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Sent to: digitalisation@ofgem.gov.uk
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Ref: Ecotricity response: Customer consent consultation

Dear Colleagues

We welcome the opportunity to provide input into this consultation in relation to customer consent Solution.

Ecotricity was the world's first green energy company when we were established in 1995 and we now have over 175k domestic and non-domestic supply accounts, alongside over 100MW of self-developed renewable generation capacity. We continue to invest in new sources of renewable generation that has recently led to the commissioning of two new solar parks and our first green gas mill, with our first energy storage recently obtaining its generation licence. We support policy ambitions that enable the UK to accelerate its drive towards a net zero energy system, whilst ensuring a security of supply that is cost efficient for consumers.

Ecotricity's response to the Consultation.

Q1. Do you agree with the proposed Design Principles? Would you recommend any additional Design Principles?

Ecotricity agree with the proposed design principles as transparency, simple and interoperable are the keys to initial success. However, success needs to be defined beyond this consultation to ensure all parties including the end customers are clear on what these activities seek to achieve now and as an enduring solution, and to allow a point of reference to ensure the principles are easily monitored internally.

The potential risk of not adhering to the defined principles could facilitate the failure of consumer data access thus reducing consumer confidence further in the energy industry overall.

The key to success will be the result of continually reviewing of the principles while establishing this data set, as well as being held to account by industry and Ofgem.

In line with our GDPR requirements surrounding customer data, the design principles of accountability are paramount in that we follow the below requirements:

- Only collect required data (data minimisation).
- Purpose limitation (not to be used for secondary processing).
- Accuracy - how do we ensure the customer data remains accurate and how are changes managed.
- Storage limitation - retention/deleting principles and accountability with clear controller/processor/joint controller/independent controller arrangements.
- Guidance on how key activities such as DSARs or breaches will be managed?

Specific feedback on each principle is:

- Simple and Low Friction: Agreed, but simplicity must not come at the expense of usability. A simple dashboard that participants can't effectively use doesn't support any participants and hinders consumer confidence.
- Interoperability: Agreed. Concerns the body could be awarding themselves the right to show consumers different data sets without at prior engagement with industry causing potential confidence issues and ambiguity with consumers.

- Agile, Flexible: Agreed
- Transparent: Agreed.
- Inclusive by design: Agreed
- Secure by Design: Agreed

Q2. Do you have a preference between the centralised, decentralised or hybrid models?

Ecotricity believes we must ensure that we are pragmatic in our approach to the most appropriate solution. All three solutions have key attributes that are beneficial, however, also have their own limitations.

The centralised solution would ensure a common approach but could be inflexible in its design. This could be deemed to be both a positive or a negative event potentially resulting in an unintended consequence and increased risk. The initial benefits could be that it's easier to maintain and rely on for onboarding, in live and maintaining data, however, the negative consequence could be inflexibility and that we aren't in control of all the data in the event of an exception.

The decentralised solution is at risk of becoming a disjointed solution due to a lack of coordination of consumer data and ending up with multiple versions/working practices of the truth for customers which would erode consumer trust.

Ecotricity's preferred solution of choice would be the Hybrid solution. Although, this could result in being the most complex to implement it provides the most optimal solution in relation to all concerned parties. Full involvement will be required to ensure a successful implementation program, with effective planning, management of releases and a robust governance framework.

Q3. Do you consider the security measures referenced in this section, including the access control measures, will meet the requirements of a consent solution holding consumer data? Which additional protections would you recommend?

It would be expected that the delivery body has full cyber security credentials as opposed to relying on a commitment to follow relevant requirement. It would be expected that as a minimum the body holds an appropriate scoped ISO27001 and CE+.

The solution will only be as good as the weakest link so all organisations involved should be expected to meet at least minimum standards on cyber security, access controls and inclusivity plus data residency (where data stored e.g. UK), and this should be subject to independent verification.

It's important that all security measures are in accordance with our relevant regulatory requirements and are pragmatic to the need.

Q4. Do you consider these standards are sufficient parameters to ensure inclusivity, accessibility, and interoperability for the consent solution? Which standards would you recommend?

Ecotricity have some concerns that all aspects are being invested into the delivery body requiring them to control the access standards. We believe it would be better served by having an agreed set of standards that are not exclusive to the delivery body and in turn this would provide future mitigation in case the body is required to change. The standards need to be flexible to accommodate innovations/changes in technology.

The timescale currently appears to be more theoretical than applicable as without an MVP scope agreed or shared, as to the basis/principles for delivery this is a risk of falling short. Due to this being a consumer facing project, it's essential that timelines are maintained to build trust externally to the industry.

Q5. Do you agree with the options assessment conducted by Ofgem? If not, why?

We would agree with the assessment as well as Ecotricity's views on competency of each body being able to deliver this solution.

Q6. Do you agree with Ofgem's minded-to position that RECCo should be selected as the Delivery body for the consent solution? If not, which of the three proposed organisations should be selected as the Delivery Body for the consent solution, and why?

Ecotricity are of the opinion that the RECCo are best placed due to being the holder of the Codes and most representative of industry to be the body to deliver this.

Q7. Do you hold any views as to how the proposed solution should be funded? Please consider the points regarding fairness raised in paragraphs 4.12–4.14 and Ofgem's duty to consumers when providing your answer.

It's essential that future costs are managed effectively and are not disproportionate to consumers who receive no benefit from this activity.

Costs should not fall across all end consumers; this is a question for Ofgem to ensure that this is delivered in a favourable way. One solution, especially within the early adoption stage maybe that users of the service pay a premium to ensure financial detriment doesn't land on those consumers least able to adopt the proposal nor contribute financially to it. Any costs associated to all aspects of the process must be fair and auditable to ensure fairness and consistency across suppliers.

8. Do you agree with our position to make sharing consent data with consumers (via the consent solution) an obligation for licensees?

Ecotricity believe it to be beneficial to the customer that suppliers are obligated, where consent has been provided to share the data. The requirement needs to be laid out to ensure consistency across the industry and avoid consumer confusion.

9. Do you consider SLC 0 an appropriate route for implementing these changes, or should Ofgem create a bespoke licence condition?

Ecotricity do not agree that utilising SLC0 as an appropriate route would benefit the consumer and could lead to several versions of implementation strategies, ultimately leading to unintended consumer harm.

The concern is manifestly around the potential for the erosion of clarity of the SLC0, in terms of treating customers fairly and which could lead to the loss of trust within the consumer population.

By the creation of a new licence condition, this would remove the ambiguity of inclusion under SLC0.3 and mitigate the risk of failure to comply as the proposal expects.

This response is not deemed to be sensitive.



Should you require any further information, please let me know.

Many thanks

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Sent on behalf of Ecotricity.