

Access to half-hourly electricity data for settlement purposes: Data Protection Impact Assessment

Addendum to version 2

20 April 2021

- 1.1. A Data Protection Impact Assessment (**DPIA**) is a tool to help organisations find the most effective ways of complying with data protection obligations and meet individuals' expectations of privacy. DPIAs are a key element of a 'privacy by design' approach, one which is intended to build in privacy and data protection compliance from the outset. They are also a fundamental part of Ofgem's accountability obligations under the UK GDPR.¹
- 1.2. We published v1 of our Settlement Reform DPIA in July 2018, alongside our policy consultation on the access to data framework under market-wide half-hourly settlement (**MHHS**). The document set out the data privacy and security implications of the different options being considered for the data access framework.²
- 1.3. We then published v2 in June 2019, alongside our policy decision document that set out the decisions made following the 2018 consultation. The DPIA was updated to reflect the decisions made.³
- 1.4. In both instances we did not judge any of the privacy or security risks to be high, and therefore not at the threshold at which ongoing consultation with the Information Commissioners Office (**ICO**) would be a statutory requirement. However, in both cases we did choose to engage with the ICO as a matter of good practice.
- 1.5. One of the key decisions set out in v2 was that domestic consumers would have their half-hourly (**HH**) data processed for settlement purposes by default, though they would have the right to opt-out. We had not yet made a decision at that point on the resolution of data that would be processed from these consumers if they did opt-out.
- 1.6. As noted in paragraph 6.13 of the Draft Impact Assessment (**Draft IA**) consultation decision letter, we are now setting out that "new system domestic customers" who opt out of HH data collection for settlement will have daily resolution data processed for these purposes instead.^{4,5} "Old system customers" meanwhile will have their data

¹ The General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union ("UK GDPR")

² Link here to [v1 of the Settlement Reform DPIA](#) on the Ofgem website

³ Link here to [v2 of the Settlement Reform DPIA](#) on the Ofgem website

⁴ Link here to the [decision document](#) on the Ofgem website

⁵ New system customers refer to those customers who had their smart / advanced meters installed or

collected for settlement purposes in line with the existing Data Access and Privacy (**DAPF**) rules – they will retain the right to opt-out to monthly until they decide to change electricity supplier or contract, at which point they will become new system customers and will be subject to the new data sharing framework.^{6,7,8} Please refer to the decision letter for more details.

- 1.7. We do not consider that this decision or any of the other decisions set out in the draft IA decision document result in any material incremental impact on data privacy or security risk, relative to the framework assessed in DPIA v2. We will therefore not be issuing a revised iteration of the DPIA at this stage.

decided to change supplier / contract after the new data sharing framework entered into force.

⁶ Old system customers refer to those customers who had their smart meters installed before the new data sharing framework enters into force and have not decided to change supplier or contract since.

⁷ As noted in the decision letter, we intend to set out further details regarding the definitions of “new system customers” and “old system customers” in due course, in order to support the licence amendment process for the MHHS data sharing framework.

⁸ The [DAPF](#) was established to complement (but not replace) existing data protection legislation by providing sector-specific provisions, that enable proportionate access to energy consumption data while ensuring that appropriate privacy safeguards are in place. The provisions of the DAPF are enacted through Licence Conditions and the Smart Energy Code (SEC).