

Ofgem Consultation - Consumer Consent Solution Consultation

Response from Calisen

1. Do you agree with these Design Principles? Would you recommend any additional Design Principles?

Whilst we acknowledge the need for design principles to ensure consumers are protected, there is a balance of ensuring that these are relevant and applicable to all consumers. We suggest that any solution introduced need to be simple, not complex and easy for the consumer to interact with.

The consultation makes continued reference to the banking sector and whilst we acknowledge the initial phase of this programme and CFI responses, it should be highlighted that the banking sector has not been deemed a need for any consumer dashboard or similar intervention (apps exist and data is used online by each organisation), so it's unclear why it is needed for energy. Perhaps this would be clearer with a cost benefit analysis.

We also consider that existing requirements around smart metering data (which is heavily controlled and regulated), under the Smart Energy Code, should be considered and referenced in any development. It is not clear whether these proposals would overwrite these existing requirements or not.

In response to this question, but also to others around options, has there been any consultation completed with energy consumers to obtain their views on any proposals? It may be beneficial to gauge input at this early stage to help inform decisions and future approaches and engagement.

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

We consider the decentralised or hybrid models to provide the greatest security.

Smart meter data is not currently 'held' by the DCC therefore we consider that this development would need to be linked with other projects such as development of a data repository, rather than expecting a whole new set of data to be established. There are already significant concerns around the capacity and performance of the DCC and future use, therefore driving more use by needing the same data for this purpose, must be considered as part of this development.

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?

Whilst we consider the security controls to be vital, they cannot be onerous or result in a lack of innovation. They must also be simple for the consumer to use the dashboard and be able to log on easily – else there is a risk that consumers become disengaged and do not use the solution and do not want to engage with their supplier or other companies in the energy market. We suggest any security protocols and requirements should be developed in line with existing requirements around smart metering, as required by the Smart Energy Code and with help from existing industry forums and groups who have been involved with this to date.

We suggest that the consultation does not sufficiently provide details of how a consumer would withdraw or remove their consent at any time (not as part of the annual review process). This is critical to ensuring that consumers have choice and solutions meet needs of UK GDPR. Will consumers be able to do this through the portal/dashboard or have to go directly to each company – we would like this to be clarified.

Ideally we would expect the operator and their sub-processors to be based in the EEA so no data is transferred outside of the EEA; again it is not clear in the consultation if this is a requirement or not – we would like this to be clarified.

We suggest you could consider ‘Cyberessentials’ as well as ISO27001 as recognised and well practiced security standard.

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

Whilst we are supportive of the need for any option to meet these requirements. As previously raised has there been any discussions with potential users of future services or organisations who represent wide range of consumers for their views?

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

As per question 3 – any solution implemented cannot be onerous or complicated as consumers will not engage in it.

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?

We are concerned that none of the proposed bodies in this consultation are consumer facing. We expect that the level of engagement to get consumers to use the portal/dashboard and engage with it on an annual basis will be significant, and without this, the whole scheme will be ineffective and costly.

It is unclear where consumers would be directed if they had issues or concerns with the portal/dashboard, is the plan for the successful organisation to have a customer services type team who can be contacted by consumers?

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.

We consider that those using the solution should be required to pay for it – this should include energy suppliers and other companies who will benefit from this solution. This could consider a partial amount to be funded by all energy suppliers, but other companies should be required to pay towards the solution on a regular basis.

The consultation does not seem to propose any cost benefit analysis or business case, which we would have expected to be provided at this stage in order to support progress with these developments.

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

If the requirements are restricted to Licensees, how will other companies who want to provide services to consumers and obtain their consent be governed – we acknowledge the proposal states they become an 'accredited user' but we are unsure if this will give the required assurance that consumers will not be impacted. There is a risk that companies who are not energy suppliers do not then have the same obligations posed on them and do not behave in the same manner in relation to consumers.

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

As answer to question 8