



ElectraLink



# ElectraLink's Response to Ofgem's Consumer Consent Solution Consultation

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To Lindsay and the Energy System Digitalisation Team,

ElectraLink welcomes the opportunity to respond to Ofgem's Consumer Consent Solution consultation, which outlines the development of a digital solution that will enable consumers to share their energy data with trusted third parties to receive tailored services to manage their energy bills.

We would be delighted to discuss our response and views in more detail. Please contact [dan.hopkinson@electralink.co.uk](mailto:dan.hopkinson@electralink.co.uk) for further information.

Yours sincerely,



Dan Hopkinson  
CEO

## Question 1: Do you agree with these Design Principles?

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ElectraLink agree with the Design Principles outlined in the consultation and believe they provide a strong foundation for the consumer consent solution. As the design is not yet formalised, there should be flexibility to introduce additional Design Principles via project governance once the detailed design work begins.

ElectraLink believes that the consumer consent solution is comprised of two key activities:

1. A backend system and series of APIs that deliver the functionality of governing and orchestrating the collection of consent, as well as authorising access to data through a token system, similar to Open Banking.
2. Displaying the outcome of these consents to consumers in a consumer website or dashboard.

ElectraLink agrees that a single delivery body should be responsible for co-ordinating the token system and that a central service should be made available to ensure all consumers have an option to engage with consent.

However, it is unlikely that a consumer facing consumer portal will be able to service all consumers equally. We believe that, over time, other front ends could be made available by the consumers' trusted party, such as a supplier, bank or Citizens Advice. Therefore, standardised APIs that power the display of information within the consumer consent portal and which allow for access by others in the future, need to form part of the design.

ElectraLink recommends that the consent portal is underpinned by an architecture that allows for complete separation of the user facing portal and the backend database architecture. The system must be flexible enough to handle changes and increases in the scope of data and consent management that happen over time, including the introduction of other datasets such as tariff as highlighted in 3.7.

The solution should be underpinned by API solutions and functionality should be designed in accordance with industry standards, supported by comprehensive documentation, to enable other parties to interact with the solution in the future if required.

## Question 2: Do you have a preference between the centralised, decentralised or hybrid models? Please elaborate.

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ElectraLink prefers a hybrid model, and our proposed solution is based on a hybrid data architecture. We believe that this approach provides the scalability and flexibility necessary for the consumer consent solution that will need to operate in the wider data sharing infrastructure envisioned by Ofgem.

It is ElectraLink's view that there is a need for a central body and a central portal to deliver clear accountability and risk management of the overall initiative, which extends far beyond sharing data and managing consent.

The delivery body can ensure that if any issues arise with security, compliance or service delivery, there is a clear responsibility for that delivery body to resolve the issue quickly. This centralised accountability is vital to the success of implementing the changes needed to ensure the consumer consent solution delivers on its objective of increasing trust in data sharing in the energy sector that will increase the number of use cases.

Furthermore, whilst it is ElectraLink's recommendation that over time there will be different locations that customers will be able to engage with the data held within the portal, be that be through their bank, energy supplier or trusted advocate organisation such as Citizen's advice, there will always be a need for a definitive and verifiable solution to refer back to. This will minimise the risk of discrepancies across other platforms and

ensure that a trusted organisation that is contactable and accountable underpins the entire ecosystem. This will be crucial for ensuring user trust is maintained as the platform evolves.

However, ElectraLink do not believe that the delivery body should be responsible for delivering the data to the party requesting access or developing the identification, verification and consent software and processes. Therefore, a hybrid model will be required to incorporate the elements that will need to be decentralised.

There is already a mechanism for obtaining HH data through the DCC and ElectraLink propose a tokenisation process for granting access to the HH data rather than providing the data centrally. Furthermore, there are multiple organisations that provide services for user authentication and consent across other sectors. ElectraLink recommend leveraging these decentralised assets through a hybrid model. ElectraLink's proposed solution highlighted the benefits of using multiple accredited trust providers and the benefits of an accreditation process with enforced technical standards to deliver a better outcome similar to the approach taken within open banking.

### **Question 3: 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?**

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ElectraLink support the implementation of the security measures outlined as the minimum set of requirements for the consumer consent solution.

Additionally, we recommend that security specialists are a key contributor during the design stage. We feel that the design must allow for additional security measures to be introduced to ensure that the consumer consent solution can support additional types of consent in the future, for example PSR information.

ElectraLink believe that additional protections should be embedded throughout an accreditation process for businesses interacting with the consumer consent portal. ElectraLink currently operate our data sharing process with similar safeguards. Our contracts are drafted to include security requirements, data processing rules and SLAs to ensure data privacy. ElectraLink conduct Data protection impact assessments with all customers to ensure their use case is aligned with the purpose of the data and that the party has the necessary systems and processes in place to ensure the service is not impacted. This is reinforced through regular audits and continuous monitoring to maintain high standards and adapt security measures in response to emerging threats.

ElectraLink believe process and contractual elements, alongside technical standards, create a layered security framework. This holistic approach mitigates risk and provides a robust method of protecting a solution that hosts and provides access to consumer data.

## Question 4: Do you consider these standards are sufficient parameters to ensure inclusivity, accessibility and interoperability for the consent solution? Which standards would you recommend?

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The standards outlined seem robust and sensible, but the delivery body should consult with experts in these areas during the design process to ensure that the principle of “inclusive by design” is met.

When creating our wireframe solution for the design workshop presentation, we worked closely with BJSS, a specialist in this area. Drawing on their practical experience in delivering solutions for the NHS, DESNZ and the CAA, we drew on their learning to ensure inclusivity and accessibility is baked into the core design of the solution.

This engagement also emphasized the importance of offering alternative methods of accessing the consumer consent solution beyond just web-based options, ensuring a unified capability that meets diverse user needs.

### NHS England

BJSS are the delivery partner for NHS England's 'NHS.UK' website, the most-used website in Europe (754,627,836 visits in the last year). It provides information and transactional health services on 2000+ different topics.

NHS.UK's 'Live Well' digital service provides content (graphics/videos/articles/blogs) and interactive tools to help people make health and wellbeing decisions.

BJSS led the research and re-design required to transform and improve existing content, as well as creating new content, including redesigning Live Well's adult BMI tool.

### The CAA: <https://www.caa.co.uk/drones/>

An education and licencing portal for drone users of all ages from 5-99 with a 90% success rate by launch, which led to >22,000 successful users within three days (three times more than expected.) This was achieved through user-centred design and testing that included specialised testing and iteration for users with accessibility needs.

### DESNZ Energy Bill Relief Schemes

Funding to every UK citizen facilitated through automated and applied for rebates and direct debits, allowing relief from rising energy prices. Very user focused and, again, impactful with 150,000+ transactions and £1.8bn in support delivered

## Question 5: Do you agree with the options assessment conducted by Ofgem? If not, why?

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ElectraLink does not agree with the options assessment conducted by Ofgem. We would highlight that the delivery of a consumer consent solution is primarily a technical solution and requirement, with governance being a secondary issue. As such we believe the assessment should primarily focus on technical solution and deliverability and then consider the most appropriate governance solution separately. We also believe that there are additional governance options for ElectraLink that have not been considered and should form part of the assessment.

At clause 4.23 of the Consumer Consent Solution Consultation (the Consultation) ElectraLink was given an amber RAG rating for implementation and governance. ElectraLink has conducted continued research that has given us further appreciation of additional options in relation to implementation and governance. ElectraLink, therefore, no longer agree with the amber RAG rating nor the options assessment.

**A) Ofgem's gave ElectraLink an amber RAG rating for implementation and governance, which relates to the speed at which an organisation would be able to deliver the customer consent solution in addition to the efficiency and stability of the governance structures that would be implemented, because ElectraLink is not a licensed entity and therefore has a different relationship with Ofgem on the basis that it is not regulated.**

ElectraLink's permitted activities are outlined in, and derived from, the Electricity Distribution Licence held by the Distribution Network Operators ("DNOs"). As such, Ofgem's view is that, for ElectraLink to assume the delivery body role, Ofgem could seek to modify the Electricity Distribution Licence to extend ElectraLink's requirements, as the provider of the Data Transfer Service to electricity market participants ("DTS"), to include the development of a consent solution. However, were the DNOs to change their provider of the DTS, Ofgem points out at 4.21 that the requirements within the licence would no longer apply to ElectraLink and a different route to the implementation of ElectraLink as the delivery body would be required.

ElectraLink is of the view that an alternative solution would be to amend the Data Transfer Service Agreement (DTSA). This would address Ofgem's concerns that the requirements of the Electricity Distribution Licence would cease to apply to ElectraLink should the DNOs change their provider of the DTS as it would place a contractual obligation on ElectraLink to deliver the consumer consent solution. The DTSA is a multi-party contract between Users of the DTS and as a party to the DTSA, ElectraLink would be contractually bound to comply with its obligations thereunder. If the DTSA were amended, ElectraLink could be subject to a standalone obligation to provide the consumer consent solution (i.e. it would be required to do so even if it were no longer required to provide the DTS).

**B) Ofgem go on to conclude that a bespoke framework for the governance of ElectraLink would need to be developed, were it to be chosen as the delivery body, but is of the view that the process for drafting this governance framework would be extensive and could impact the timely delivery of the consumer consent solution.**

ElectraLink do not agree with this. We believe that an easily implemented means for Ofgem to achieve its objective of an efficient delivery of the customer consent solution, alongside a well-constructed and suitable governance structure, could be achieved by making use of the DTSA.

Our proposed governance solution would be to develop, build and operate the consumer consent solution as a new Industry Data Analytics Service (IDAS), under the DTSA. All relevant third parties using the consumer consent solution would be service recipients, which enables service recipients to receive information in relation to end consumer consents and does not require the Electricity Distribution Licence to be extended or amended.

The governance of the DTSA is overseen by the DTS User Group (DTSUG) comprised of industry representatives including suppliers, metering agents, Elexon and RECCo who are responsible for agreeing any changes to the DTSA. Whilst the DTSUG oversees governance of the DTSA, certain matters are reserved for Ofgem to decide. The governance of the consumer consent solution could be called out as a reserved matter requiring Ofgem approval for any changes.

Using the DTSA to deliver the service would mean that governance and oversight would be contractual rather than through direct regulation, with ElectraLink's obligations flowing from them being a signatory to the DTSA. The IDAS consent service can be constructed in such a way that either Ofgem or one of the Code Bodies held governance powers over the service. There are examples of Ofgem accepting a non-regulated entity

being required to provide governance documents and information through contractual, as opposed to licence, obligations. For example, the Electricity System Operator ("ESO", a regulated entity) was required to enter into a contract with National Grid Holdings One plc ("NG", a non-regulated entity) in respect of NG's cost recovery, pursuant to which the latter was required to provide certain information to ESO, who in turn shared this with Ofgem as required.

If the DTSA model were to be used, remediation could be one of the following routes:

- 1: Contractually, through the obligations on service delivery structured in the IDAS consent service definition held within the DTSA
- 2: Through Ofgem's powers to direct ElectraLink as a Qualified Central System Delivery Body.
- 3: Ofgem could issue regulatory instruction and guidance to the DNOs to take appropriate action, which in their capacity as shareholders of ElectraLink, they would be able to do.

However, it should be noted that ElectraLink has delivered the DTS through the DTSA for over 25 years with no service delivery issues that have required intervention from either Ofgem or the ElectraLink Shareholders.

The changes required to deliver the consent solution as an IDAS service are two-fold:

- 1: The definition of the consent token as an industry message in one of the existing industry catalogues i.e.: REC Annex - Data Item Catalogue. This is an existing standard industry change process.
- 2: The addition of the consent service IDAS to the DTSA. This is an existing standard industry change process.

ElectraLink has delivered many industry services through the IDAS process. These include but are not limited to: EPG reconciliation agent service; the delivery of the EMPRIS data platform to Ofgem and DESNZ and support to the ONS for the delivery of the 2021 Census fieldwork. These services have all been delivered to time and to budget and demonstrate the effectiveness of the IDAS process.

### **Summary and Conclusion**

We are of the view that Ofgem's concerns in relation to the governance of ElectraLink and as set out in A and B above could be addressed simply through these amendments to the existing DTSA:

- a requirement for ElectraLink to provide the consumer consent solution even if the DNOs terminate the DTS; and
- an appropriate governance framework which would meet Ofgem's requirements, thereby precluding the need for a separate, bespoke governance framework.

As ElectraLink now understands that a simple amendment to the DTSA could achieve the suitable governance structure and, consequently, the process for drafting this governance framework would *not* be extensive and would *not* impact the timely delivery of the consumer consent solution, ElectraLink is of the view that Ofgem's initial RAG assessment of amber should now be updated to green.

## Question 6: 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?

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### Introduction

ElectraLink do not agree with Ofgem's minded-to position in that RECCO should be selected as the delivery body of the consumer consent solution, we believe that ElectraLink should be selected instead.

During the Ofgem presentations it was clear that ElectraLink's vision for the consumer consent portal was the most appropriate for the market. This is supported by ElectraLink's version of the design being referenced in the consultation. The design of this solution was based on a decade of engagement with Third Party Providers and unlocking energy data with consent to empower consumers engagement with their personal journey towards net zero, the detail of which we have expanded on below.

ElectraLink do not believe that this capability can be outsourced or procured, it must be ingrained into the organisation. Therefore, to realise the benefits of the consent portal as set out in the in the consultation, ElectraLink has clear advantages over the alternatives.

In addition, the consultation highlights that the only area where ElectraLink are considered less favourable to RECCo is a perceived complexity of governance. ElectraLink disagree with this assessment and in the response to question 5 have provided an appropriate route which demonstrates that ElectraLink are "as easy" to govern as RECCo. With that in mind, combined with our better understanding of solution required, ElectraLink should be selected as the delivery body.

### In detail

The Energy Digitisation Taskforce states that one of the primary purposes of the consumer consent solution is to enhance data sharing capabilities in the energy industry and to open-up already existing "key datasets such as customer energy demand data (e.g. smart meter data) which are not flowing effectively". ElectraLink has consistently demonstrated industry leadership by making energy data available for individuals and public good use cases, something not consistently achieved by other market players. Our consumption data, shared with consent, underpins the vast majority of retail energy contracting in GB and notably, we supported National Grid's generation and consumption data requirements which have delivered benefits in reducing the total cost to serve to GB.

ElectraLink have proven capabilities in adopting new messages to support Gas ETs, RGMA, CSS and MHHS which demonstrate our ability to manage the messages and APIs associated with consent. We also have proven robust approaches to security in our management of similarly sensitive data in the form of the PSR flows that we manage on behalf of the industry.

The Energy Data Taskforce also stated that "where there are legitimate or public interest uses for anonymised customer data, it is challenging for stakeholders to gain access to this data for the public good". Again, in contrast ElectraLink has been able to co-ordinate with stakeholders (energy suppliers and DNOs) to deliver

EMPRIS, a data analytics platform used by Ofgem, DESNZ and academia which makes billions of rows of energy data available for analysis, including the support of the Energy Price Guarantee Scheme, with the approval of the data controllers.

ElectraLink's culture of data transparency and accessibility aligns perfectly with the ambitions of the consumer consent solution. The solution must be delivered by a central body that have effective data sharing baked into their company culture and core capabilities. This will ensure that the portal is delivered at a sufficient standard and for the right reasons. We believe ElectraLink is best placed to achieve this.

It is this company culture that cannot be outsourced and must be present in the organisation to ensure that the consent portal delivers the benefits case with the right amount of friction rather than adding new friction and stalling the progress to net zero.

The operator of the consumer consent solution will also require skills in balancing the concerns of the user with public interest. This involves combining technical knowledge of day-to-day activities, niche technical, legal and data privacy expertise alongside working with a wider data trust. In our experience, this is something that must be managed by an organisation directly, as it is by ElectraLink in its management of the DTSA today. Our direct management of data and ability to balance user concerns with public interest solidifies our capability to operate a consumer consent solution that meets the demands of both energy and non-energy sectors and sets us apart from others in understanding the long-term benefits that this solution is designed to achieve.

ElectraLink believes its wealth of experience in working directly with the potential beneficiaries of the consumer consent solution, namely over 150 existing TPPs in the domestic and SME space, on a "not for profit" basis would provide far greater benefits to the industry than a "not for profit" procurement company which outsources the development and oversight of a solution to a "for profit" consultancy. Such consultancy would likely be less incentivised to deliver the changes needed to deliver the public good benefits highlighted in the EDT. ElectraLink believes its expertise in growing the use of energy data under a customer consent model (which is the basis for the vast majority of ElectraLink's data sharing) is better aligned with the experience required to deliver the consent portal.

Our experience, knowledge, understanding and position in the relevant ecosystems also mean we are best placed to deliver against all possible use cases for the consumer consent solution. These use cases will extend beyond retail energy into networks and ultimately, we believe, be one of the key mechanisms by which energy data could be opened-up to non-energy organisations for the benefit of consumers, such as local housing associations, PropTech and Fintech. It is also likely that, over time, the use cases associated with the consumer consent solution will incorporate additional datasets, even datasets that are blended/aggregated across sectors. In this likely scenario, a party that has the capacity to operate beyond retail energy will be required.

ElectraLink has a proven ability to coordinate data access across stakeholders. We already support property tech organisations and are not tied to a specific objective or purpose unlike the DCC and RECCo which exist to deliver energy only objectives. ElectraLink has considerable experience of opening up energy data to the non-energy organisations. For example, in 2021 we partnered with the ONS to use energy data across sectors to support increased efficiency during the Census. While we were not the only body with datasets that could have supported this initiative, other governance regimes acted as a barrier whereas ElectraLink expertise in handling complex, cross-sector data governance enabled the successful data sharing exercise.

A future use case where the consumer consent solution could be applied is smart enabled assets. A number of hardware manufacturers will make smart data (non-energy data) available to support flexibility markets in the future. The delivery body responsible for delivering the consent portal will need a wider scope than retail energy because flexibility markets are likely to evolve alongside NESO and DNOs, as well as manufacturing, who may have different governance needs, which could even conflict with those of the retailers. ElectraLink have experience with similar schemes including active participation in AAR/CAR which is looking to create a central registry of flexible assets. Consent for these assets to share data will need to be added to the consent portal as the flexibility market matures and will require an organisation that is not solely focused on the retail market.

Whilst ease of management in 2024 to kick-off this initiative is important, it is also important that a central GB asset such as a consumer consent solution be useable by other sectors and not hindered by tying to one sector. ElectraLink represents the unique delivery body that can be governed today within Energy but also expand out to other sectors as the solution evolves.

We fully appreciate that Ofgem's primary concern with ElectraLink being the delivery body was governance, however, we believe in our response to question 5 above, we have demonstrated the ability to amend the DTSA governance framework to meet Ofgem's governance requirements. This is further evidenced by the successful number of changes incorporated into the DTSA over the 25 years which have allowed for industry changes such as the addition of cross sector gas and water data flows and the provision of analytics and data to non-licenced entities on behalf of the industry. This is aligned with the purpose of the consumer consent solution.

ElectraLink does not agree with the findings in 4.23 that ElectraLink would require a bespoke governance approach that would have an impact on the timely delivery of the consumer consent solution. ElectraLink have always been able to manage changes in governance to meet industry deadlines (as demonstrated above) and the amendment of the DTSA or a bespoke governance arrangement would deliver the same and additional future benefits highlighted in Ofgem's assessment to the changes to RECCo in 4.36. and as such should not be interpreted differently.

ElectraLink's proven track record with the development, improvement and delivery of the data transfer services (DTS), and our energy data services, demonstrates that ElectraLink can deliver a governance change so that the solution is secure, efficient, and future proof. We have provided a clear route to the change governance within our answer in question 5, warranting the change to the RAG rating from Amber to Green for implementation and governance.

### **Summary and conclusion**

In summary, the consumer consent solution is a vital component needed to overcome the existing barriers to data sharing. It is imperative to the success of the solution that the organisation that delivers the consumer consent solution has a deep understanding of the energy market, data, how Third-Party Providers (TPP'S) are using energy data to empower consumers and how the wider GB ecosystem can be empowered by energy. ElectraLink is the industry leader in this area and have delivered energy data sharing under consent powering a diverse set of use cases across 100+ TPPs. ElectraLink's data trust have set standards and accreditations to ensure data is used appropriately. For the consumer consent solution to be considered successful, it will need to grow beyond the existing retail market. Given ElectraLink have proposed a solution to the existing

governance issue and is better placed than RECCo to expand beyond retail energy, ElectraLink should be selected as the delivery body.

### **Question 7: 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**

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ElectraLink agrees that the funding should meet the principles outlined in 4.12-4.14 and that these can be met by the DTSA funding options described in 4.67 and 4.68. The service would be delivered on a "Not for Profit" basis with the initial service development being funded through existing standard DTS charges which are paid by existing incumbent market participants. Ongoing service delivery would user pays meaning that those who benefit from the service will cover the costs of operation on an ongoing basis.

Those using the service could be added to the DTS User Group ensuring that they had a clear voice as to how the service developed over time to ensure that full value was being delivered.

We would also highlight that due to our unique position in the market ElectraLink would be able to commence the initial design, build and development of the consumer consent portal without the need to amend budgets or seek additional funding from industry before commencing. This allows us to speed up development and de-risk delivery.

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

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ElectraLink agrees with Ofgem's position to make sharing consent data with consumers an obligation for licensees. For the consumer consent solution to be successful, consumers must be able to understand not just who they have given explicit consent for data sharing to, but also which industry bodies have access to their data via licence conditions and for what purpose. Therefore, these licensees should be obligated to interact with the consumer consent solution.

However, there will be many commercial entities that capture and maintain consent from consumers who are not licenced entities, and we firmly believe that these entities must undergo a mandatory accreditation process to ensure that they share consent data with the consumer consent solution. The standards imposed on these parties must equate to those placed on licensees.

Implementing the Data Trust that ElectraLink has outlined would provide both the standards and accreditation process for all users of the consumer consent solution.

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

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ElectraLink considers SLC 0 as a suitable route for implementing the changes on licensees.

We would draw your attention to our answer to question 8 that there will be other parties who capture and hold consumer consent that are not subject to SLC 0 that will also need to be incentivised to interact with the consumer consent solution.