

Matt James
The Data Communications Company
2nd Floor, Ibex House
42-47 Minories
London, EC3N 1DY

Email: DCCregulation@ofgem.gov.uk

Date: 8 April 2024

Dear Matt,

Consent given by the Gas and Electricity Markets Authority (the “Authority”) pursuant to Licence Condition 9 (Independence and autonomy of the Licensee) and Licence Condition 10 (Protection of Confidential Information) of the Smart Meter Communication Licence, and Section M4.3(c) of the Smart Energy Code to Smart DCC Ltd.

Thank you for your email dated 18 December 2023 requesting for approval to provide consent to permit Smart DCC Ltd (DCC) to allow appropriate third-party additional access to smart meter ‘system data’ to enable ongoing development of support services to help fuel poor households. In your email you requested the Authority’s consent:

- pursuant to Licence Condition (LC) 9.6(c), for DCC to continue to utilise system data to provide further support to three organisations’ projects; and
- pursuant to LC 10.5(c) and Section M4.3(c) of the Smart Energy Code (SEC), for DCC to continue to access and disclose smart meter system data as part of its collaboration with the three organisations.

Background and DCC’s request

On 1 April 2021, Ofgem granted consent for DCC to participate in a project as part of the Modernising Energy Data Applications (MEDApps) competition, funded by Innovate UK.¹ The project enabled the development of an algorithmic model (“uZero tool”) which was designed to help local authorities, energy suppliers and distribution networks to identify

¹ [Consent granted to DCC under Conditions 9 and 10 of the Smart Meter Communication Licence, and Section M4.3 of the Smart Energy Code | Ofgem](#)

and provide support across geographic areas at greatest risk of fuel poverty. The April 2021 consent has now expired.

On 7 July 2023, DCC wrote to Ofgem seeking consent to share smart meter system data with a number of organisations such as local authorities and academia, with the aim of developing methods to identify and support households at risk of fuel poverty. On 10 August 2023, we provided our consent to allow a total of eleven organisations to receive access to this data to assist them in their respective projects. The letter of consent can be found on the Ofgem website.²

Further, DCC received requests from three of the organisations, listed in Appendix 2, to receive additional data relating to Service Reference Variance (SRV) message category. The data, consisting of Change of tenancy (SRV 3.2) and Device commissioning/decommissioning (SRV's 8.1, 8.3, 8.5 – 8.8), has been identified as being helpful in progressing the research of the three organisations in finding ways to support households at risk of fuel poverty.

Licence Condition 9.2, by default, prohibits DCC from carrying out any business or activity other than that of the Authorised Business. Additionally, LC 10.2 and SEC Section M4.1 and M4.2 set out general prohibitions on disclosing Confidential Information. You consider the proposed activity does not fall within DCC's Authorised Business as it relates to the disclosure of smart meter system data which falls within the definition of Confidential Information. However, LC 9.6(c) permits the carrying on of business or any activity where the Authority has given its consent. Similarly, LC 10.5(c) and SEC Section M4.3(c) permits for the disclosure of Confidential Information that is made or given with prior consent of the Authority. You therefore requested the Authority's consent to share information with the organisations listed in Appendix 2 on this basis.

You justified your request by noting that the additional SRV data is useful in establishing insights within the data. You have also provided assurance that approach to providing the data will remain anonymised and should not impact on data privacy.

The Authority's decision

We consider that providing the additional data may improve suppliers' ability to assist fuel poor households and provide benefits to vulnerable consumers. As DCC is responsible for the national smart metering infrastructure, we consider that DCC's involvement would maximise the projects' success.

² [Consent granted to DCC under Conditions 9 and 10 of the Smart Meter Communication Licence, and Section M4.3 of the Smart Energy Code - August 2023 | Ofgem](#)

In making this decision, we note assurances provided by DCC that:

- DCC is aware it must ensure compliance with data protection legislation, and has updated its Data Protection Impact Assessment to reflect the potential ongoing processing of data and provision of access
- there is no personal data contained in the data set, and all information will be subject to robust modification including anonymisation and aggregation, handled in compliance with data legislation
- DCC will only share the information in line with contractual data access agreements with the involved parties, and not provide access on an open-data basis during the Permitted Purpose period
- associated costs are negligible, and any costs and time that are incurred will be monitored and recouped from organisations that are recipient to the data as part of a data access agreement
- DCC will engage with and receive permission from relevant energy suppliers prior to sharing any data.

We therefore consent to DCC's participation in the projects and the access, use and disclosure of the relevant data as described in your email on 18 December 2023, subject to the assurances given above and the requirements set out in this letter and attached Consent. DCC remains responsible for ensuring it is compliant with all relevant data protection legislation and other applicable obligations. In particular, DCC must maintain adequate protections to ensure data is handled appropriately and unintended and/or wrongful data disclosure is avoided. DCC's involvement in these projects must not detract in any way from DCC delivering its objectives under its Mandatory Business. We also do not expect material related costs to be recovered via charges to DCC's customers as the MEDApps competition is funded by Innovate UK.

The Consent is set out in the Annex attached to this letter.

This letter and attached Consent constitute Notice of the Authority's reasons for the decision pursuant to section 38A Gas Act 1986 and section 49A Electricity Act 1989.

Yours Sincerely



Ayena Gupta
Head of DCC Oversight and Regulatory Review

Appendix 1

Consent given by the Gas and Electricity Markets Authority (the “Authority”) pursuant to Licence Condition 9 (Independence and autonomy of the Licensee) and Licence Condition 10 (Protection of Confidential Information) of the Smart Meter Communication Licence, and Section M4.3(c) of the Smart Energy Code (SEC) to Smart DCC Ltd.

Whereas:

1. Smart DCC Ltd (the “Licensee”) is the holder of a licence (the “Licence”) granted pursuant to Sections 7AB(2) and (4) of the Gas Act 1986 and Sections 6(1A) and (1C) of the Electricity Act 1989.
2. In accordance with Licence Condition 9 Part A, the Licensee must not carry on any business or undertake any activity other than a business or an activity of the Authorised Business. However, Licence Condition 9 Part B sets out that nothing in Part A prevents the Licensee from carrying on any business or conducting any activity to which the Authority has given its consent.
3. Licence Condition 10.2 requires that the Licensee must neither disclose Confidential Information to, nor authorise access to Confidential Information by, any person except in accordance with the provisions of Licence Condition 10 (“the General Prohibition”). Licence Condition 10.5(c) sets out that the General Prohibition does not apply to any disclosure of or authorisation of access to Confidential Information that is made or given with the prior consent of the Authority.
4. Sections M4.1 and M4.2 of the Smart Energy Code (SEC) prohibit DCC from disclosing another Party’s Confidential Information or using it for purposes for which it was not provided to DCC. Section M4.3(c) of the SEC allows for the use of the Party’s Confidential Information if it is made or given in accordance with the Authority’s prior written consent.
5. 18 December 2023, the Licensee requested the Authority’s consent:
 - a. pursuant to Licence Condition 9.6(c), to categorise the Licensee’s work of utilising the SRV data to assist the research of three organisations in identifying ways to support households at risk of fuel poverty as a ‘Permitted Purpose’ for a one-year period; and
 - b. pursuant to Licence Condition 10.5(c) and Section M4.3 of the SEC, to disclose Confidential Information consisting of Change of tenancy (SRV 3.2) and Device commissioning/decommissioning (SRV’s 8.1, 8.3, 8.5 – 8.8) to the organisations named in Appendix 2.

6. The Licensee justified this request by explaining that it has received requests from these organisations to access further smart meter system data for the purpose of addressing issues related to fuel poverty and enable new public interest services.
7. The Authority considers that consent should be given to the Licensee because the proposed projects the Licensee intends to support may assist in:
 - a. identifying households or properties eligible for additional support
 - b. improving suppliers' ability to assist fuel poor households and providing support to vulnerable consumers in particular
 - c. informing development and testing of solutions to address disadvantage and exclusion in the transition to a smart energy system

This is only enabled through the Licensee's unique position within the energy industry as the party responsible for the national smart metering infrastructure, therefore the Authority's consent would maximise the success of the projects.

Now the Authority consents as follows:

- pursuant to Licence Condition 9.6(c), the Licensee may support the projects listed in Appendix 2 in the role set out in its email on 18 December 2023. The Licensee's participation in these projects may therefore be classified as a Permitted Purpose.
- pursuant to Licence Condition 10.5(c) and Section M4.3(c) of the Smart Energy Code, the Licensee may disclose the relevant Confidential Information consisting of Change of tenancy (SRV – 3.2) and Device commissioning / decommissioning (SRVs 8.1, 8.3, 8.5 – 8.8) set out in its email on 18 December 2023, provided that the Licensee:
 - duly consults with and gains permission from all energy suppliers whose data will be part of these projects
 - adheres to all relevant data protection legislation and other applicable regulations; and
 - does not use or disclose the relevant data outside the scope of this Consent.

This Consent does not apply to further activity outside the scope of the projects and organisations outlined in Appendix 2 and is subject to the requirements set out in this Consent and attached letter. This Consent does not set a precedent, and we would consider any future requests on a case-by-case basis. This Consent shall take effect from 8 April 2024 and shall end on 31 August 2025 unless revoked, amended, or replaced by the Authority.

Notice of reasons

8. This document and attached letter also constitute a notice under section 38A of the Gas Act 1986 and section 49A Electricity Act 1989 of the reasons for the decision of the Authority to give this consent pursuant to the Conditions.

Dated 8 April 2024



Ayena Gupta
Head of DCC Oversight and Regulatory Review
Duly Authorised on behalf of the Gas and Electricity Markets Authority

Appendix 2

Organisations recipient to the data

Organisation	Project/ programme	Programme duration
Centre for Sustainable Energy (CSE)	DNO vulnerability mapping	31 August 2025
Energy Systems Catapult	Warm Homes Prescription	31 August 2025
Greater London Authority	Energy Advice London Home Upgrade Grant 2 Warmer Homes Innovation Zone <i>(Greater London Authority will use this data to also inform their Local Area Energy Planning modelling)</i>	31 August 2025