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Dear Charley

Data Best Practice as a Code Obligation

The Data Communications Company (DCC) welcomes Ofgem's consultation on the above and is pleased to provide a response.

DCC has designed, built, and now manages the technology infrastructure that underpins the smart meter rollout. We operate and maintain the smart metering network on a 24/7 basis, securely transferring energy data from homes and businesses to our customers. At scale, it will support secure messaging from over 100 million devices in 30 million homes.

There are now more than 35 million meters connected to our network and over 2.6 billion messages are sent over the smart metering system every month. Our network is already providing detailed and critical data needed to understand energy demand.

In addition, the data flowing to and from smart meters generates 'system data', which is beginning to provide insights to help deliver public benefit, including tackling fuel poverty with several new use cases are emerging. This potential has been recognised by Ofgem as they establish DCC's next Licence¹ which proposes that DCC be '*permitted to use system data to support "public good" initiatives*'.

Given Ofgem's support, and our stated policy position on encouraging greater access to and use of smart meter data, we have a significant interest in how the data is accessed, shared and utilised for public good. We have and continue to voluntarily use key principles of the Data Best Practice Guidance (DBPG) through the development of our own data access initiative ([Data for Good](#)) and the associated use cases being stimulated through this.

DCC therefore welcomes the proposed expansion of the DBPG. Within our response we agree with the intended expansion of the DBPG and provide views on the proposed changes to the Smart Meter Communication Licence.

¹ [DCC Review: Phase 2 – Objectives, operational model and future role of DCC](#)



This includes emphasising the need for further consideration of the most efficient means of making anonymised smart meter system data appropriately available. This will involve working with Ofgem and our customers to establish the implications of DCC operating as a Data Controller for smart meter system data.

We look forward to continued participation in associated industry activities. We are of course on-hand to provide any further information or respond to any questions you may have from this response.

Yours Sincerely,

James Ringrow

Director of Strategy, DCC



DCC's Response

Q1. Do you agree with our intent to expand DBP Guidance into the codes?

Yes, we agreed with intended expansion – including to incorporate the DCC through amendments to the Smart Meter Communication Licence.

We have been voluntarily following some of the principles of the DBPG through our 'Data for Good' initiatives. Through this activity we have been working to explore how we can best enable access to smart meter 'system data' to deliver public benefit and contribute some of the pressing social and economic issues, such as fuel poverty.

We continue to believe there are many more applications for system data and we are encouraged to see that Ofgem has included recognition of this activity within the DCC review², including proposals for access to system data to become Mandatory business in the Successor Licence.

Q2. Do you agree with the proposed deadline of six months after the licence condition is applied for consequential code modifications? If not, please state your reasons specific to the relevant code and modification process

We note that the changes required to the Smart Energy Code (SEC) to reflect the changes to the Smart Meter Communication Licence will result in a text-only SEC Modification.

As such, DCC agrees that the proposed timeline is likely to be achievable. We note, however that acting as the Proposer, and working with SECAS, we will have to take into consideration any and all industry responses to the modification consultation(s) which may result in changes to the legal text of the SEC.

To mitigate this, DCC will draft the legal text and request a review from SEC Lawyers ahead of raising the modification. DCC advises that the six-month period may not align with implementation of the scheduled SEC Releases (February, June and November) and so may require an ad-hoc SEC Release, which we believe would be reasonable under the circumstances.

Q3. Do you agree with the minded-to position that an obligation to produce DSAPs is suitable and proportionate for code bodies? If not, what alternative would you propose to achieve the same or greater benefits?

As a principle, we believe consistency of regulation helps drive common understanding and reduces unnecessary complexity. Therefore, yes, we agree that an obligation to produce DSAPs is suitable and proportionate. Enabling greater standardisation through a consistent framework is helpful to industry participants and can ensure better alignment and collaboration as digitalisation

² [DCC Review: Phase 2 – Objectives, operational model and future role of DCC](#)



initiatives progress. We are keen to continue to work with Ofgem to ensure that our mandated regulatory artefacts in this space (i.e. DSAP, costed Business Plan, possible Business Strategy and Technology Roadmap) are complementary as opposed to duplicative.

Q4. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Electricity System Operator Licence amending the BSC?

NA

Q5. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Electricity System Operator Licence amending the CUSC, STC, and Grid Code?

NA

Q6. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Electricity Distribution Licence amending the Distribution Code?

NA

Q7. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Electricity Distribution Licence amending the DCUSA?

NA

Q8. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Electricity and Gas Supply Licences amending the REC?

NA

Q9. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Smart Meter Communication Licence amending the SEC?

We do not have any concerns at this stage if the intention is that that the proposed wording and obligations remain consistent across all licence and code changes for all parties. The only specific wording we would like to change in the SEC would be to replace the term 'best endeavours' used in clause 22.7 (g) of the Smart Meter Communication License with 'all reasonable endeavours' as this would allow greater scope to take account of reasonable commercial / financial factors. For example, allowing us to assess when costs of implementing any EDBPG change (or where doing so in a particular way) may prove cost prohibitive or excessive. This is especially relevant considering that we currently do not know the financial position and resources of the next Licensee and/or next Ultimate Controller.

Q10. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Gas Transporter Licence amending the UNC and IGTUNC?



NA

Q11. Do you think this proposed principle merits discussion at the CACoP forum for inclusion in CACoP v7.0?

NA

Q12. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Smart Meter Communication Licence?

Similar to the rationale provided in our response to question 9 regarding changes to the SEC, the only specific wording we would like to have changed would be to replace the term 'best endeavours' used in clause 6.5A of the Smart Meter Communication License with 'all reasonable endeavours'.

Beyond the specific wording, in our response to Ofgem's preceding consultation on the definition of Energy Systems Data³, we sought clarification on the definition of 'Data Custodian' to remove any ambiguity around future processing. The intent was to ensure smart meter system data can be published efficiently and to maximum extent.

In response, Ofgem noted that the definition of 'Data Custodian' within EDBP was intentionally distinct from GDPR terms such as Data Controller and that a change to the definition of Data Custodian would not be forthcoming.

Whilst we understand Ofgem's rationale for retaining the current Data Custodian definition, we are keen to re-emphasise that, in accordance with the Smart Meter Communication Licence and provisions of the SEC and REC, DCC typically acts as Data Controller for Switching-related personal data and as Data Processor for Smart Meter 'System Data' (and any other Smart Meter personal data). This has implications particularly in context with any 'publishing' of data assets and rights of Data Custodians to do so.

Ofgem's current proposals for the DCC Successor Licence⁴ note that "*System data is retained centrally within the DCC's system and visible to manage the performance of the network. Unlike consumption data, system data can be anonymised and provided at a sufficiently aggregated level, such that it is not considered personal data and can be exposed. Better use of system data could provide benefits to consumers and industry*".

³ [Decision on changing the definition of Energy Systems Data in Data Best Practice](#)

⁴ [DCC Review: Phase 2 – Objectives, operational model and future role of DCC](#)



Ofgem has proposed that enabling access to system data would be enabled through '*obligations arising from the DBPG would become mandatory businesses*'. However, whilst operating as a Data Processor for system data, as currently designated within the Smart Energy Code, DCC's ability to anonymise smart meter system data would only be achievable through instruction to process this personal data (for the purpose of anonymisation) from the relevant Data Controllers (i.e., energy suppliers).

We are pro-actively exploring the implications of a transition from Data Processor to Data Controller, ensuring greater DCC autonomy over system data in a manner that is advantageous to energy suppliers, industry and society at large. We would welcome further discussions with Ofgem on this issue.