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Dear Jonathan,

### **Priority Services Register Review – Statutory Consultation**

Scottish and Southern Energy Power Distribution (SSEPD) welcomes the opportunity to share its views on Ofgem's Statutory Consultation for improving the Priority Services Register (PSR). SSEPD remains committed to delivering an accessible and empathetic service to our PSR customers as one of our five strategic priorities as outlined in our Consumer Vulnerability 2015/16 submission. We will also continue to work with the ENA Customer Safeguarding Working Group (CSWG) in order to achieve an agreed and suitable set of Needs Codes applicable across the industry. SSEPD supports the changes outlined in Ofgem's statutory consultation with the exception of minor changes to the drafting of SLC 10 as outlined below. We have further detailed our response to each section of the consultation in Annex 1.

### **Drafting of SLC 10**

1. Under SLC 10.2 we suggest the addition of: 'via the laws of data protection', we also suggest that this is an overarching obligation under SLC 10 and such move this under 10.1.
2. We note the removal of 'informed consent' from the previous licence drafting. Although we recognise the rationale for removing 'informed consent' in order to future-proof against any changes in Data Protection Law, we disagree with this as informed consent ensures the customer's understanding and reduces risk from a data protection perspective.

If you wish to discuss any aspect of this response in greater detail or have any questions, please do not hesitate to get in touch.

Yours sincerely,

Lauren Milligan

**Regulation, Networks**

## **Annex 1**

### **Eligibility**

*Requiring network operators to set up practices and procedures to identify customers in vulnerable situations; and introducing broader eligibility criteria for assessing a customer's vulnerability in line with Ofgem's definition of vulnerability.*

We remain supportive of the changes to the eligibility criteria and offering services to customers in the revised core groups and/or vulnerable situations. We also welcome the changes to SLC 10.3 in identifying customers in vulnerable situation but must reiterate our concerns from our previous December 2015 response that it is the customer's choice whether they join the PSR register, or not. There will be customers who will not want to be classified as vulnerable, despite falling into the core groups or having what could be classed as other vulnerabilities.

### **Priority Services**

*Network operators to continue offering specific non-financial services free of charge to customers in vulnerable situations to address communication, safety and access needs.*

We remain supportive of this position.

### **Data recording and sharing**

*Network operators will be required to have procedures and processes in place to identify domestic customers with identified vulnerability needs using the agreed vulnerability categories, within the parameters of data protection and privacy laws. All companies share relevant data about their customers in vulnerable situation with each other (within the parameters of data protection laws/privacy laws) using needs codes and through the appropriate industry mechanisms, and adopt these new arrangements from June 2017.*

Whilst we welcome Ofgem's position to push back the implementation date, we are concerned that this date is reliant on the Privacy Impact Assessment being agreed and implemented on time.

We remain supportive of the data recording and sharing improvements, however we do have concerns regarding the proposed drafting of SLC 10 in this area (please see the covering letter of this response for further detail). We must also reiterate our concerns from our previous responses to only process data:

- that is accurate and up to date (Principle 4 of the DPA), which would suggest there should be industry standard for data cleansing before data is shared.

- for no longer than is necessary (Principle 5 of the DPA). Data should therefore be date stamped to allow a recipient licensee to make a judgment on the age of the data received.
- and keep personal information securely (Principle 7 of the DPA). Minimum standards of security should be agreed to avoid data losses and also give confidence to customers that their data is being handled with care.
- to the extent that it is necessary (Principle 3 of the DPA). We believe it is important that each element of the Needs Codes is carefully scrutinised to ensure there is a legitimate need to share and record the data in order for licensees to provide priority services. Recording a customer's requirement (for example a customer's inability to communicate via telephone) rather than recording their vulnerability (for example deafness or speech impediment) would reduce the risk of impacting customers' privacy.

### **Awareness of priority services**

*Collaborating with consumer groups and other third parties to develop customer advice and information materials on the PSR to generate better awareness.*

We remain supportive of raising awareness of priority services and utilising 'priority services' as a single brand. We also support Energy Companies, including DNOs, having a role in developing promotional awareness materials as their input is vital from supporting customers and providing them with these services.

### **Compliance and performance monitoring**

*DNO's performance will continue to be monitored through existing licence conditions reporting requirements and the Stakeholder and Consumer Vulnerability Incentive.*

We remain supportive of this position.