

Supplier Guaranteed Standards of Performance for Switching: Consultation on amending Guaranteed Standard 6ZA

Subject	Details
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We¹ are consulting on proposed amendments to Supplier Guaranteed Standard of Performance (“**Guaranteed Standard**” or “**GSoP**”) 6ZA: “Obligation to complete a supplier transfer”. This Guaranteed Standard requires a gaining supplier to pay compensation of £30 to a customer if that supplier fails to complete the switch within 15 working days from the point at which the supplier has sufficient information to do so. We consider that Guaranteed Standard 6ZA, as set out in The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015 (“**GSoPs Regulations**”), requires amending following the modification of the supplier Standard Licence Conditions (**SLCs**) in July 2022 to reflect the faster switching requirements made as part of the Switching Programme.

¹ References to the “Authority”, “Ofgem”, “we” and “our” are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work.

We consider that our proposed amended Guaranteed Standard 6ZA will continue to ensure appropriate compensation is paid to consumers for detriment suffered as a result of a delayed switch, whilst also being fair and reasonable to energy suppliers who will be liable to pay the compensation in the event that it is not met. We consider that more closely aligning the Guaranteed Standard with the updated supplier SLC requirements regarding switch speed is appropriate in the interests of regulatory certainty and clarity, and given the complexity of potential interactions between the five working day switch speed requirement and the statutory “cooling off” period.²

This is a combined policy and statutory consultation. The policy consultation asks stakeholders whether there is a need to amend Guaranteed Standard 6ZA in the GSoPs Regulations in order to achieve closer alignment with the relevant SLCs. The statutory consultation then asks whether stakeholders agree that our proposed draft Statutory Instrument (**SI**) text would bring Guaranteed Standard 6ZA, as set out in the GSoPs Regulations, into alignment with the relevant SLCs.

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. If we decide to proceed with the SI, subject to obtaining the consent of the Department for Energy Security and Net Zero as required, our latest assessment is that the amended regulation 6ZA will come into force no earlier than 1 November 2023.

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

² See electricity and gas supplier SLC 14A, link [here](#)

material in separate appendices to your response.

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1. Introduction

What are we consulting on?

1.1. We are consulting on proposed amendments to Guaranteed Standard of Performance (“**Guaranteed Standard**” or “**GSoP**”) 6ZA: “Obligation to complete a supplier transfer”. This Guaranteed Standard requires a gaining supplier to pay compensation of £30 to a customer if that supplier fails to complete the switch within 15 working days from the point at which the supplier has sufficient information to do so.

1.2. Following the July 2022 modification of the supplier standard licence conditions (**SLCs**) to reflect the faster switching arrangements, we consider that Guaranteed Standard 6ZA, as set out in The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015 as amended,³ is now out of alignment with the relevant SLCs and therefore requires updating. This is in the interests of regulatory certainty and clarity, for example given the complexity of potential interactions between the new five working day switch speed requirement and the statutory “cooling off” period,⁴ and will ensure that customers continue to be compensated appropriately for detriment experienced as a result of a delayed switch.

1.3. We are also taking the opportunity to propose a change to fix a typographical error at Regulation 6ZA (3)(b), specifically changing the word “places” to “place”.

1.4. This is a combined policy and statutory consultation. The policy consultation asks stakeholders if they agree that there is a need to amend Guaranteed Standard 6ZA in the GSoPs Regulations in order to achieve closer alignment with the relevant SLCs which were amended following the introduction of the new faster switching arrangements. The statutory consultation then asks whether stakeholders agree that our proposed draft Statutory Instrument (**SI**) text would bring Guaranteed Standard 6ZA, as set out in the GSoPs Regulations, into closer alignment with those relevant SLCs.

³ See **The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015** at <https://www.legislation.gov.uk/ukxi/2015/1544/regulation/2/made> as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2019** at <http://www.legislation.gov.uk/ukxi/2019/218/contents/made> and as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2020** at <http://www.legislation.gov.uk/ukxi/2020/116/made>

⁴ See **The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013**

Consultation questions

Question 1: Do you agree that there is a need to amend Guaranteed Standard of Performance 6ZA in order to achieve closer alignment with electricity and gas supplier SLC 14A following the introduction of the new faster switching arrangements?

Question 2: Do you agree that our proposed drafting at Appendix 2 would bring Guaranteed Standard of Performance 6ZA into sufficiently closer alignment with electricity and gas supplier SLC 14A?

Question 3: In light of electricity and gas supplier SLC 14A having been amended in July 2022 following the introduction of the new faster switching arrangements, do you consider that any other Guaranteed Standard of Performance (other than 6ZA) requires to be amended?

Context and related publications

1.5. We introduced a total of seven new GSoPs related to Switching over the period between 2017 and 2020 in two separate tranches.⁵ The key publications related to that process are set out below, with more detail provided in Chapter 2.

- December 2017: **Open letter:** “Creating incentives for suppliers to improve switching performance”.⁶
- June 2018: **Policy consultation:** “Supplier Guaranteed Standards of Performance: Consultation on Switching Compensation”.⁷
- November 2018: **Policy decision:** “Supplier Guaranteed Standards of Performance: Decision on Switching Compensation” (response to June 2018 consultation).⁸ Within the same paper we also published a **statutory**

⁵ See footnote 3 above

⁶ Link [here](#) to our December 2017 open letter on the Ofgem website

⁷ Link [here](#) to our June 2018 policy consultation on the Ofgem website

⁸ Link [here](#) to the November 2018 policy decision on the Ofgem website

consultation on a draft Statutory Instrument SI to implement tranche one of the new GSoPs, consisting of four new Guaranteed Standards.

- February 2019: **Decision on statutory consultation:** “Supplier Guaranteed Standards of Performance for Switching - Final Decision and Statutory Instrument” (response to November 2018 consultation).⁹
- September 2019: **Policy and statutory consultation:** “Supplier Guaranteed Standards of Performance for Switching: Consultation on Introduction of Further Guaranteed Standards and Automatic Compensation”.¹⁰ This consultation concerned tranche two of the new GSoPs, consisting of a further three new Guaranteed Standards.
- February 2020: **Decision on policy and statutory consultations:** “Supplier Guaranteed Standards of Performance for Switching: Second Phase - Final Decision and Statutory Instrument” (response to September 2019 consultation).¹¹

1.6. The new Switching arrangements went live on 18th July 2022 as part of the Switching Programme. The arrangements most relevant to this consultation are set out at electricity and gas supplier SLC 14A.¹² Details of all previous publications relating to the Switching Programme can be found on the Switching Programme page on the Ofgem website.¹³

Consultation stages

1.7. We are combining a consultation on the policy decision on whether to amend Guaranteed Standard 6ZA (and any other guaranteed standard) (see consultation questions 1 and 3) with a statutory consultation on the draft SI required to bring about such amendment (see consultation question 2), as required by section 40B of the Electricity Act 1989 and section 33BAA of the Gas Act 1986.^{14,15}

⁹ Link [here](#) to our February 2019 decision and final SI on the Ofgem website

¹⁰ Link [here](#) to our September 2019 consultation on the Ofgem website

¹¹ Link [here](#) to our February 2020 decision and final SI on the Ofgem website

¹² Link [here](#) to our Licences page on the website, where SLCs can be accessed

¹³ Link [here](#) to the Switching Programme page on the Ofgem website

¹⁴ Link [here](#) to section 40B of the Electricity Act 1989

¹⁵ Link [here](#) to section 33BAA of the Gas Act 1986

1.8. We consider this approach to be appropriate given that we are seeking to amend a Guaranteed Standard that we have consulted on in the past, and the amendment would only act to impact the period of time by which suppliers must comply with an existing Guaranteed Standard (GSoP 6ZA).

1.9. Both the policy consultation and statutory consultation on the draft SI will close on 05th October. We will carefully consider all responses we receive.

How to respond

1.10. 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. Please respond to each question as fully as you can.

1.11. We will publish non-confidential responses on our website at www.ofgem.gov.uk/consultations.

Your response, data and confidentiality

1.12. You can ask us to keep your response, or parts of your response, confidential. We will 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.

1.13. 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 will 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.

1.14. 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 UK 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 in Appendix 3.

1.15. If you wish to respond confidentially, we will keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We will not 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

1.16. We believe that consultation is at the heart of good policy development. We welcome any comments about how we have run this consultation. We would also like to get your answers to these questions:

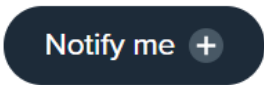
1. Do you have any comments about the overall process of this consultation?
2. Do you have any comments about its tone and content?
3. Was it easy to read and understand? Or could it have been better written?
4. Were its conclusions balanced?
5. Did it make reasoned recommendations for improvement?
6.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

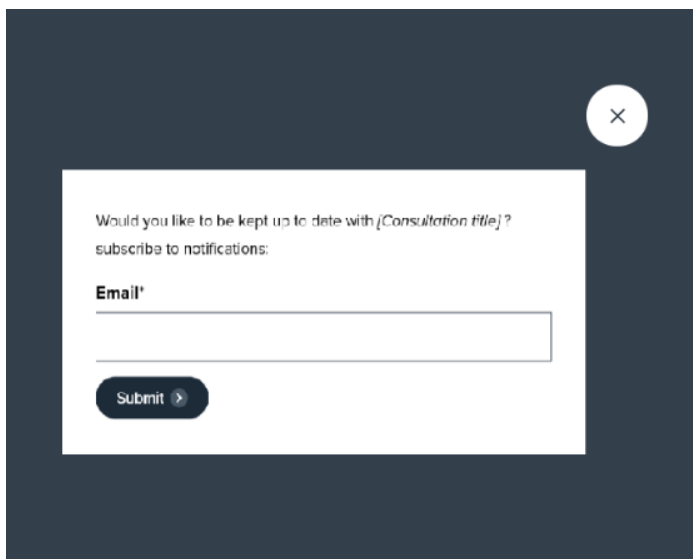
Please send any general feedback comments to stakeholders@ofgem.gov.uk

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:



2. Consultation – Amendment of Guaranteed Standard 6ZA

Chapter summary

The chapter will first describe how the GSoPs related to switching energy supplier have been determined. We then describe the July 2022 changes made to the Licence requirements around switch speed as part of the Switching Programme. Finally, the chapter sets out our policy consultation proposing the amendment of Guaranteed Standard 6ZA: “Obligation to complete a supplier transfer” to more closely align with relevant Licence requirements, and our statutory consultation on a draft SI we consider is required to achieve such closer alignment.

Guaranteed Standards of Performance

2.1. In order to address some of the poor outcomes experienced by consumers when switching supplier, we introduced a series of new GSoPs. The below timeline summarises the process we followed.

2.1.1. In December 2017 we published an open letter which introduced proposals for the introduction of an automatic compensation scheme, designed to create incentives on suppliers to improve their switching performance and address the number of erroneous transfers that we had seen occurring.¹⁶

2.1.2. We then developed those proposals in a policy consultation in June 2018.¹⁷ The consultation proposed the extension of the scope of the existing GSoPs, which place service level requirements on suppliers in certain interactions with their customers, to include the requirement for suppliers to compensate customers when switches go wrong. The consultation proposed a total of six separate new standards relating to:

- delayed switches
- erroneous switches

¹⁶ Link [here](#) to our December 2017 open letter on the Ofgem website

¹⁷ Link [here](#) to our June 2018 policy consultation on the Ofgem website

- the timing of the final bill issued from the supplier to the customer, and
- the turnaround time within which suppliers refund outstanding credit balances to customers following the issuing of the final bill.

2.1.3. In November 2018 we published our response to that consultation.¹⁸ In the response we set out our decision to proceed with consulting on the implementation of a new set of GSoPs in two separate tranches - tranche one immediately, and tranche two to follow shortly afterwards following further analysis we intended to undertake.

Within the same paper we published a statutory consultation on a draft SI to implement tranche one, consisting of four new Guaranteed Standards.

2.1.4. We published our response to the statutory consultation on the draft SI for tranche one of the GSoPs in February 2019.¹⁹ The response set out our decision to introduce the four new GSoPs, as consulted on, on 01 May 2019. Alongside the decision we also published the final SI required to introduce the new GSoPs on that date.

The four new Guaranteed Standards introduced were as follows:²⁰

6A - Identification of erroneous transfers - When a customer reports a potential erroneous switch, the customer will receive a standard payment of £30 from both the losing and gaining supplier if they are unable to agree, within 20 working days of customer notification, whether an erroneous switch has occurred.

6B - Investigation of erroneous transfers - Where a customer has notified either supplier that they believe they have been transferred erroneously, the supplier who was contacted has 20 working days to confirm either that they will be transferred back to their old supplier, or that the supplier does not consider an erroneous transfer to have taken place.

¹⁸ Link [here](#) to the November 2018 policy decision on the Ofgem website

¹⁹ Link [here](#) to our February 2019 decision and final SI on the Ofgem website

²⁰ See The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2019 at <http://www.legislation.gov.uk/uksi/2019/218/contents/made>

6C - *Resolution of erroneous transfers* - An erroneously switched customer will receive £30 from their old supplier if the old supplier fails to re-register the customer within 21 working days of the old supplier and new supplier agreeing that the customer was switched without a valid contract.

6D - *Credit Balances* - Where a switch has been completed, customers will receive a payment of £30 if the old supplier fails to refund any outstanding credit balance within 10 working days of issue of a final bill.

2.1.5. In September 2019 we then published a policy and statutory consultation on a draft SI to implement tranche two, consisting of a further three new GSoPs.²¹ This followed some further work we had undertaken following our original June 2018 policy consultation.

2.1.6. Finally, we published our response to the policy and statutory consultation on the draft SI for tranche two of the GSoPs in February 2020.²² The response set out our decision to introduce the three further new Guaranteed Standards, as consulted on, on 01 May 2020. Alongside the decision we also published the final SI required to introduce these further new GSoPs on that date.

The three further new Guaranteed Standards introduced were as follows:²³

6ZA - *Obligation to complete a supplier transfer* - Customers will receive a standard payment of £30 if their new supplier fails to complete a switch within 15 working days of the date that that supplier receives sufficient information to ensure that a contract has been entered into by the customer and to identify the relevant meter point or meter points to which the supplier transfer request relates, unless there are valid reasons for a delay to the switch.

6ZB - *Avoidance of erroneous transfers* - Customers will receive a standard payment of £30 from the (erroneously) gaining supplier if they are switched despite there being no valid contract between that customer and that supplier.

²¹ Link [here](#) to our September 2019 consultation on the Ofgem website

²² Link [here](#) to our February 2020 decision and final SI on the Ofgem website

²³ See **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2020** at <http://www.legislation.gov.uk/uksi/2020/116/made>

6CA – *Provision of a final bill* - Customers will receive a standard payment of £30 if their old supplier fails to issue a final bill within six weeks of the later of the date on which (1) the supplier no longer has responsibility for the supply of energy to that customer; or (2) the supplier is notified of no longer having responsibility for the supply of energy to that customer.

Switching Programme

2.2. The Switching Programme was designed to transform gas and electricity switching arrangements, resulting in faster, more reliable switching for consumers.²⁴ This will improve consumers' experiences of switching, leading to greater engagement in the retail energy market. In order to achieve this, a new switching system known as the Central Switching Service (**CSS**) was designed and implemented. The new system is designed to be reliable, fast and cost effective, delivering better outcomes for consumers.

2.3. In order to facilitate this, a number of changes were made to the electricity and gas supplier SLCs and industry codes to provide for the new arrangements.²⁵ These new Licence and code provisions came into force on 18th July 2022, which was also the 'go live' date for the new CSS.²⁶

2.4. Under the new arrangements suppliers have a duty under the electricity and gas supplier SLCs to ensure that switches are completed within five working days of the "Relevant Date", which is the day on which a customer (1) has entered into a contract with a new supplier; and (2) has provided the supplier or its representative with sufficient information to conduct the switch; and (3) the customer would reasonably expect the switch to take place without further action on their part.²⁷

2.5. This new Licence requirement on suppliers regarding switch speed replaced the previous Licence requirement, which had required suppliers to complete switches in 21 "calendar" days.

²⁴ Link [here](#) to the Switching Programme homepage on the Ofgem website

²⁵ Link [here](#) to our May 2022 decision on the Ofgem website. Decisions on associated code modifications can also be found [here](#) on the Ofgem Switching Programme page

²⁶ Link [here](#) to our designation of "CSS Go-Live Date"

²⁷ See electricity and gas supplier SLC 14A. Link [here](#) to our Licences page on the website

2.6. In addition to the switch speed itself, under the new arrangements we also made changes to the definition on the day on which the switch speed window (ie the five working day window) commences. This was required as the new five working day switch speed requirement is shorter than the statutory 14 day cooling off period.²⁸

2.7. The new requirements are reflected in changes made to SLCs 14A.4, 14A.4A and 14A.20 of both the electricity supply SLCs and the gas supply SLCs.²⁹ The relevant Licence changes made are set out, for information and context purposes only, in Appendix 1.

Consultation – amendment of Guaranteed Standard 6ZA

2.8. Following the introduction of the new switch speed requirements in the Licence, we consider that Guaranteed Standard 6ZA: “Obligation to complete a Supplier Transfer”, as set out in the GSoPs Regulations,³⁰ should be updated. As currently drafted, this Guaranteed Standard requires the gaining supplier to pay £30 compensation to a customer if the supplier does not complete their switch within 15 working days of the date that that supplier receives sufficient information a) to ensure that a contract has been entered into by the customer and b) to identify the relevant meter point or meter points to which the supplier transfer request relates, unless there are valid reasons for a delay to the switch.

2.9. We had previously noted in paragraph 3.6 of our February 2020 policy decision on tranche two of the GSoPs that we intended to review Guaranteed Standard 6ZA following the introduction of the new faster switching Licence requirements, as the 15 working day requirement would then be largely obsolete.³¹

2.10. The existing Guaranteed Standard 6ZA largely aligned with the previous Licence requirement, subject to the following differences:

²⁸ The statutory cooling off period allowing consumers to cancel certain contracts within a 14 day period is provided for in **The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013**, link [here](#)

²⁹ The electricity supply SLCs and gas supply SLCs can be found [here](#) on the Ofgem website

³⁰ See **The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015** at <https://www.legislation.gov.uk/ukxi/2015/1544/regulation/2/made> as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2019** at <http://www.legislation.gov.uk/ukxi/2019/218/contents/made> and as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2020** at <http://www.legislation.gov.uk/ukxi/2020/116/made>

³¹ Link [here](#) to our February 2020 decision and final SI on the Ofgem website

1. The Licence required that the supplier complete the switch within 21 days, whereas the GSoP requires 15 working days. The exclusion of non-working days from the GSoP requirement was introduced following consultation in response to stakeholder concerns around meeting the 21 calendar day requirement during bank holiday periods such as Christmas and Easter.³²
2. The Licence required that the 21 day period commenced from the “relevant date”, which could be the date on which the customer entered into the contract (unless the licensee did not have all of the information it required by that point), or as late as the date on which the customer’s 14 day cooling off period ended. The GSoP required that the 15 working day period commenced on the day that the supplier had sufficient information a) to ensure that a contract had been entered into and b) to be able to identify the relevant meter point to which the switch related. We communicated our view at the time that we considered 21 days (later changed to 15 working days as above) for the GSoP requirement was sufficient for the new supplier to validate the switch, and that many suppliers commenced the switching process during the customer’s cooling off period anyway.³³

2.11. However, following the changes made to the Licence requirements in July 2022, the switch speed requirement of five working days is now shorter than the statutory cooling off period. Changes have also been made to the Licence definition of the relevant date (the date on which the 5 working day switch speed requirement begins), as highlighted at Appendix 1.

2.12. We consider that Guaranteed Standard 6ZA, as set out in the GSoPs Regulations, is now out of alignment with the relevant Licence conditions and therefore requires updating. This is in the interests of regulatory certainty and clarity, for example, given the complexity of potential interactions between the five working day switch speed requirement and the statutory cooling off period, and will ensure that customers continue to be compensated appropriately for detriment experienced as a result of a delayed switch. We consider that this is a fair and reasonable approach. Suppliers are already obliged under Licence to meet these requirements regarding switch speed, with an expectation that they will go further and move to next day switching in due course. As noted above, we also recognise that the Licence requirements are complex, and see advantages in closely aligning the GSoP requirements for simplicity and clarity. Finally, we consider that it is fair that the customer, having suffered

³² See paragraph 3.5 of our February 2020 decision, link [here](#).

³³ See paragraph 4.17 of our September 2019 consultation, link [here](#)

detriment as a result of poor supplier behaviour in not meeting this Guaranteed Standard, should be compensated.³⁴ As we noted in paragraph 2.9 of our June 2018 consultation, delayed switches can cause considerable customer frustration and inconvenience, not least as it often requires significant effort on the customer's part to resolve.³⁵ We consider that this amendment will help to improve customers' confidence in the operation of the retail market.

2.13. We are consulting on the draft SI at Appendix 2, which is aimed at amending Guaranteed Standard 6ZA as currently set out in the GSoPs Regulations. This document constitutes the statutory consultation on that SI.³⁶ The consultation will close on 05 October 2023. We consider this to be an appropriate length of time for the SI given that this is a specific and focused amendment to a GSoP which is already in force, the fact that the proposal for the amendment was signalled some time ago,³⁷ and the fact that the amendment is aimed at aligning that GSoP with Licence requirements which have been in force since July 2022.

2.14. The proposed amendment to Guaranteed Standard 6ZA can broadly be summarised as follows:

In order to achieve closer alignment with the Licence requirements, if Guaranteed Standard 6ZA is amended as proposed then the new supplier must complete the switch:

- **If the customer requests to be switched within their cooling off period** - within five working days of the day on which the supplier has sufficient information to a) confirm the switch relates to the customer that requested it and b) identify the meter point(s) in question
- **If the customer has not requested (despite having been prompted) the switch to take place within their cooling off period** - within five working days of the day on which the latest of the following events have occurred:

³⁴ Noting the terms of Regulation 9 of the GSoPs Regulations (Exemptions and limitations to supplier payment obligations)

³⁵ Link [here](#) to our June 2018 consultation

³⁶ Pursuant to section 40B of the Electricity Act 1989 and section 33BAA of the Gas Act 1986

³⁷ Link [here](#) to our February 2020 decision and final SI on the Ofgem website. See paragraph 3.6 of the decision, where we noted our intent to review Guaranteed Standard 6ZA following the introduction of the new faster switching Licence requirements

- a) the supplier has sufficient information to confirm the switch relates to the customer that requested it,
 - b) the supplier has sufficient information to identify the meter point(s) in question, and
 - c) expiry of the 14 day period starting from the point the contract was entered into;
- **If the customer has requested the switch take place at a later date**, on that date.

2.15. As set out at Appendix 2, we also intend to take the opportunity to correct a typographical error at paragraph (b) of Regulation 6ZA(3).

2.16. Finally, for completeness we are also consulting on whether any other changes to the GSoPs are required following the changes made to electricity and gas supplier SLC 14A to reflect the new faster switching arrangements, other than those proposed to 6ZA. Whilst we consider that the other GSoPs remain fit for purpose and unaffected by electricity and gas supplier SLC 14A's requirements, we would like to hear views on any changes that any party feels are required. Note however, we are only seeking views on changes required to ensure we maintain consistency between the Licence requirements pertaining to switching under electricity and gas supplier SLC 14A and the GSoPs, and are not inviting suggestions on new Guaranteed Standards or that any of the existing Guaranteed Standards be removed.

Consultation questions

Question 1: Do you agree that there is a need to amend Guaranteed Standard of Performance 6ZA in order to achieve closer alignment with electricity and gas supplier SLC 14A following the introduction of the new faster switching arrangements?

Question 2: Do you agree that our proposed drafting at Appendix 2 would bring Guaranteed Standard of Performance 6ZA into sufficiently closer alignment with electricity and gas supplier SLC 14A?

Question 3: In light of the amended electricity and gas supplier SLC 14A following the introduction of the new faster switching arrangements, do you consider that any other Guaranteed Standard of Performance (other than 6ZA) requires to be amended

3. Next Steps

3.1. At the end of the consultation period, we will consider any responses ahead of publishing a final decision.

3.2. We will carefully consider all responses to the consultation. If we decide to proceed with making the SI, subject to obtaining the consent of the Department for Energy Security and Net Zero as required, our latest assessment is that the amended regulation 6ZA will come into force no earlier than 01 November 2023. At the end of this period, suppliers will be required to comply with the new revised provisions under the new revised Guaranteed Standard, making any compensation payments as necessary. In the meantime Ofgem will continue to monitor suppliers' performance against the GSoPs and collect reporting data.

Appendices

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Appendix 1 – July 2022 Supply Licence changes

For information and context only, the below extract from the Electricity Supply Licence Conditions (**SLCs**) highlights the changes previously made in July 2022 as part of the Switching Programme related to switch speed. Equivalent changes were also made in the Gas Supply SLCs.

New text is marked up in double underline, and old removed text is marked up in strikethrough.

Condition 14A. Customer transfer

Obligation to complete a Supplier Transfer within three weeks

14A.1 The licensee must take all reasonable steps to complete a Supplier Transfer as soon as reasonably practicable and, in any event, within five Working Days ~~within 21 days~~ of the Relevant Date unless:

- (a) the Customer requests that the Supplier Transfer be completed at a later date; or
- (b) the Customer notifies the licensee that he does not wish the Supplier Transfer to take place; or
- (c) one or more of the conditions in paragraph 14A.3 applies.

14A.2 The licensee must include a term in each Contract that has been entered into with a Customer ~~on or after the day on which the Electricity and Gas (Internal Markets) Regulations 2011 are made,~~ providing that the licensee will complete any Supplier Transfer in accordance with that Contract as soon as reasonably practicable and, in any event, within five Working Days ~~within 21 days~~ of the Relevant Date unless:

- (a) the Customer requests that the Supplier Transfer be completed at a later date; or
- (b) the Customer notifies the licensee that he does not wish the Supplier Transfer to take place; or
- (c) one or more of the conditions in paragraph 14A.3 applies.

14A.3 The conditions in this paragraph are that, on or after the Relevant Date:

- (a) a Relevant Electricity Supplier has prevented the Proposed Supplier Transfer in accordance with paragraph 14.2(a) to (b) or 14.4(a) to (d) of standard condition 14 (Customer transfer blocking); or
- (b) a Supply Exemption Holder is currently supplying electricity to the premises and has objected to the Proposed Supplier Transfer under paragraph 2 of Schedule 2ZB to the Act; or
- (c) ~~(not used); the licensee does not have all of the information it requires in order to complete the Supplier Transfer, despite having taken all reasonable steps to obtain the missing information from the Customer, and cannot readily obtain that information from another sources; or~~
- (d) the Customer is currently taking a supply of electricity through an Exempt Distribution System and the licensee is unable to start supplying electricity to the premises because:
 - (i) a connection which the licensee or the Customer requires to be made in accordance with paragraph 7(2) of Schedule 2ZA to the Act and that physical connection has not yet been made; or
 - (ii) the distribution exemption holder has specified, in a notice under paragraph 1(6)(a)(i) of Schedule 2ZA to the Act, a metering arrangement which it considers would be required for access to be given to a third party supplier (within the meaning of that Schedule) and that metering arrangement is not yet in place; or
- (e) the licensee is prevented from completing the Supplier Transfer due to any other circumstance which is outside the control of the licensee and which it has taken all reasonably practicable steps to resolve; ~~or~~
- (f) the customer is a Domestic Customer and, having been prompted by the licensee or its representative, they have not expressly requested to start the supply before the expiry of the Cooling Off Period.

14A.4 Where a condition in paragraph 14A.3 (a) to (e) applies the Supplier Transfer must be completed as soon as reasonably practicable and, in any event, within five Working Days ~~21 days~~ of the date on which the condition ceases to apply (or, if more than one condition applies, when all relevant conditions cease to apply).

14A.4A Where the condition in paragraph 14A.3 (f) applies, the Supplier Transfer must be completed as soon as reasonably practicable and, in any event, within five Working Days of the date on which the condition ceases to apply which will be the earlier of the expiry of:

- (a) the Cooling Off Period, or

(b) the period of 14 days from entering into the Contract.

14A.5 Where the condition in 14A.3(b) applies, the licensee must not complete the Supplier Transfer before the objection by the Supply Exemption Holder under paragraph 2 of Schedule 2ZB to the Act is resolved in accordance with paragraph 1(8) of that Schedule.

14A.6 The licensee must not charge a Customer for any costs associated with carrying out a Supplier Transfer. The obligation in this paragraph is without prejudice to contractual conditions relating to the termination of a Non-Domestic Supply Contract and to any obligation in the Contract to pay a termination fee.

Obligation to improve switching systems

14A.7 In order to achieve fast and reliable Supplier Transfers, (including by the end of the next Working Day after a Domestic Customer request and the end of the second Working Day after a Non-Domestic Customer request), the licensee must take all reasonable steps to maintain, and where appropriate, improve the relevant systems, processes and data that facilitate the Supplier Transfer process. ~~In order to achieve the objective of completing all Supplier Transfers within 21 days of the Relevant Date, the licensee must take all reasonable steps to improve the systems and processes governing the Supplier Transfer process.~~

Obligation to cooperate in respect of a Supplier Transfer

14A.8 The licensee must comply with any reasonable request from another Electricity Supplier or Supply Exemption Holder to provide information or to take any other steps which are reasonably necessary in order to enable that Electricity Supplier or Supply Exemption Holder to complete a Supplier Transfer within five Working Days ~~21 days~~ of the Relevant Date.

14A.9 ~~(Not Used).~~

Obligation to prevent Erroneous Transfers

14A.10 If the licensee applies for a Supplier Transfer under the Retail Energy Code at a premises specified by a Customer, the licensee must take all reasonable steps to ensure that it has a Valid Contract with that Customer for that Supplier Transfer at the

~~point that the application is made. If the licensee applies under the Retail Energy Code to supply electricity at a premises specified by a Customer (the "Transfer Request"), the licensee must take all reasonable steps to ensure that it has a Valid Contract with that Customer for that Transfer Request at the point it is made.~~

14A.11 Where the licensee becomes aware, prior to starting to supply electricity at a premises, that it does not have a Valid Contract for the supply of electricity to that premises it shall take all reasonable steps to prevent its application for a Supplier Transfer ~~Transfer Request~~ from having effect.

14A.12 (Not used).

Obligations where a Domestic Customer has cancelled a Contract with the licensee

14A.13 Where a Domestic Customer has cancelled their Contract within the Cooling Off Period, and the licensee receives notice of the cancellation prior to starting to supply electricity at a premises, the licensee must take all reasonable steps to prevent a Supplier Transfer from having effect.

14A.14 Where a Domestic Customer has cancelled their Contract within the Cooling Off Period and the licensee receives notice of that cancellation after starting to supply electricity at a premises, or where the licensee has failed to prevent the Supplier Transfer in accordance with paragraph 14A.13, the licensee must:

- (a) cancel the Contract;
- (b) not charge or otherwise seek to enforce a Termination Fee; and
- (c) subject to sub-paragraph a) and b), continue to supply the Domestic Customer on the basis of the Principal Terms that existed immediately prior to cancellation until the earlier of:
 - i. the Domestic Customer has agreed to a new Contract with the licensee and supply has started;
 - ii. the Domestic Customer has agreed to a new Contract with another Electricity Supplier and supply has started; or
 - iii. 15 Working Days from the day that the licensee sends the information specified in paragraph 14A.16, at which point the licensee may choose to charge the Domestic Customer under a Deemed Contract.

14A.15 As soon as reasonably practicable after the licensee receives notice of cancellation from the Domestic Customer, it must inform the Domestic Customer of the information in paragraph 14A.16 in a form which, taking into account the characteristics, preferences and circumstances of that Domestic Customer, would allow them to make an informed choice. This paragraph does not apply where the licensee is no longer the New Supplier.

14.A.16 The information referred to in paragraph 14A.15 above includes:

- a) the obligations on the licensee specified in paragraph 14A.14; and
- b) the options the Domestic Customer has, as set out in paragraph 14A.17.

14A.17 After cancelling a Contract with the licensee, who remains the New Supplier, the Domestic Customer has the following options:

- a) enter into a new Contract offered by the licensee;
- b) enter into an Equivalent Terms Contract with the Old Supplier;
- c) enter into a new Contract with an Electricity Supplier, that is not the licensee, including the Old Supplier; or
- d) take no action and after 15 Working Days, beginning on the day the licensee sends the information in paragraph 14A.16, be supplied by the licensee on a Deemed Contract that is not restricted by the requirements set out in paragraph 14A.14.

Obligations on a licensee as the Old Supplier

14A.18 Where the circumstances in paragraph 14A.19 apply, the licensee must offer the Domestic Customer an Equivalent Terms Contract for a minimum period of 16 Working Days starting from the day that licensee became the Old Supplier.

14A.19 The circumstances referred to in paragraph 14A.18 are that the licensee:

- a) is the Old Supplier; and
- b) has received notification from the Domestic Customer that they have cancelled a Contract during the Cooling Off Period and have chosen to return to the licensee in accordance with 14A.17(b).

Definitions for condition

14A.~~2012~~ For the purposes of this condition:

“Cooling-Off Period” means: after entering into a Contract, a period of time within which a Domestic Customer may decide not to proceed with the Contract pursuant to any relevant contractual term or statutory provision.

“Equivalent Terms Contract” means: a Contract available from the licensee (or, where there are any Affiliate Licensees, the licensee and any Affiliate Licensees), that:

- (a) _____ has terms and conditions that are similar in nature to the Contract or Deemed Contract that would have been in place had the Domestic Customer not undergone a Supplier Transfer or taken any other action to amend the terms of that Contract or Deemed Contract with that licensee, including in respect of:
 - i. _____ their previous payment method;
 - ii. _____ their previous Relevant Meter Type;
 - iii. _____ their previous Account Management Arrangement; and
 - iv. _____ their characteristics and preferences;
 - v. _____ where the Domestic Customer is subject to a White Label Tariff, a White Label Tariff of the same White Label Tariff Provider; and
 - vi. _____ where the Domestic Customer is not subject to a White Label Tariff, a Tariff which is not a White Label Tariff; and
- (b) _____ is the same or cheaper than the tariff the Domestic Customer would have been on had they not undergone a Supplier Transfer.

“Relevant Date” means:

- (a) _____ the day on which a Customer
 - i. _____ has entered into a Contract with a new Electricity Supplier; and
 - ii. _____ has provided the Supplier or its Representative with sufficient information to conduct the switch; and
 - iii. _____ the Customer would reasonably expect the switch to take place without further action on their part

Or,

(b) where a Customer enters into a Contract with a new Electricity Supplier after 5pm on a Working Day, or on a day that is not a Working Day, the next Working Day following the day specified in paragraph (a) above

~~(a) the day on which a Customer enters into a Contract with a new Electricity Supplier; or~~

~~(b) if after entering into the Contract there is a period of time within which the Customer may decide not to proceed with the Contract (the "Cooling Off Period"), the earlier of:~~

~~(i) the day on which the Cooling period ends;~~

~~(ii) the day on which the Customer and the licensee agree that the transfer may proceed during the Cooling Off Period; and~~

~~(iii) 14 days after the day on which the Customer entered into the Contract.~~

"Supplier Transfer" in relation to any premises at which an Electricity Supplier is supplying electricity, means the transfer of responsibility for that supply from that Electricity Supplier to another Electricity Supplier.

A **"Valid Contract"** is ~~one~~ a Contract:

- (a) that has been entered into by the Customer;
- (b) that relates to the premises for which the application for a Supplier Transfer ~~Transfer Request~~ has been made; and
- (c) for which notice of cancellation of that contract has not been received by the licensee in accordance with any relevant contractual term or statutory provision.

"Exempt Distribution System"

"Distribution Exemption Holder"

"Supply Exemption Holder" have the meaning given in Part 1 of the Act.

Appendix 2 – Draft Statutory Instrument

Statutory consultation as required by section 40B Electricity Act 1989 and section 33BAA Gas Act 1986 which sets out the procedures for prescribing or determining standards of performance.

STATUTORY INSTRUMENTS

2023 No.XXX

ELECTRICITY

GAS

The Electricity and Gas (Standards of Performance) (Suppliers)
(Amendment) Regulations 2023

Made - - - - 2023

Coming into force - - 2023

The Gas and Electricity Markets Authority⁽³⁸⁾ (the “Authority”) makes these Regulations in exercise of the powers conferred by sections 33A(1) and 47 of the Gas Act 1986⁽³⁹⁾ (the “Gas Act”) and sections 39(1) and 60 of the Electricity Act 1989⁽⁴⁰⁾ (the “Electricity Act”).

In accordance with section 33BAA(1)(a)⁽⁴¹⁾ of the Gas Act and section 40B(1)(a)⁽⁴²⁾ of the Electricity Act, the Authority has arranged research, and considered the results of such research, to discover the views of a representative sample of persons likely to be affected by these Regulations.

In accordance with section 33BAA(1)(b), (2) and (3) of the Gas Act and section 40B(1)(b), (2) and (3) of the Electricity Act, the Authority has published a notice of its proposals and considered the representations made in respect of those proposals.

In accordance with section 33BAA(1)(c) and (4) of the Gas Act and section 40B(1)(c) and (4) of the Electricity Act, the Authority has consulted Citizens Advice, Consumer Scotland, gas suppliers, electricity suppliers and persons and bodies appearing to the Authority to be representative of persons likely to be affected by these Regulations.

The Secretary of State has consented to the making of these Regulations, in accordance with section 33A(2) of the Gas Act and section 39(1) of the Electricity Act.

⁽³⁸⁾ The Gas and Electricity Markets Authority was established under section 1(1) of the Utilities Act 2000 (c. 27).

⁽³⁹⁾ 1986 c. 44. Section 33A was inserted by section 11 of the Competition and Services (Utilities) Act 1992 (c. 43) and amended by paragraph 34 of Schedule 3 and paragraph 1 of Schedule 6 to the Gas Act 1995 (c. 45), and by section 90(1) of, and paragraph 13 of Schedule 6 and Schedule 8 to, the Utilities Act 2000; and section 47 was amended by Schedule 2 to the Offshore Safety Act 1992 (c. 15), paragraph 9 of Schedule 1 to the Competition and Service (Utilities) Act 1992, paragraph 53 of Schedule 3 to the Gas Act 1995 and sections 3(2) and 100 of the Utilities Act 2000.

⁽⁴⁰⁾ 1989 c. 29. Section 39 was amended by sections 3(2) and 54(1) of, and paragraph 32 of Schedule 6 and paragraph 1 of Schedule 8 to, the Utilities Act 2000; and section 60 was amended by section 3(2) of the Utilities Act 2000.

⁽⁴¹⁾ Section 33BAA was inserted by section 92 of the Utilities Act 2000 and amended by paragraph 4 of Schedule 1 to S.I. 2014/631 and paragraph 2 of Schedule 1 to S.I. 2022/34.

⁽⁴²⁾ Section 40B was inserted by section 56 of the Utilities Act 2000 and amended by paragraph 5 of Schedule 1 to S.I. 2014/631 and paragraph 3 of Schedule 1 to S.I. 2022/34.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2023 and come into force on XXXX 2023.

(2) In these Regulations, “the Principal Regulations” means the Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015⁽⁴³⁾.

Amendment of regulation 6ZA of the Principal Regulations

2.—(1) Regulation 6ZA of the Principal Regulations (Obligation to complete a supplier transfer) is amended as follows.

(2) In paragraph (3)—

(a) for sub-paragraph (a) substitute—

“(a) where the customer has requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day of receipt by the new supplier of sufficient information to—

- (i) confirm the supplier transfer relates to the customer who requested it, and
- (ii) identify the meter point or meter points to which the supplier transfer request relates;”;

(b) in sub-paragraph (b), for “places” substitute “place”;

(c) omit the “or” after sub-paragraph (b);

(d) after sub-paragraph (c) insert—

“, or

(d) where the customer has not requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day on which the latest of the following events occurs —

- (i) receipt by the new supplier of sufficient information to confirm the supplier transfer relates to the customer who requested it;
- (ii) receipt by the new supplier of sufficient information to identify the meter point or meter points to which the supplier transfer request relates, and
- (iii) expiry of the period of 14 days beginning with the day on which the customer and new supplier entered into the contract.

(4) In this regulation—

(a) where the customer enters into a contract with the new supplier after 5pm on a working day, “5 working days” referred to in sub-paragraph (3)(a) or (3)(d) is to be read as “6 working days”; and

(b) in sub-paragraph (3)(a) or (3)(d), a reference to “cooling off period” means the period of time after entering into a contract with a new supplier within which that customer may cancel the

⁽⁴³⁾ S.I. 2015/1544, as amended by S.I. 2019/218 and S.I. 2020/116.

contract in accordance with any relevant contractual term or applicable statutory provision.”.

Transitional and savings

3.—(1) This regulation applies where a customer has made a request for a supplier transfer before the coming into force of these Regulations.

(2) The Principal Regulations continue to have effect, as they did immediately before the coming into force of these Regulations, in relation to the obligation to complete the supplier transfer under Regulation 6ZA of the Principal Regulations.

(L.S.)

The seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of

Name
A member of the Gas and Electricity Markets Authority

Date

I consent

Name
Minister of State
Department for Energy Security and Net Zero

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity and Gas (Standards of Performance) (Suppliers) Regulation 2015 (S.I. 2015/1544) (the “Principal Regulations”). The Principal Regulations impose minimum guaranteed standards of performance in respect of the service provided by gas and electricity suppliers in Great Britain, and prescribe sums payable to a customer by way of compensation for failure to meet these performance standards.

Regulation 2 amends Regulation 6ZA of the Principal Regulations, which is the performance standard relating to the obligation on energy suppliers to complete a supplier transfer by a certain date. This amendment is in order to more closely align Regulation 6ZA of the Principal Regulations with requirements on suppliers under the gas and electricity supply standard licence conditions with regard to supplier transfers, and taking into account consumers’ contract cancellation rights under The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 2013/3134). The relevant standard licence conditions in relation to supplier transfers were introduced in 2022 as part of Ofgem’s Switching Programme.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

This Explanatory Note refers to licences and to Ofgem’s Switching Programme. Licences to supply gas or electricity are granted by the Gas and Electricity Markets Authority under section 7A of the Gas Act 1986 and section 6(1)(d) of the Electricity Act 1989. The Gas Supplier Standard Licence Conditions and the Electricity Supplier Standard Licence Conditions may be inspected at the Registry of the Office of Gas and Electricity Markets, 10 South Colonnade, Canary Wharf, London E14 4PU and can be viewed online at: <https://www.ofgem.gov.uk/industry-licensing/licences-and-licence-conditions>.

The Switching Programme was a policy and regulatory programme implemented by Ofgem to transform energy switching arrangements delivering faster and more reliable switching. The Gas and Electricity Supplier Standard Licence Conditions relevant to these Regulations and associated with the Switching Programme were introduced on 18 July 2022. Details of the Switching Programme can be viewed online at: <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/switching-programme>.

Appendix 3 – Extract Keeling Schedule

Proposed amendments to The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015⁴⁴

The below is an extract of Regulation 6ZA only.

New text is marked up in underline, and text proposed for deletion is marked up in strikethrough.

[6ZA.— Obligation to complete a supplier transfer

- (1) This regulation applies where a customer requests a supplier transfer.
- (2) This regulation does not apply where the supplier transfer cannot be completed because—
 - (a) the customer notifies the new supplier that they do not wish the supplier transfer to take place;
 - (b) a previous supplier transfer is being processed in relation to the same meter point; or
 - (c) the customer's current supplier objects to the supplier transfer.
- (3) Where this regulation applies the new supplier must complete the supplier transfer—
 - ~~(a) within the period of 15 working days beginning with the day of receipt by the new supplier of sufficient information to—
 - ~~(i) confirm the supplier transfer relates to the customer who requested it, and~~
 - ~~(ii) identify the meter point or meter points to which the supplier transfer request relates;~~~~
(a) where the customer has requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day of receipt by the new supplier of sufficient information to—
 - (i) confirm the supplier transfer relates to the customer who requested it, and

⁴⁴ See **The Electricity and Gas (Standards of Performance) (Suppliers) Regulations 2015** at <https://www.legislation.gov.uk/ukxi/2015/1544/regulation/2/made> as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2019** at <http://www.legislation.gov.uk/ukxi/2019/218/contents/made> and as amended by **The Electricity and Gas (Standards of Performance) (Suppliers) (Amendment) Regulations 2020** at <http://www.legislation.gov.uk/ukxi/2020/116/made>

(ii) identify the meter point or meter points to which the supplier transfer request relates;

(b where the customer has requested a supplier transfer takes places on a date after the end of the period referred to in sub-paragraph (a), on the date requested;~~or~~

(c) where the customer has existing debt on a prepayment meter and the new supplier agrees to be assigned that debt, within the period of 15 working days beginning with the day of that assignment being agreed between the old and new supplier, but no later than 32 working days from receipt by the new supplier of the information in sub-paragraph (a) (i) and (ii); ~~or~~

(d) where the customer has not requested that the new supplier begin the supply before the end of the cooling off period, within the period of 5 working days beginning with the day on which the latest of the following events occurs —

(i) receipt by the new supplier of sufficient information to confirm the supplier transfer relates to the customer who requested it;

(ii) receipt by the new supplier of sufficient information to identify the meter point or meter points to which the supplier transfer request relates, and

(iii) expiry of the period of 14 days beginning with the day on which the customer and new supplier entered into the contract.

(4) In this regulation—

(a) where the customer enters into a contract with the new supplier after 5pm on a working day, “5 working days” referred to in sub-paragraph (3)(a) or (3)(d) is to be read as “6 working days”; and

(b) in sub-paragraph (3)(a) or (3)(d), a reference to “cooling off period” means the period of time after entering into a contract with a new supplier within which that customer may cancel the contract in accordance with any relevant contractual term or applicable statutory provision.

Appendix 4 – Privacy notice on consultations

Personal data

The following explains your rights and gives you the information you are entitled to under the UK General Data Protection Regulation (UK GDPR).⁴⁵

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 UK 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 relevant to Ofgem's statutory functions.

4. With whom we will be sharing your personal data

Unless you indicate otherwise, we will make your response, as provided, available online.

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 as long as an audit trail on decision-making relating to the questions discussed in this document should reasonably be available.

6. Your rights

⁴⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), as retained in domestic law following the UK's withdrawal from the European Union (UK GDPR)

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

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](#)".