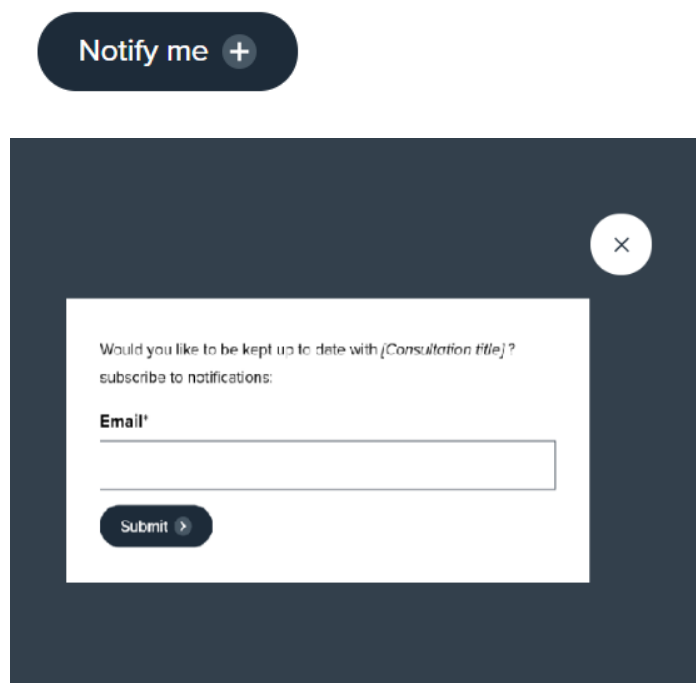
1. Do you have any comments about the overall process of this consultation?
2. Do you have any comments about its tone and content?
3. Was it easy to read and understand? Or could it have been better written?
4. Were its conclusions balanced?
5. Did it make reasoned recommendations for improvement?
6. Any further comments?

Please send any general feedback comments to stakeholders@ofgem.gov.uk

How to track the progress of the consultation

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)



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)

Chapter 2. Orkney Transmission Project – Background information and changes since initial submission

Section summary

This chapter provides a summary background of previous publications and an update on the circumstances that have changed, affecting the rationale for our minded-to position.

Submission and final assessment timings

- 2.1 The Orkney transmission project FNC was submitted for consideration in 2018, during the RIIO-T1 period, and therefore its initial assessment was based on the SWW assessment process.
- 2.2 In 2021 the RIIO-T1 price control came to an end and the RIIO-T2 price control started. In RIIO-T2 the SWW mechanism has been replaced by the LOTI mechanism. Since the Orkney project did not fulfil its FNC conditions during RIIO-T1, it must now be assessed under the RIIO-2 framework. Since the project meets the criteria for competition, we have, in line with our RIIO-T2 policy position and previous 2019 conditional decision, considered whether the Orkney project should be delivered via a late competition model, or remain within the LOTI mechanism.
- 2.3 To do this we have revisited our previous assessment of whether it would be in the interests of consumers for the project to be delivered through a late model of competition rather than via the prevailing LOTI mechanism under the RIIO-T2 arrangements. Our minded-to position is set out in Chapter 3.

Existing network and the 135MW capacity threshold

- 2.4 Orkney is currently connected to mainland Scotland by two 33kV subsea distribution cables. These cables, and Orkney's on-island 33kV infrastructure, are owned and operated by Scottish Hydro Electric Power Distribution (SHEPD). The existing 33kV SHEPD cables provide a total import and export capacity in the region of 40MW.
- 2.5 In 2019, there was around 75MW of renewable generation connected at distribution level already on Orkney which is managed by SHEPD's Active Network Management (ANM) scheme. Due to the heavy constraints that existed at the time on SHEPD's Orkney network, SHEPD was not allowing any new generation connections on the island's distribution network.

- 2.6 In 2019, we needed sufficient certainty that additional generation projects would proceed in order to manage generation capacity uncertainty in Orkney and justify further investment in transmission.
- 2.7 Based on the results of the Cost Benefit Analysis (CBA), we considered the point of generation capacity that would protect GB consumers from the risk of funding an underutilised link. We concluded that 135MW is the midpoint between the 'break-even' point (70MW) and the 'tipping' point (199MW). Our view was that such a level of generation would balance the need to enable renewable and low carbon generation whilst protecting GB consumers from unnecessary costs. We thought that this threshold would provide a reasonable level of confidence that the 'tipping point' of generation is likely to come forward on Orkney by 2030.⁵
- 2.8 In our conditional decision we stated that in order to approve the Orkney transmission project FNC we would need to be satisfied that at least 135MW of new generation projects needed to:
- a) Have been awarded a CfD; or
 - b) Are likely to go ahead despite not being awarded a CfD.
- 2.9 In order to satisfy part b, we stated that we would expect an independent audit to be carried out, focusing on whether the project is financially viable, has signed a relevant grid connection agreement and has been granted planning permission.
- 2.10 Since the original submission there has been a significant increase in the generation that is expected to be connected on the island's network having been either awarded a CfD or granted planning permission. This has provided us with confidence regarding the levels of expected generation in the area. As a result of the increase in expected generation awarded a CfD or granted planning permission we recently advised SHE-T and interested generators that we no

⁵ As stated in our conditional decision, 70MW of connected generation was the estimated threshold for the 220MW link (proposed link) to 'break-even'. This meant that if 70MW of generation uses the link, the constraint costs that it relieves is equal to the cost of the link). On this basis, SHE-T has proposed that the initial 220MW link be approved by Ofgem on condition that 70MW of generation commits to connect. The 220MW link is only the most efficient option for consumers if 199MW of generation comes forward on Orkney. Therefore, below 199MW of generation a 132MW link would be the best option for consumers. We refer to the 199MW as the 'tipping point'. We had considered whether the generation threshold should be set at the level of the tipping point (i.e. 199MW). Setting the generation threshold at the tipping point would protect GB consumers from the risk of funding an underutilised link. However, the CBA showed that this tipping point value only needs to be reached by 2030, and it may be unreasonable to expect all of that generation to come forward before approving the FNC.

longer consider that an audit is required to assess the financial viability of the relevant projects or that it would otherwise provide additional value.

- 2.11 As of December 2022, the status of the total Orkney onshore wind generation pipeline has exceeded the 135MW threshold set in our conditional decision. This included projects totalling 108.2MW that have received a CfD as well as projects that have secured planning permission, totalling 38.1MW.

Changes in cost estimates since the initial submission

- 2.12 We have liaised with SHE-T to understand whether they expect significant changes to occur to the project's scope and costs, given the time that has passed since the initial submission.
- 2.13 We asked them to provide us with updated costs for the Orkney transmission project, in a 2018/19 price base. Our request focused on getting a wider understanding of how costs are expected to increase. We focused on understanding the likely impact of the proposed options on consumers and the extent to which the drivers for the potential cost increase were specific to the favoured option or likely to be applicable to all the options in the CBA.
- 2.14 SHE-T worked with the Electricity System Operator (ESO) to develop an update on their initial CBA, in order to capture the impact of expected cost increases on the optioneering. The updated figures have not amended the results of the CBA, and the preferred solution remains the same as per the initial submission.
- 2.15 Based on the information provided, the costs of implementing the preferred option are expected to increase from £262m to approximately £371m. SHE-T has stated that this increase is primarily driven by three major factors; Global/Regional Market increases (Commodities & FOREX), cable and plant apparatus cost increase due to significant global demand and constrained supply, as well as increases in costs in relation to construction activities.

Chapter 3: Minded-to position on the FNC decision and the assessment mechanism

Section summary

This section sets out how our thinking has progressed based on the changed circumstances and details the rationale for our minded-to position on the Orkney transmission project.

Revocation of our conditional decision

- 3.1 Overall, we now consider that the conditions set in our FNC decision published in 2019 are no longer appropriate. We are therefore proposing to revoke that conditional decision. We have advised SHE-T of our intention to do that and provided them with our rationale. We set out that rationale below and are interested in receiving the views of relevant stakeholders.
- 3.2 We are satisfied that expected generation on Orkney is now sufficient to justify investment and provide assurance that the transmission link will not be underutilised. We consider that is the case because of the number of expected generation projects which have now been awarded a CfD or planning permission. We said in our conditional decision that we had to be satisfied that a threshold of at least 135MW would be delivered by new generation projects which had either secured a CfD or were sufficiently likely to proceed despite not having secured a CfD. We said that for those projects which had not secured a CfD we would require an independent auditor to confirm that they were sufficiently likely to proceed having regard to the project's financial viability, the completion of a relevant grid connection agreement and the grant of planning permission.
- 3.3 The combined generation that will be delivered by projects which have now secured a CfD, or planning permission will exceed the 135MW threshold set in our conditional decision, with the majority of that, 108.2MW, attributable to projects which have been awarded a CfD. We now consider that majority level of generation, when considered in combination with the remaining balance of the threshold being attributable to projects which have been awarded planning permission, to be sufficient to satisfy us that the investment will deliver benefit to consumers and the transmission link will not be underutilised. Accordingly, in this case we no longer consider that an independent audit is required to confirm the likelihood that the projects which have not been awarded a CfD will proceed,

however we do still consider the grant of planning permission to be an important factor in so far as it is evidence which is indicative of that outcome.

- 3.4 We acknowledge that the increased costs for the project discussed above may suggest that a review of the capacity threshold set in our conditional decision is merited, in order to ensure that the transmission link will deliver sufficient benefit to consumers to justify the increased level of investment. We remain of the view, however, that the needs case for the project remains valid⁶ as we are confident that the significant increase in expected generation on Orkney since our conditional decision means that there will be a sufficient increase in capacity in Orkney in the immediate future to justify investment. We are therefore not proposing to review the needs case for the project, but we will conduct a full assessment of the project costs at the Project Assessment (PA) stage, in accordance with the procedure set out in the LOTI Guidance.⁷

Relevant consideration of models

- 3.5 The late competition models that are available for consideration for the Orkney transmission project are: i. Competitively Appointed Transmission Owner (CATO) Model ii. Special Purpose Vehicle (SPV) Model iii. Competition Proxy Model (CPM).
- 3.6 We have stated our preliminary views on how applicable each of these might be for the Orkney transmission project in our consultation in 2018. In the conditional decision we published in 2019 we stated that the delivery model would be covered at a decision stage. Below we set out details of our latest thinking on these.

CATO Model

- 3.7 Under the CATO model, a competitive tender would be run for the financing, construction, and operation of the proposed assets that make up the project, with a transmission licence provided to the winning bidder setting out the outputs, obligations, and incentives associated with delivering the project.
- 3.8 The CATO model requires legislative changes to allow for new parties to be able to be awarded a transmission licence following a competitive tender. The government has set out its intention to introduce the required legislation⁸ to

⁶ See also para 3.19 and 3.20 below.

⁷ See also paras 3.21 – 3.25 below for further information on our approach to cost assessment

⁸ [Energy White Paper: Powering our Net Zero Future](#), December 2020, pages 76-77

enable competitive tendering but it is currently uncertain when that will be in place.

- 3.9 Our position on this model remains the same as in 2018. We believe that given delays to the introduction of enabling legislation, we expect it would be unlikely that we would be able to appoint a CATO in time to deliver the Orkney transmission project to the contracted grid connection dates.
- 3.10 We therefore do not consider it feasible to apply the CATO model to the Orkney project in a manner that delivers benefits to consumers without impacting on the delivery dates of the project.

SPV Model

- 3.11 Under the SPV model, SHE-T would run a tender to appoint an SPV to finance, deliver and operate a new, separable, and high-value project on the licensee's behalf through a contract for a specified revenue period. The allowed revenue for delivering the Orkney transmission project would be set over the period of its construction and a long-term operational period (currently expected to be 25 years). The SPV model was originally developed for consideration for projects where the CATO model had been discounted due to a clear expectation that underpinning legislation would not be in place in time to allow the delivery of specific projects.
- 3.12 Given the additional work needed to finalise the SPV model, we maintain our initial position set out in 2018 and we do not consider that the SPV model can be applied to this project without leading to delays. For this reason, we consider that the SPV model is not an appropriate model to utilise for the Orkney transmission project.

CPM

- 3.13 In our 2018 consultation, we focused our assessment on the CPM relative to the SWW arrangements, and our minded-to position at the time was to apply the CPM model to deliver the Orkney transmission project. The CPM involves setting a largely project-specific set of regulatory arrangements to cover the construction period and a 25-year operational period for an asset (in contrast with setting arrangements for a portfolio of assets under a price control settlement). It is intended to replicate the efficient project finance structure that tends to be used in competitive tender bids for the delivery and operation of infrastructure projects.

- 3.14 In the RIIO-2 Final Determinations, we explained that due to recent market conditions and our allowed financing arrangements for RIIO-2, we may not have sufficient confidence that the application of the CPM to projects that need to start construction at the start of the RIIO-2 period would deliver benefits to consumers. This position was informed by our decision on the Hinkley-Seabank project in May 2020.⁹
- 3.15 Since our decision on Hinkley-Seabank and RIIO-2 Final Determinations in 2020, we have seen further variability in the cost of debt benchmarks used to set the financing arrangements under CPM. However, at this stage, we have not seen movements that give us confidence that CPM is likely to deliver a benefit to consumers relative to the counterfactual LOTI arrangements under RIIO-2.
- 3.16 There is some scope for potential market movements between now and the point at which the financing arrangements would be finalised for CPM, in parallel to the final setting of the cost allowances for the project. Notwithstanding this, we do not have sufficient confidence at this stage that application of the CPM to the Orkney transmission project would deliver benefits to consumers.
- 3.17 We do not consider implementing either the CATO or SPV model for the Orkney transmission project is possible without causing delay to its delivery, and we do not have sufficient confidence in the benefits to consumers that would be delivered by applying the CPM.
- 3.18 In light of this, we are minded to retain the Orkney transmission project within the LOTI mechanism of the RIIO-2 framework. For clarity, we are still minded to approve the FNC for the Orkney transmission project under LOTI.

Requirement for a new FNC LOTI submission

- 3.19 We think that the 2018 needs case submission covers the pertinent arguments on the needs case for the project. The submission under SWW at a FNC stage covers the same points compared to a submission under LOTI. SHE-T have confirmed that no material changes on the transmission project have occurred since the FNC, apart from the expected cost increases.
- 3.20 We believe that requesting a new FNC submission under LOTI from SHE-T would not add much value. We set our view on the cost changes below.

⁹ [Hinkley - Seabank: Updated decision on delivery model | Ofgem](#)

Cost estimates

- 3.21 We consider that an estimated increase from £262m. to £371m represents a significant change to the initial estimated cost of the project; the updated estimate is subject to change pending the completion of procurement for the project. SHE-T has stated that this increase is primarily driven by three major factors; Global/Regional Market increases (Commodities & FOREX), cable and plant apparatus cost increases due to significant global demand and constrained supply, as well as increases in costs in relation to construction activities. We recognise and agree that cost increases driven by such factors would likely impact on each of the options within the CBA, meaning that the optimal option in the CBA would not change. This has been reflected in the CBA update carried out by the ESO.
- 3.22 We believe that the needs case for the project still stands, based on the expected generation capacity in Orkney and the wider interest in the area that suggests the capacity is likely to increase in the next years. However, we cannot be certain that the expected costs associated with the project, as provided by SHE-T, are necessarily proportionate, as we have not been provided with detailed information on the breakdown of the source of the expected increased costs.
- 3.23 We think that such an analysis and discussion should be carried out at a PA stage, when we will be determining the efficient costs for the delivery of the project.
- 3.24 We are therefore not adopting a view on the reasonableness of the potential cost increase at this stage. However, we do recognise and agree that cost increases driven by global demand and supply and increases in the associated markets would likely impact on each of the options within the CBA, meaning that the optimal option in the CBA would not change.
- 3.25 We will carry out a full assessment of the efficient costs for the project at the PA stage. SHE-T will need to provide robust evidence to support its cost submission. This will need to include a clear and detailed explanation for any expected cost increases. It must also include detailed information on the breakdown of the sources of the increased costs, clarity on how the assumptions underpinning the original £262m have changed and why they represent the efficient cost of delivering the project.

Chapter 4: Summary of Minded-to Position and next steps

Summary of our minded-to position

- 4.1 We would like stakeholders' views on our minded-to position to:
- revoke the conditional decision we published in 2019,
 - not apply any competition models to the project
 - approve the FNC for the Orkney transmission project under LOTI
 - confirm that we do not require a new FNC submission, as we are confident that the existing information can be considered for our final decision on the FNC
 - assess the reasonableness of the potential cost increases at the PA stage.

Next Steps

- 4.2 Following the close of this consultation on 31 March 2023, we expect to publish our decision on the Needs Case and delivery model in Q1 2023. Subject to the responses to this consultation, we anticipate that decision will confirm:
- The revocation of the conditional approval that we published in 2019;
 - The approval of the Final Needs Case for the project based on the LOTI mechanism.

Appendix 1 – 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

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

(Include here all organisations outside Ofgem who will be given all or some of the data. There is no need to include organisations that will only receive anonymised data. If different organisations see different set of data then make this clear. Be as specific as possible.)

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 ***(be as clear as possible but allow room for changes to programmes or policy. It is acceptable to give a relative time e.g. 'six 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
- 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 3rd 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 (Note that this cannot be claimed if using Survey Monkey for the consultation as their servers are in the US. In that case use “the Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in term of data protection will not be compromised by this”.

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. (If using a third party system such as Survey Monkey to gather the data, you will need to state clearly at which point the data will be moved from there to our internal systems.)

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