

# Consultation

## Coordinating flexibility: the market facilitator blueprint

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We are consulting on regulatory changes to implement our Market Facilitator policy which includes this document, and several others. The complete package of documents we are consulting on is comprised of:

- This overarching consultation document (This document)
- A draft version of the Market Facilitator Governance Framework Document (Annex A)
- Our draft Impact Assessment (Annex B)
- Our statutory consultation on new licence conditions for DNOs and NESO (Annex C) and a notice to modify the licences (Annex D)
- A response template form, which we ask respondents to use when submitting their responses (Annex E).

This document is intended to provide an overview of the consultation package. It invites responses to the publications listed above which have been published as separate documents and should be read alongside this document.

Alongside this consultation package we have also published our decision on Elexon's proposed governance arrangements for the Market Facilitator, as Annex F.

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## Executive summary

Flexibility is critical to reaching a clean power system in 2030 and meeting net zero in 2050. Currently there are barriers that are making it difficult for flexibility service providers to participate in flexibility markets. Removing them will be essential for a smart and flexible energy system.

To help address this, we have appointed Elexon as Market Facilitator: a single, expert entity with a mandate to align local and national flexibility market arrangements. Creating the Market Facilitator is one of a range of policy and regulatory interventions to remove these barriers and unlock the full value of flexibility, as set out in the [Clean Flexibility Roadmap](#).

Building on previous publications, we are now consulting on a package of documents required to operationalise the Market Facilitator. This includes:

- A draft version of the 'Market Facilitator Governance Framework Document' (Annex A);
- Our draft Impact Assessment (Annex B);
- Our statutory consultation on new licence conditions for DNOs and NESO to support the operation of the Market Facilitator (Annex C).

We are seeking feedback on each of these documents, which are crucial to formally establishing the Market Facilitator by the end of 2025, in line with our commitments in the Clean Flexibility Roadmap.

## Draft Market Facilitator Governance Framework Document

The Market Facilitator Governance Framework Document (Annex A) sets the key requirements that Elexon must carry out in delivering the Market Facilitator role, implementing the policy framework we previously [confirmed in our 'Market Facilitator Policy Framework Decision'](#). This includes in relation to:

- The Market Facilitator function, covering the scope and roles & responsibilities;
- Key deliverables and associated requirements;
- The appeals process; and,
- The Market Facilitator performance arrangements, i.e. how we will evaluate Elexon's performance as Market Facilitator.

We are seeking views on whether the Governance Framework Document effectively implements the policy intent of our Policy Framework Decision, as well as feedback on new content - in particular in relation to the appeals process.

## **Draft impact assessment**

In our draft impact assessment (Annex B) we consider the impacts of the proposed changes to how flexibility markets are coordinated in creating the Market Facilitator role.

While there are challenges quantifying and attributing benefits directly to the Market Facilitator we believe that the overall benefits are at least of an order of magnitude larger than the relatively modest net policy costs. As such we believe that the Market Facilitator policy intervention will result in a positive outcome without unacceptable risks and impacts, even taking into account reasonable levels of uncertainties.

## **Licence changes**

We are also consulting on licence changes to the Electricity System Operator Licence and the Electricity Distribution Standard Licence (Annex C). These will require National Energy System Operator (NESO) and Distribution Network Operators (DNOs) to comply with the outputs of the Market Facilitator (known as 'Flexibility Market Rules') in its role to standardise local flexibility markets and align with national flexibility markets.

We consider that these licence changes are essential for the effective functioning of the Market Facilitator role.

## **Next steps**

The consultation is open for four weeks, closing on 16 October 2025. We will then review responses. We will publish our decision In December which will include final versions of the:

- Market Facilitator Governance Framework Document 2026-2028;
- Impact Assment; and
- Licence modification decision

# 1. Introduction

## Section summary

In this section we outline the purpose of this consultation, provide the context and policy journey so far. We also set out the structure of the document and next steps.

## Purpose of this consultation

- 1.1 Through this consultation we are seeking views on the regulatory changes and other steps required to implement our Market Facilitator policy. This includes seeking views on three key documents which we have published alongside this one:
  - A draft Market Facilitator Governance Framework Document (Annex A) - which sets out the key parameters of the Market Facilitator role, including how Elexon is held to account;
  - A draft impact assessment (Annex B) - which assesses the impacts of the Market Facilitator role;
  - A statutory consultation on new NESO and DNO licence conditions (Annex C) - which sets out proposed licence changes to implement the Market Facilitator role.
- 1.2 In Chapter 1 we introduce the consultation, including providing the context, outlining the policy journey so far, the structure of the consultation and next steps.
- 1.3 Chapter 2 outlines the governance arrangements for the Market Facilitator overall, including describing key governance documents and outlining the respective roles and responsibilities of Ofgem and Elexon.
- 1.4 Chapter 3 summarises each of the three documents and sets out the specific questions we are seeking responses to.

## Context and related publications

- 1.5 Flexibility is critical to reaching a clean power system in 2030 and meeting net zero in 2050. Currently there are barriers that make it difficult for flexibility service providers to participate in flexibility markets.
- 1.6 Flexibility will help us avoid billions of pounds of additional investment and will help us unlock the value of distributed assets like electric vehicles and heat pumps.
- 1.7 Unlocking these savings will require us to address fragmented flexibility markets, a lack of clear accountability and information gaps. As set out in [our Multiyear Strategy](#), this will require a range of interventions, including creating a new Market Facilitator role.

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- 1.8 The Market Facilitator is a single expert entity with a mandate to grow and develop local flexibility markets and align local and national flexibility market arrangements.
- 1.9 In practice the Market Facilitator will be responsible for aligning rules, processes, standards and services to reduce friction and increase liquidity in flexibility markets. These rules, processes, standards and services will be defined in Flexibility Market Rules (FMRs) which the Market Facilitator will publish and which DNOs and NESO will be required to comply with through their licences (which we are also consulting on the proposed modifications to enable this in this consultation package). FMRs will be developed through open, transparent and participatory engagement.
- 1.10 Key publications related to the Market Facilitator policy development process are:
- A [call for input on 'Future of local energy institutions and governance'](#) in April 2022
  - A [consultation on 'Future of local energy institutions and governance'](#) in March 2023
  - A [decision on 'Future of local energy institutions and governance'](#) in November 2023
  - A [consultation on the Market Facilitator delivery body](#) in December 2023
  - A [decision on the Market Facilitator delivery body](#) in July 2024
  - A [consultation on Flexibility Market Asset Registration](#) in July 2024
  - A [consultation on the Market Facilitator policy framework](#) in December 2024
  - A [decision on Flexibility Market Asset Registration](#) in March 2025
  - A [decision on the Market Facilitator policy framework](#) in June 2025
  - A [non-statutory consultation on licence conditions to support the Market Facilitator](#) in July 2025
- 1.11 This consultation is the next step in the process ahead of an intended Market Facilitator go-live in December 2025.

## **Consultation stages**

**Stage 1** Consultation opens: 18 September 2025

**Stage 2** Consultation closes (awaiting decision). Deadline for responses: 16 October 2025

**Stage 3** Responses reviewed and published: December 2025

**Stage 4** Consultation outcome (decision or policy statement): December 2025

## **How to respond**

We want to hear from anyone interested in this consultation. Please send your response using Annex E to the person or team named on the front page of this document.

We have asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.

We will publish non-confidential responses on our website.

## **Your response, data, and confidentiality**

You can ask us to keep your response, or parts of your response, confidential. We will 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.

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 will contact 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.

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 United Kingdom's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of 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.

If you wish to respond confidentially, we will keep your response confidential, but we will publish the number, but not the names, of confidential responses we receive. We will not 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.

## **How to track the progress of a consultation**

1. Find the web page for the call for input you would like to receive updates on.
2. Click 'Get emails about this page', enter your email address and click 'Submit'.
3. You will receive an email to notify you when it has changed status.



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A consultation has three stages: 'Open', 'Closed (awaiting decision)', and 'Closed (with decision)'.

## 2. Market Facilitator governance

### Section summary

In this section we describe the governance arrangements for the Market Facilitator overall, including describing key governance documents and outlining the respective roles and responsibilities of Ofgem and Elexon.

### Overview

- 2.1 The Market Facilitator is governed through a suite of documents, some of which have been published by Ofgem and some by Elexon. In this section we explain the key documents and how they relate to one another.
- 2.2 There are binding obligations on Elexon as Market Facilitator and on NESO and DNOs as market operators:
- Elexon's obligations are set out in the Balancing and Settlement Code BSC and the Governance Framework Document, a draft version of which has been published as part of this consultation package, as Annex A .
  - Sitting underneath these documents, Elexon has [developed and published detailed proposals](#) on how it will deliver the Market Facilitator role in practice .
  - NESO and DNO obligations will be set in dedicated licence conditions, draft versions of which have been published as part of this consultation package, as Annex C.

### Elexon

- 2.3 Elexon's Market Facilitator-related obligations and requirements are set out in:
- The BSC, as part of:
    - (1) [P481](#), which extended Elexon's vires, allowing it to formally take on the Market Facilitator role. We [approved P481](#) in November 2024.
    - (2) [P500](#), which seeks to formally integrate the enduring Market Facilitator budget and cost recovery processes into the BSC framework from December 2025. This modification was raised in September 2025 and is currently being progressed through the BSC change process.
  - An Ofgem-owned Governance Framework Document, a draft version of which has been published as part of this consultation as Annex A. This document sets out the key requirements of the Market Facilitator role as well as key processes associated with the operation of the role (such as the appeals process). Elexon is required to comply with the requirements set out in the Governance Framework Document.
- 2.4 Underneath the BSC and Ofgem's Governance Framework Document, Elexon has then developed detailed proposals on how it will deliver the Market Facilitator role

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in practice in. This next level of detail translates Ofgem's requirements (as defined in the Governance Framework Document) into detailed processes that will enable the Market Facilitator to function effectively.

- 2.5 We have assessed Elexon's proposals to ensure they are consistent with the requirements set out in our policy framework decision and have approved them, with one minor amendment, as set out in Annex F.
- 2.6 Elexon is [currently consulting](#) on its arrangements for how the Market Facilitator will operate and be governed.

## **Ofgem**

- 2.7 Through the policy design process - outlined in the Introduction above - we have determined the key design choices relating to the Market Facilitator. These are formally set out in the Market Facilitator Governance Framework Document - published in draft version as Annex A. This is an Ofgem-owned document which Elexon is required to comply with.
- 2.8 Once formally established, Ofgem will be responsible for regulating Elexon as the Market Facilitator. This includes active oversight of Elexon's delivery of the Market Facilitator role through our annual performance assessment process and includes powers for Ofgem to issue directions, and - if required, to reassign the Market Facilitator role to a different organisation.

## **NESO and DNOs**

- 2.9 For NESO and DNOs, key obligations will be set out in licence conditions, requiring them to comply with the Market Facilitator's Flexibility Market Rules and report implementation.
- 2.10 A non-statutory consultation on draft licence conditions was published in July this year and we have published a statutory consultation as part of this consultation package as Annex C.
- 2.11 Placing legal obligations through licence requirements on NESO and DNOs is a key part of driving alignment, ensuring that as Elexon develops common processes and rules they are adopted consistently and in an appropriate timeframe.

### 3. What we are consulting on

#### Section summary

In this section we discuss the key documents we are consulting on, each of which is published separately. We provide an overview of the documents and set out the questions we are seeking feedback on.

#### **Draft Market Facilitator Governance Framework Document**

- 3.1 We are consulting on the 'Draft Market Facilitator Governance Framework Document 2026-2028' which is published in full as Annex A of this consultation.
- 3.2 The document sets the key requirements that Elexon must carry out in delivering the Market Facilitator role, implementing the policy framework we previously confirmed in our [Market Facilitator Policy Framework Decision](#) - referred to hereafter as the "Policy Framework Decision", published in June 2025. This includes requirements in relation to:
- The Market Facilitator function, covering the scope and roles & responsibilities;
  - Key deliverables and associated requirements;
  - The appeals process; and,
  - The Market Facilitator performance arrangements, ie how we will evaluate Elexon's performance as Market Facilitator.
- 3.3 We are seeking views on whether the Governance Framework Document effectively implements the policy intent of our Policy Framework Decision, as well as feedback on new content.

#### What's new relative to our Policy Framework Decision

- 3.4 Aside from the changes on appeals, which we have addressed in the dedicated sections below, we have also made the following changes relative to our Policy Framework Decision:
- We have included new wording to clarify which components of the Balancing Mechanism are in scope.
  - We have included an additional requirement that FMRs must be in line with the remit and scope of the Market Facilitator. As Elexon will operate under an open governance model for FMRs - meaning any party can propose a new FMR - we feel it is important that there are adequate safeguards in place to keep proposals focussed on the Market Facilitator's core remit and aligned with meeting its objectives.

- We have specified that strategic advice requests from both Ofgem and DESNZ will be centrally collated and triaged by the Ofgem team responsible for the Market Facilitator. This will enable us to track the volume of requests and ensure they remain proportionate, avoiding diverting Elexon's focus or resources away from core delivery. This was a concern that many stakeholders raised previously.
- We have also included a new requirement that the scope of the Market Facilitator relates to its objectives. Following stakeholder feedback we believe there is value in explicitly setting this out in the Governance Framework Document to make the Market Facilitator scope as clear as possible.
- On performance arrangements we have:
  - (1) Proposed a draft timeline for our annual assessment of Elexon's performance as Market Facilitator, starting with the stakeholder survey being issued by 30 April and culminating in the publication of the performance assessment by Ofgem by 31 July.
  - (2) Added a new requirement for Elexon to prepare a self-assessment report shortly after the end on the regulatory year and submit to Ofgem, to be used in the performance assessment process. In the Governance Framework Document we set out what should be included in the report.
  - (3) Refined the overarching alignment objective to provide greater clarity and included a second objective relating to the delivery of FMAR, as we think this is important given the complexity and importance of FMAR. We have also included specific milestones where appropriate for FMAR, which we will use for delivery tracking and performance monitoring.
  - (4) We said we would consider whether quantitative performance metrics could be included. As we have not identified suitable metrics for inclusion in the performance assessment framework we are not proposing including them in the performance assessment process.

## Appeals process

- 3.5 In our Policy Framework Decision we confirmed that we would develop an appeals process for the Market Facilitator budget and FMRs, however did not set out what the process would look like. As such, much of the content on appeals in the draft Governance Framework Document is new.
- 3.6 As far as possible, we have sought to align the appeals processes with the proposals set out in the [draft Code Manager licence](#).
- 3.7 We have included governance changes as an appealable decision. As governance changes are subject to open governance we believe that extending appeals to include them is helpful for consistency and added rigour.
- 3.8 We have proposed that Elexon can continue incurring costs and that work implementing an FMR should continue while an appeal is being considered. We

recognise that this could result in work being undertaken or costs being incurred for work that is subsequently discontinued, however we are concerned that the risk of delays to the Market Facilitator's delivery outweighs this risk. In the event that an appeal is upheld, we are proposing that Elexon would be required to cease spending for the associated cost item once notified of our decision but that costs already incurred would not be recovered.

- 3.9 On balance, given the urgency of meeting Clean Power 2030 and the commitments set out in the [Clean Flexibility Roadmap](#) - which the Market Facilitator will play an important role in supporting - we think this is the right approach. However we recognise there is a trade-off here and welcome views.
- 3.10 Overall, we believe the proposed appeals process provides a robust and transparent way for stakeholders to hold Elexon to account on Market Facilitator decisions. Setting clear grounds for appeals and including an ability for Ofgem to dismiss vexatious or trivial appeals will help ensure the process is efficient and only used for substantive concerns, preventing abuse - while strengthening oversight and enhancing accountability.

## **Draft impact assessment**

- 3.11 Ofgem is under a statutory duty to conduct an Impact Assessment when an important change is proposed. This includes, but is not limited to, changes that have a significant impact on persons engaged in the generation, transmission, distribution or supply of electricity, or have a significant impact on NESO carrying out its functions. We consider that our accompanying Impact Assessment, which we have carried out in line with our [Impact Assessment Guidance](#), complies with these obligations.
- 3.12 The assessment of the impacts is part of the policy-making process and is central in informing Ofgem, as the independent energy regulator, when making Minded-to (and final) Decisions.
- 3.13 The draft Market Facilitator Impact Assessment (Annex B) provides an assessment of the impacts of the proposed changes to how flexibility markets are coordinated, through the new Market Facilitator role.
- 3.14 The Impact Assessment looks at the costs, benefits and risks of setting up the Market Facilitator role and compares this against a counterfactual case of no intervention, whereby work in this space is instead progressed through the Open Networks Programme led by the Energy Networks Association.
- 3.15 The Impact Assessment assesses the benefits of the Market Facilitator by comparing the costs of implementation (the policy costs) to the potential benefits through a net benefits analysis.
- 3.16 We have used cost data provided by Elexon, supplemented by publicly available data on the benefits the Market Facilitator could unlock.

## **Licence changes**

3.17 We are consulting on changes to the following licences:

- Electricity System Operator Licence (the ‘NESO Licence’);
- Electricity Distribution Standard Licence.

3.18 Further details can be found in our separate document “Statutory Consultation on Market Facilitator related Licence Modifications”, published as Annex [C], alongside which we have also published:

- A ‘Notice to modify the standard conditions of the electricity distribution and system operator licences’ as Annex [D]
- ‘Electricity System Operator Standard Licence Conditions – Proposed tracked changes’ as Annex [E]
- ‘Electricity Distribution Standard Licence Conditions – Proposed tracked changes’ as Annex [F]

3.19 We consider that the licence changes we are proposing are required for the effective functioning of the Market Facilitator role, as set out in previous Market Facilitator related publications.

3.20 These proposed licence changes have already been subject to non-statutory consultation between July - August 2025.

3.21 The statutory consultation document sets out details of the responses received to that consultation and how we have reflected those views in our final proposals.

### **Questions**

#### **Draft Governance Framework Document**

- Q1. Do you agree that the Draft Governance Framework Document clearly defines the scope, roles & responsibilities and deliverables of the Market Facilitator? If not, what would you change and why?
- Q2. Do you agree with the appeals process and the proposed performance arrangements for Elexon as the Market Facilitator? If not, what would you change and why?
- Q3. Do you have any other comments on the Draft Market Facilitator Governance Framework Document?

#### **Draft impact assessment**

- Q1. Do you agree that we have, to a reasonable extent, identified and understood the potential costs and benefits of implementing the Market Facilitator?

Q2. Do you agree that we have, to a reasonable extent, identified and understood the potential impacts of the introduction of the Market Facilitator? Are there any unintended consequences of implementing the Market Facilitator that we have not identified?

**Licence changes**

Q1. Do you agree with the updated proposed Definitions to be added to the Standard Conditions of the Electricity Distribution Licence and the ESO Licence? Are any changes required?

Q2. Do you agree with the updated proposed licence condition clauses for Flexibility Market Rules to be added to both licences? Does the current drafting deliver the policy intent? Do you have any suggested changes?

Q3. Do you agree with the updated proposed licence condition clauses for implementation monitoring to be added to both Licences? Does the current drafting deliver the policy intent? Do you have any suggested changes?

Q4. Do you agree with the updated proposed licence condition clauses for Market Facilitator input into NESO service design to be added to the ESO Licence? Does the current drafting deliver the policy intent? Do you have any suggested changes?

Q5. Do you have any additional comments or suggestions?



## Send us your feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this consultation. We would also like to get your answers to these questions:

- Do you have any comments about the quality of this document?
- Do you have any comments about its tone and content?
- Was it easy to read and understand? Or could it have been better written?
- Are its conclusions balanced?
- Did it make reasoned recommendations?
- Do you have any further comments?

Please send your feedback to [stakeholders@ofgem.gov.uk](mailto:stakeholders@ofgem.gov.uk).

## Appendix 1. Privacy policy

### Personal data

The following explains your rights and gives you the information you are entitled to under the General Data Protection Regulation (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](mailto: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 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 one year following the consultation closing.

#### **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

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- tell us if we can share your information with 3<sup>rd</sup> 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](#)”.