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| Modification proposal: | Green Deal Arrangements Agreement (GDAA) Change Proposal (CP) 0100 Changes required to ensure GDAA compliance to General Data Protection Regulations (GDPR) | | |
| Decision: | The Authority ¹ consents that this modification ² be made ³ | | |
| Target audience: | Green Deal Oversight and Registration Body (GDORB), GDAA Panel, Parties to the GDAA and other interested parties | | |
| Date of publication: | 8 October 2020 | Implementation date: | 5 November 2020 (subject to Authority and Secretary of State Consent) |

Background

The Green Deal Arrangements Agreement (GDAA) is a multi-party agreement between electricity suppliers and Green Deal Providers. The GDAA sets out the governance for payment collection and remittance of Green Deal charges.⁴

Over several meetings, the GDAA Panel discussed the GDAA's compliance with the General Data Protection Regulation (GDPR).⁵ As a result of this, the GDAA Panel agreed to a package of work being carried out to enable compliance of the GDAA with GDPR.

The modification proposal

This modification was raised by nPower (the Proposer) and seeks to amend the drafting of the GDAA so that it reflects relevant Data Protection Legislation. For example, some of the amendments introduce definitions on Data Protection Legislation, and others clarify how data should be handled under the GDAA in line with GDPR.

In accordance with paragraph 7.1.2 of the GDAA, Authority consent (and the Secretary of State's) is required in respect of the proposed amendments to Clause 1 and 5 of the GDAA.⁶ Secretary of State consent (and not the Authority's) is required in respect of the other proposed amendments to the GDAA.

GDAA Panel recommendation

At its meeting on 23rd July 2020, the GDAA Panel approved this modification and agreed to request the Authority and Secretary of State's consent for this modification to be implemented.

Our decision

¹ References to the "Authority", "Ofgem", "we" and "our" are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work. This decision is made by or on behalf of GEMA.

² Terms "change" and "modification" are used interchangeable in this document.

³ This document is notice of the reasons for this decision as required by section 49A of the Electricity Act 1989.

⁴ Information about the work of GDORB and the GDAA agreement can be viewed at: <https://gdorb.beis.gov.uk/>

⁵ <https://gdpr-info.eu/>

⁶ Changes to Part 2 of the GDAA (comprising Clauses 5 to 8), or any change to a definition in Clause 1.1 that may materially affect the provisions of Part 2, require Authority consent.

We have considered the issues raised in the Change Report submitted to us on 21st August 2020. We have also considered and taken into account the responses to the Impact Assessment's issued by the GDAA panel. We have concluded that the implementation of CP0100 is consistent with the objectives of the GDAA which is to establish an effective mechanism for⁷:

- (a) the collection of Green Deal Charges through electricity bills by Mandatory Green Deal Suppliers and Voluntary Green Deal Suppliers; and
- (b) the remittance of these payments to Green Deal Providers or their nominees, so as to enable the efficient use of energy to be promoted under the Green Deal and to do so in a way which protects the interests of consumers, promotes effective competition between electricity suppliers...and promotes the efficient use of energy.⁸

Further we consider that consenting to this change is consistent with our principal objective and statutory duties.

Reasons for our decision

We note that GDAA respondents to this change supported the proposed amendments and the proposed implementation date.

We recognise the intent of the change is to ensure ongoing compliance with GDPR, and we are supportive of that intent. We therefore consider that CP0100 is consistent with the objectives of the GDAA as it will contribute to the effective implementation of these arrangements by clarifying for parties how data is treated under the GDAA.

To note, in consenting to these changes we are not ensuring or assuring compliance with GDPR or any equivalent national laws.⁹ It is a matter for parties to the GDAA who are subject to relevant data protection legislation to satisfy themselves that the proposed changes and the ongoing arrangements are compliant with relevant legislation.

Decision Notice

For the purposes of paragraph 7.1.2 of the GDAA, we consent to the parts of CP0100 that propose amendments to the Authority priority provisions being made.

David Hall
Head of Code Governance

Signed on behalf of the Authority and authorised for that purpose

⁷ The objective of the GDAA is set out in Recital E of that agreement. For the purposes of Authority decisions, this objective is subject to Recital F and the words 'promotes effective competition between Green Deal Providers' are excluded.

⁸ Green Deal Arrangements Agreement <https://gdorb.beis.gov.uk/green-deal-arrangements-agreement-gdaa/>

⁹ Such as the [Data Protection Act 2018](#)