

Consultation

Update to the Transmission Constraint Licence Condition guidance

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We are consulting on updating the guidance which sets out our approach to interpreting and enforcing the Transmission Constraint Licence Condition.

This document outlines the scope and purpose of the consultation, as well as the questions we are consulting on and how you can get involved.

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1. Introduction

Summary

- 1.1 Transmission constraints are any limits on the ability of the electricity transmission system (or any part of it) to transmit the power supplied on to the transmission system to where it is needed. Where transmission constraints occur, individual electricity generators, or groups of generators in particular areas, can hold a position of market power, with the electricity system operator (ESO) having limited options to manage the constraint other than reaching an agreement with the owners of those specific units to alter their planned output.
- 1.2 Standard licence condition 20A of the Generation Licence (the Transmission Constraint Licence Condition, or TCLC) exists to protect against this market power. By prohibiting licensees from obtaining an excessive benefit in transmission constraint periods, it helps to keep down balancing costs – and, ultimately, consumers’ bills.
- 1.3 We publish guidance to licensees and other interested parties on Ofgem’s interpretation and approach to the enforcement of the TCLC. This guidance was first published in 2012 when the TCLC was introduced. The current version of the guidance was published in 2017 (the 2017 Guidance).¹
- 1.4 Since 2017 the extent to which the ESO has needed to take action to manage transmission constraints has grown rapidly as the geographical and technological nature of the generation mix has changed, pushing constraint management costs higher. This trend is expected to continue.
- 1.5 In recent years we have on a number of occasions carried out compliance work in relation to potential concerns with specific generators’ bid prices in transmission constraint periods. In some cases these enquiries have led to formal investigations, findings that licensees have breached the TCLC and financial penalties. This compliance work has brought to light some wider concerns about generators’ compliance with (and interpretation of) the TCLC.
- 1.6 With this background in mind, we are now proposing to update the TCLC guidance so as to bring it up to date, and to provide generators with a greater level of detail in relation to our expectations regarding compliance with the TCLC.

¹ https://www.ofgem.gov.uk/sites/default/files/docs/2017/05/2017_tclc_guidance.pdf

This is in line with requests we have received from some market participants. This consultation describes the changes we are proposing to make, and seeks any comments on those proposed changes.

- 1.7 While the effect of the changes we are proposing is to bring the guidance up to date and to make the description given of the approach we take to interpreting and enforcing the TCLC more expansive, the TCLC itself, and the ultimate obligation on generators, remains unchanged since 2017.
- 1.8 We have alongside this consultation also published a call for input, seeking views from market participants on the scope of the TCLC, and whether any changes are required to the licence condition itself. We do not expect the outcome of the consultation on the TCLC guidance to be contingent on any responses received to that call for input. Were any changes made to the licence condition subsequent to the call for input, requiring further amendments to the guidance, that would take place separately to this consultation.
- 1.9 The diagram below sets out the different steps in this consultation process.

Stage 1	Stage 2	Stage 3
Consultation on TCLC guidance opens.	Consultation on TCLC guidance closes (awaiting decision). Note that two weeks have been added to what would otherwise have been a six week consultation period to reflect the overlap with the Christmas period.	Decision taken on TCLC guidance consultation. Updated guidance published.
07/12/2023	01/02/2024	(Expected) Spring 2024

Background

Transmission constraints

- 1.10 The ESO is responsible for the secure real-time operation of the national electricity transmission system (NETS) in Great Britain. Among other things, it is the ESO's responsibility to co-ordinate and direct the flow of electricity onto and over the NETS. A key consideration for the ESO when carrying out its role is the need to manage transmission constraints.

- 1.11 Transmission constraints as defined in the TCLC are any limits on the ability of the transmission system (or any part of it) to transmit the power supplied onto it to the location where the demand for that power is situated, such limit arising as a result of factors such as the need not to exceed the thermal rating of any asset forming part of the transmission system, or the need to maintain voltage on the system, or the need to maintain the transient and dynamic stability of plant, equipment and systems directly or indirectly connected to the transmission system.
- 1.12 Transmission constraints have become more prevalent over time, as the geographic and technological composition of the generation mix has changed. The impact of constraints – and the costs of resolving them – has been forecast by the ESO to continue to increase steeply in the coming years.² These trends highlight the continued importance of measures designed to mitigate constraint costs.

The Balancing Mechanism

- 1.13 The primary tool used by the ESO to manage transmission constraints and ensure that power flows across the NETS remain within the necessary bounds is the Balancing Mechanism (BM). In the BM, parties to the Balancing and Settlement Code (BSC) – including all licensed electricity generators - submit one or more pairs of bids and offers. Bids represent the price at which the party would be willing to decrease its generation or increase its consumption of electricity for a given unit in a given half-hourly delivery period, while offers represent the price at which the party would be willing to increase its generation or decrease its consumption of electricity. Bid and offer prices are specified in £ per megawatt hour (£/MWh) of reduced or additional output or consumption that the ESO requires that a unit deliver (relative to the unit's expected output or consumption prior to the action being taken).
- 1.14 A unit's expected level of output or consumption in each half-hourly settlement period – prior to any actions taken in the BM – is indicated through parties' submissions of Physical Notifications (PNs), made in accordance with the Grid Code. The prevailing PNs at the point which is one hour prior to delivery (referred to as gate closure) are confirmed by the ESO as Final Physical Notifications (FPNs), and used for the purposes of taking any required balancing actions in the BM. For each half-hourly settlement period, the ESO may accept various sets of

² See for example [ESO Modelled Constraint Costs, NOA 2021/22 Refresh, August 2022](#)

bids and offers, making payments to (or receiving payments from) different parties in exchange for them agreeing to alter their generation or consumption as compared to their FPNs.

- 1.15 In addition to the BM, the ESO also uses other balancing services to manage transmission constraints. This includes agreements with specific generators ahead of BM timescales to alter their generation, which are conducted under Schedule 7 of the Grid Trade Master Agreement.

The TCLC

- 1.16 The TCLC requires that generation licensees must not obtain or seek to obtain an excessive benefit from entering into relevant arrangements with the ESO in periods when a transmission constraint (as defined in the licence condition) occurs. In practice, this means that – where a transmission constraint occurs and a generation unit intends to export power – the licensee responsible for that unit must not submit bid prices in the BM at a level which would result in them obtaining an excessive benefit were that bid subsequently accepted by the ESO.
- 1.17 The objective of the TCLC is to protect against the exploitation of market power by generators operating in the presence of transmission constraints. Transmission constraints routinely lead to either individual generators or groups of generators in particular areas holding a position of market power in one or more settlement periods, with the ESO having limited options to manage the constraint other than reaching an agreement with the owners of those specific units to reduce their planned output in those periods. If generators were free to take advantage of this market power in their agreements with the ESO, this would increase balancing costs (which are ultimately passed onto consumers) and create harmful incentives – encouraging further generation in those same areas or by generators with the same characteristics, exacerbating the constraints, and increasing system costs further.
- 1.18 The TCLC was first introduced in 2012 through powers under section 18 of the Energy Act 2010 for an initial period of five years. The original wording of the TCLC prohibited generators from seeking to obtain an excessive benefit in relation to reductions in electricity generation in transmission constraint periods (known as “Circumstance 2”). It also contained a further prohibition, requiring that licensees did not seek to create or exacerbate a transmission constraint by dispatching or withholding one or more generation units in circumstances where the generator had more economic options available to them (known as “Circumstance 1”).

- 1.19 Following consultation in 2017,³ Ofgem decided to extend the prohibition by introducing a new, permanent licence condition to the Generation Licence as Standard Licence Condition (SLC) 20A, in line with the licensing framework regulated by Ofgem. Updated guidance was issued alongside that licence condition (the 2017 Guidance).⁴
- 1.20 Unlike the previous obligation, the new licence condition no longer included the Circumstance 1 prohibition – ie no longer included an obligation regarding the creation or exacerbation of a constraint. This element of the TCLC was removed because the behaviour described under Circumstance 1 is captured by Article 5 of the Regulation on Energy Market Integrity and Transparency (REMIT).⁵
- 1.21 Also in 2017, the licence condition was amended such that the definition of a transmission constraint was widened to capture a broader set of limits on the ability of the NETS to transmit power. In particular, the original TCLC defined transmission constraint periods as capturing only limits on the NETS arising specifically as a result of the thermal, voltage or stability requirements of the NETS or equipment attached to it (in line with the definition of a transmission constraint which appears in the Transmission licence). In 2017 this was widened such that the list of factors cited in the licence condition – ie thermal, voltage and stability requirements – was no longer exhaustive. This change dealt with the possibility that as the system evolved, types of transmission constraints beyond those originally listed in the TCLC could arise – and thereby to future-proof the obligation.
- 1.22 In recent years, in light of the increasing cost of constraint management and evidence of potentially excessive bid prices, Ofgem has carried out significant compliance work looking at possible concerns with different generators’ bid prices in transmission constraint periods. This includes (but is not limited to), the opening of two formal investigations in October 2021: one into bid prices submitted by SSE Generation Limited in relation to Foyers pumped storage power

³ <https://www.ofgem.gov.uk/publications/statutory-consultation-transmission-constraint-licence-condition>

⁴ https://www.ofgem.gov.uk/sites/default/files/docs/2017/05/2017_tclc_guidance.pdf

⁵ Article 5 of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (Text with EEA relevance) (Retained EU Legislation).

station, the other into bid prices submitted by EP SHB Limited in relation to South Humber Bank gas-fired power station.⁶

- 1.23 Both investigations concluded in 2023, resulting in findings that the respective licensees had breached the TCLC, and the requirement that each generator make a significant payment into the Ofgem consumer fund as a consequence. Following compliance engagement, in January 2023 Drax Pumped Storage Limited agreed to similarly make a payment to reflect its admission that it had submitted excessively expensive bid prices for Cruachan pumped storage power station.⁷

How to respond

- 1.24 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.
- 1.25 We've asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.
- 1.26 We will publish non-confidential responses on our website at www.ofgem.gov.uk/consultations.

Your response, data and confidentiality

- 1.27 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.
- 1.28 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.

⁶ See <https://www.ofgem.gov.uk/publications/notice-penalty-sse-generation-limited> and <https://www.ofgem.gov.uk/publications/investigation-ep-shb-limiteds-compliance-tclc> for further details.

⁷ <https://www.ofgem.gov.uk/publications/ofgem-closes-its-compliance-engagement-drax-pumped-storage-limited-relation-breach-transmission-constraint-licence-condition-tclc>

- 1.29 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 the 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, see Appendix 1.
- 1.30 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

- 1.31 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 welcome your response 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?

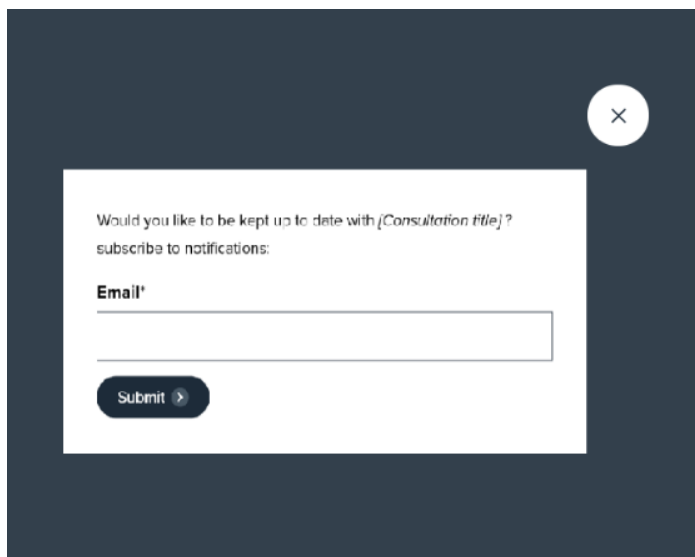
Please send any general feedback comments to stakeholders@ofgem.gov.uk

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)

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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)

2. Proposed changes to the TCLC Guidance

- 2.1 The full proposed text of the updated TCLC guidance has been published alongside this consultation. The proposed changes are intended to both bring the guidance up to date, and to make the guidance more expansive, providing generators with a greater level of detail in relation to our interpretation of and approach to enforcing the TCLC. The proposed changes reflect developments in the market since the guidance was last updated in 2017, and explicitly address concerns in relation to the approach some licensees are taking to compliance with the TCLC which have come to light in the context of recent compliance work.
- 2.2 In this section of the consultation document, we summarise the main changes that we are proposing to make to the 2017 Guidance, set out the reasons for those changes, and list the specific questions on which we are consulting.

Section 1 – Background

- 2.3 Changes have been made throughout the background section to ensure the description of the relevant concepts involved (including the balancing mechanism, transmission constraints and the purpose of the TCLC) are up to date, and to provide greater detail in areas such as the history of the TCLC (which was not covered in the 2017 Guidance). We expect this may be of use to newer market participants.
- 2.4 Further information has also been provided regarding interactions between the TCLC and other relevant provisions, including Competition Law, REMIT and the Inflexible Offers Licence Condition. This includes describing some of the differences between the TCLC and the prohibition on unfair pricing by dominant undertakings which exists under the Competition Act 1998; and describing some of the implications of REMIT for the PNs submitted by generators in the presence of a transmission constraint. The interaction between the TCLC and other relevant obligations of generation licensees is not an area which was covered in detail in the 2017 Guidance, but is an area where queries have been raised with us. Therefore we have sought to provide some further clarification in this regard.
- 2.5 Further information has also been provided around how the guidance will be used when carrying out investigations into potential breaches of the TCLC, including linking this to our wider enforcement guidance (which was last updated in March 2023), and updating to reflect the practice used in our most recent investigations. In the 2017 Guidance, some of this material was presented in a separate section – this has now been moved to the Background section.

- 2.6 The 2017 Guidance described that, while each case would be considered on its own facts, there could be situations in which Ofgem would be less likely to take action than others (eg where generators have not had excessive bids accepted, or where the bids related to only a single short transmission constraint period). We have removed this specific reference, and replaced this with a reference to the general criteria we use when prioritising which investigations to open under the Electricity Act, as set out in our most recent enforcement guidance. This reflects our current practice.

Section 2 – How we assess whether a generator has breached the TCLC

- 2.7 As was the case in the 2017 Guidance, the second section of the revised guidance provides greater detail on the specific requirements of the licence condition, and how we will approach our assessment of whether a breach has occurred. We are proposing to make various changes throughout this section.

Definition of a transmission constraint

- 2.8 We have proposed to update the Guidance to provide greater detail regarding the different types of transmission constraint which may give rise to a transmission constraint period as defined in the TCLC, so as to provide greater clarity to licensees as to the scope of the condition. In particular, while the 2017 Guidance focuses on thermal export constraints (which were at the time that guidance document was produced by far the most common type of transmission constraint causing the ESO to take actions in the BM), the text has been expanded to also discuss other types of transmission constraint (which have on occasion accounted for a material volume of bid acceptances in the period since 2017).
- 2.9 Similarly, we have proposed to update the guidance to provide greater detail regarding the visibility of transmission constraints. The applicability of the TCLC where generators are unable to observe whether a transmission constraint will occur at the time of submitting their bid prices is a concern that was raised by market participants in the context of the 2017 Consultation, and which has been raised again more recently. Since the 2017 Guidance was published, there have been various changes in the information that is available to generators regarding the occurrence of transmission constraints.
- 2.10 Given this, we have added to the guidance some commentary regarding the visibility of constraints, and reiterating our expectations around TCLC compliance even where generators are not able to observe with certainty in advance whether

they are submitting bids in relation to transmission constraint periods (and so must form a view on the probability that this is the case given the information that is available). We have also added text to explain how we will take into account in our assessment whether we consider a party could reasonably have been expected to anticipate that a transmission constraint period was in effect.

Reductions in generation

2.11 We have updated the guidance to state more explicitly that bids must relate to reductions in generation for the TCLC to apply. This incorporates the information provided in our open letter on this topic in 2021, which was published following requests from industry for clarification on this point.⁸

Objective justification

2.12 We have proposed to remove the reference to “objective justification” from the guidance. This is to clarify that going forward, where a factor exists which justifies the submission of an apparently expensive bid price, we would normally expect to take this into account in our assessment of excessiveness. This change has been made in order to simplify the guidance, removing the potential overlap that previously existed between the factors which would be considered under an assessment of excessiveness, and the factors which would be considered under an assessment of objective justification.

2.13 Despite this change, as under the previous guidance it will still be open to a generator to justify what might appear to be an excessive bid price on the basis of risks or costs that they face, or environmental or other regulatory obligations that they are subject to. The three specific types of potential objective justifications listed in the 2017 Guidance by way of illustration are now explicitly covered elsewhere in the guidance:

- The costs associated with any operational risks associated with being curtailed (eg the risk that generation cannot be restarted once the balancing action has been executed), and the costs associated with restarting a plant following curtailment which causes a unit to desynchronise, are both now referred to as examples of potentially relevant costs in Table 1.
- New text has been added at paragraph 2.29 of the updated guidance to reflect that where a licensee can demonstrate that what may otherwise

⁸ https://www.ofgem.gov.uk/sites/default/files/docs/2021/04/tclc_open_letter.pdf

appear to be an excessive bid price is necessary for it to meet its environmental or other regulatory obligations, then that price would not be considered excessive. The same example as the 2017 Guidance is given – ie a hydro generator for which curtailment would create safety hazards, that is forced to submit expensive bid prices to avoid being bid down due to not being able to signal its unavailability for curtailment via other means.

- 2.14 We are not aware of any factors other than those associated with either the risks or costs of curtailment faced by a generator, or its environmental or other regulatory obligations, which might justify what would otherwise be an excessive bid price. However, we will continue to carry out our assessment on a case-by-case basis, and were any such factors to exist, we would take these into account in our analysis (whether in our assessment of whether a price is excessive, or in applying our enforcement prioritisation criteria).

Excessiveness

- 2.15 In the 2017 Guidance, the detail provided as to exactly what approach would be taken when assessing whether a given bid price was excessive was primarily limited to listing certain indicators that we might consider in our analysis. This reflected our intention to carry out assessments on a case-by-case basis – as well as a desire to avoid setting out an unduly narrow description of excessiveness which did not anticipate all possible scenarios which might arise.
- 2.16 However, we are concerned that some generators are approaching their TCLC compliance in a way that is not compliant with either their obligations under the licence condition, or the intent of the TCLC – and are seeking to use the lack of prescriptive detail in the TCLC guidance as a defence for submitting bid prices which are excessive.
- 2.17 For the avoidance of any doubt, we are therefore proposing to update the guidance to provide greater detail regarding how we approach an assessment of excessiveness, building on our experience from recent compliance and investigatory work. Our proposal to add this additional detail does not in any way alter our expectations regarding historic compliance with the TCLC as this updated guidance does not constitute a change in the TCLC requirements for licensees. It may, however, be helpful to licensees in understanding how an assessment of excessiveness relating to historic breaches is likely to be approached.
- 2.18 We have proposed to provide more detail on the specific ‘counterfactual’ relative to which we expect to compare a generators’ profit on bids when testing

excessiveness – ie the benefit a generator would have obtained on bids absent any transmission constraint. This follows directly from the purpose for which the TCLC was introduced, and reflects the approach taken in our most recent investigations.

- 2.19 Further detail has also been provided regarding our views on the relevance to the assessment of the costs and benefits incurred by a generator where it is bid down. The revised guidance makes clear that where a bid price is set solely with reference to the prices of other generators, without any assessment of the costs and benefits being bid down, that approach carries an intrinsic risk of breaching the TCLC. This is because in such a scenario the generator is failing to place any control on the benefit it is earning in transmission constraint periods.
- 2.20 Building on evidence collected in the course of our compliance work, we have included more expansive commentary on the types of costs and benefits which may be relevant to a generator when setting its bid prices, and our expectations regarding the robustness of any estimates or assumptions which are used by licensees – and the need for generators to keep any assumptions that they are using under review.
- 2.21 We have furthermore added text to explain that one factor to which we may have regard to when assessing excessiveness – and which is not explicitly mentioned in the 2017 Guidance – is any evidence of the efficiency of the costs that the licensee is seeking to recover. This follows from the objective of the TCLC, which is to protect consumers from higher balancing costs arising as a result of the market power of generators in transmission constraint periods. One way that such market power may manifest itself is via inefficient or unnecessary costs being incurred, which – absent the TCLC - generators might then seek to pass on to consumers via their bid prices.
- 2.22 While avoided costs were referred to in the 2017 Guidance, we have sought to make even more explicit in the updated guidance that generators should ensure that their bid prices are reflective not only of the costs of being bid down, but also the benefits. This includes any benefits associated with avoided subsidy repayments under the Contracts for Difference (CfD) scheme. As the guidance makes clear, a licensee which failed to submit bid prices in transmission constraint periods which reflected its avoided costs such as those relating to avoided subsidy repayments under the CfD scheme would be likely to obtain an excessive benefit, in breach of the TCLC.

- 2.23 Paragraph 2.11 of the 2017 Guidance noted that *“We would not expect generators behind constrained areas to be disadvantaged in the market when compared to generators outside of constraint zones and vice versa.”* This remains our position. However we are aware of examples of parties mistakenly taking the view that this must necessarily therefore imply that their bid prices cannot be excessive where they are no more expensive than the price of the most expensive (or marginal) bid accepted by the ESO in the same period for purposes other than managing a transmission constraint. In fact, this would only be the case if that bid price happened to be reflective of the benefit that the generator would have actually obtained absent the transmission constraint.
- 2.24 We have therefore clarified this point in the updated guidance. In particular, we have made clear that the TCLC is not designed to prohibit licensees from recovering the reasonable costs of being curtailed, nor from recovering a reasonable profit and/or contribution to indirect costs. This ensures that licensees are not disadvantaged compared to other generators. At the same time, the updated guidance also makes clear that the TCLC does require that licensees do not obtain a benefit which would be significantly greater than that which they would obtain in the absence of any transmission constraint. In this way, it ensures that generators operating in the presence of a transmission constraint are equally not put at a systematic advantage compared to other generators.
- 2.25 Finally, we have provided greater detail regarding the different non-costs benchmarks that we may rely on when assessing whether any profit that a generator seeks to include within its bid prices is reasonable, and so whether the licensee’s bid price are excessive – and considerations which may affect the relevance of these benchmarks as useful comparators. This includes clarifying the role of such benchmarks in our assessment based on our experience from recent investigations, and providing further detail about what we would tend to consider a reasonable level of profit in the context of the TCLC.

Other proposed amendments

- 2.26 The appendix describing market arrangements has been removed, with greater detail on the relevant context to the TCLC now provided in Chapter 1 as set out above.
- 2.27 The glossary has also been removed, with relevant terms defined throughout the document.

Consultation questions

- Q1. Are there additional areas of background that respondents would find it useful to have covered in the guidance?
- Q2. Are there areas where respondents consider that the guidance would benefit from additional detail on Ofgem's interpretation of or approach to the enforcement of the TCLC?
- Q3. Are there any areas where respondents consider that the proposed changes to the guidance are unclear?
- Q4. Are there any examples of material costs or benefits of curtailment that are missing from Table 1?
- Q5. Are there circumstances which could objectively justify bid prices that would otherwise be excessive, which are not captured in the updated guidance?
- Q6. Do respondents have any other comments on the proposed changes to the TCLC guidance?

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 (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union (UK 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 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.

4. With whom we will be sharing your personal data

N/a

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 6 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

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](#)".