RETAIL ENERGY CODE

Transfer of Consumer Data

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Contents

1 Introduction 3
2 Conditions Precedent 4
3 Transfer of PSR Data 5
4 Transfer of Consumer Contact Data (Electricity) 6
5 Transfer of Consumer Contact Data (Gas) 6

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SCHEDULE 13

Transfer of Consumer Data

Version: 2.0 Effective Date: 1 September 2021

Domestic Suppliers	Mandatory
Non-Domestic Suppliers	Mandatory
Gas Transporters	Mandatory
Distribution Network Operators	Mandatory
DCC	N/A
Metering Equipment Manager	N/A
Non-Party REC Service User	N/A

Change History

Version Number	Implementation Date	Reason for Change
0.1	N/A	Initial draft for Summer 2020 publication
0.2	N/A	Draft for December 2020 consultation
2.0	1 September 2021	Incorporating respondents comments

1 Introduction

1.1. This REC Schedule sets out the requirements relating to the transfer of certain Consumer data between Parties. The data in question comprises:

(a) PSR Data concerning records on the Priority Services Registers; and

(b) Consumer Contact Data for contacting Consumers, particularly in the case of emergency situations.

PSR Data

1.2. PSR Data is only relevant to Domestic Consumers.

1.3. Each Energy Supplier and electricity Distribution Network Operator is required by its Energy Licence to maintain a Priority Services Register. Priority services include support provided to help particular Consumers engage with their gas or electricity account and/or ensuring priority for Domestic Consumers in the event of network

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disruption. The Priority Services Register is also used by Energy Suppliers to support effective safeguarding activities.

1.4. Each Gas Transporter is required by its Energy Licence to maintain practices and procedures to identify Domestic Consumers who may be eligible for assistance due to their circumstances, and to offer these Consumers specific priority services.

1.5. Each Energy Supplier is obliged by its Energy Licence to share PSR Data via the relevant industry mechanism as specified in this Schedule.

1.6. Each Distribution Network Operator is required by its Energy Licence to share PSR Data with the Registered Supplier and/or with the relevant Gas Transporter.

1.7. Each Gas Transporter is required by its Energy Licence to share PSR Data with the Registered Gas Supplier and/or with the relevant Distribution Network Operator.

1.8. An Energy Supplier may also issue PSR Data to its Supplier Agents, as further detailed in the Data Specification.

Consumer Contact Data

1.9. Consumer Contact Data is relevant to Domestic Consumers and Non-Domestic Consumers.

1.10. However, the obligation to provide Consumer Contact Data for gas is only relevant to Consumers at sites with an Annual Quantity of up to 732,000kWh (25,000 therms). Sites with a larger Annual Quantity are not subject to Paragraph 5, and are instead subject to separate arrangements under the UNC.

1.11. Consumer Contact Data may also be used by holders of Energy Licences in order to comply with duties under their Energy Licences, and subject to the further requirements and limitations of this REC Schedule.

2 Conditions Precedent

2.1. Each Energy Supplier, Gas Transporter and Distribution Network Operator shall only share PSR Data in accordance with the requirements set out in its Energy Licence. If the requirements of this REC Schedule are inconsistent with such licence requirements, then the licence requirements shall take precedence.

2.2. Each Party shall only access, update, share, use or otherwise process PSR Data and Consumer Contact Data insofar as is necessary to comply with its Energy Licence and any other statutory obligations which apply to it as the holder of an Energy Licence.

2.3. In addition to the purposes set out in Paragraph 2.2, the Gas Transporters shall only use the Consumer Contact Data as described in the use cases in Paragraph 5.

2.4. For the PSR Data and for the Consumer Contact Data that comprises personal data,

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each Party shall only access, update, share, use or otherwise process that data insofar as the Party has a lawful basis for processing under the Data Protection Legislation. Such lawful basis for processing may include (but is not limited to): consent; legal obligation under Law or an Energy Licence; or legitimate interests weighed against the Consumer's interests. To the extent that the personal data is special category data, the further conditions for processing will also apply.

2.5. Each Party shall comply with its obligations under the Data Protection Legislation concerning the PSR Data and the Consumer Contact Data, including those obligations concerning transparency. Clause 19 (Data Controller Obligations) of the main body of this Code applies.

3 Transfer of PSR Data

3.1. Where an Energy Supplier adds data to, removes data from or otherwise updates its Priority Services Register (including on a Change of Occupier):

(a) if the Energy Supplier is an Electricity Supplier, it shall send the PSR Data to all recipients of the Market Message D0225; and

(b) if the Energy Supplier is a Gas Supplier, it shall ensure that its Shipper sends the PSR Record to the CDSP (and the CDSP will then notify the Gas Transporter).

3.2. Where a Switch occurs and the Consumer is listed on the Gaining Supplier's Priority Services Register:

(a) if the Gaining Supplier is an Electricity Supplier, upon completion of the Switch, it shall send the PSR Data to all recipients of Market Message D0225; and

(b) if the Gaining Supplier is a Gas Supplier, it shall ensure that its Shipper sends the PSR Record to the CDSP (and the CDSP will then notify the Gas Transporter).

3.3. For electricity RMPs, where a change of Supplier Agent occurs and the Consumer is listed on the Electricity Supplier's Priority Services Register, the Electricity Supplier shall send Market Message D0225 to all relevant new Supplier Agents.

3.4. For electricity RMPs, the Distribution Network Operator shall send Market Message D0225 to the Registered Supplier whenever the Distribution Network Operator's Priority Services Register is changed as a result of information received from a source other than the Registered Supplier.

3.5. Each Party which sends updated PSR Data under this Paragraph 3 shall determine and record its basis for processing under the Data Protection Legislation. Where a Party is relying on Consumer consent for the processing of particular PSR Data, then the Party shall ensure that the relevant Data Item is populated to confirm that this is the basis for processing and that the data subject has provided their informed consent.

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3.6. Where a Party is relying on Consumer consent for the processing of particular PSR Data, and where the data subject withdraws their consent, then the Party shall amend the PSR Data to remove the relevant personal data and send updates in accordance with this Paragraph 3.

4 Transfer of Consumer Contact Data (Electricity)

4.1. This Paragraph 4 only applies in respect of electricity RMPs.

4.2. The Registered Supplier shall provide updated Consumer Contact Data to the Distribution Network Operator on a first Registration, on a Change of Occupier or on otherwise becoming aware of updates to the Consumer Contact Data.

4.3. On a Switch, the Gaining Supplier shall provide updated Consumer Contact Data to the Distribution Network Operator.

4.4. Where the Electricity Supplier does not hold some or all the Consumer Contact Data, it shall transmit a blank / null record to overwrite any existing data.

4.5. Where an Electricity Supplier provides updated Consumer Contact Data under this Paragraph 4, it shall do so by sending Market Message D0302.

5 Transfer of Consumer Contact Data (Gas)

5.1. This Paragraph 5 only applies in respect of gas RMPs, and subject to Paragraph 1.10.

5.2. The Registered Supplier shall provide updated Consumer Contact Data in accordance with Paragraph 5.5 on a first Registration, on a Change of Occupier or on otherwise becoming aware of updates to the Consumer Contact Data.

5.3. On a Switch, the Gaining Supplier shall provide updated Consumer Contact Data in accordance with Paragraph 5.5.

5.4. Where the Gas Supplier does not hold some or all the Consumer Contact Data, it shall transmit a blank / null record to overwrite any existing data.

5.5. Where there is no longer a lawful basis under Data Protection Legislation for storing particular Consumer Contact Data in the Secure Repository, then the Gas Supplier shall ensure that the particular data is deleted by sending the relevant Market Message.

5.6. Where a Gas Supplier provides updated Consumer Contact Data under this Paragraph 5, it shall do so by ensuring that its Shipper sends the data to the CDSP, and the CDSP will then make the updated data available to Gas Transporters as described in the remainder of this Paragraph 5.

5.7. The CDSP shall provide the Secure Repository for the storage of Consumer Contact Data provided by Gas Suppliers. The CDSP shall ensure that the Secure Repository provides for:

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(a) a 'broadcast' function that enables a Gas Transporter to send text messages and/or emails to multiple Consumers without the contact data being visible to the Gas Transporter; and

(b) an 'extract' function that enables a Gas Transporter to extract Consumer Contact Data for the purposes of direct contact (in which case the contact data is visible to the Gas Transporter).

5.8. Each Gas Transporter shall only use Consumer Contact Data and the Secure Repository for the following purposes:

(a) Use Case 1 - Unplanned Interruption - Where the Consumer concerned is subject to an unplanned interruption to their gas supply and the Gas Transporter needs to contact the Consumer to provide information (including arranging to purge and relight the Consumer's appliances) or needs to contact the Consumer to provide information including reinstatement of ground either in the Consumer's premises or in public land and/or the highway that may affect the Consumer.

(b) Use Case 2 - Planned Interruption - Where the Consumer concerned is subject to a planned interruption to their gas supply, for example as part of a mains replacement project, and the Gas Transporter needs to contact the Consumer to provide information (including arranging to purge and relight the Consumer's appliances) and/or needs to contact the Consumer to provide information including reinstatement of ground either in the Consumer's premises or in public land and/or the highway that may affect the Consumer.

(c) Use Case 3 - Gas Safety Regulations Cut-off - Where the Gas Transporter is required to perform a service cut-off to satisfy the Gas Safety (Installation and Use) Regulations 1998 (as amended) and needs to contact the Consumer to arrange this.

(d) Use Case 4 - Contact for Multiple Occupancy Building - Where the Consumer occupies a building that has multiple occupants and the Gas Transporter needs to contact a number of Consumers for operational reasons, for example to replace the rising main.

(e) Use Case 5 - Payment of Guaranteed Standard of Performance Payment - Where the Consumer is due a Guaranteed Standards of Performance compensation payment and the Gas Transporter needs to contact them to arrange payment. Guaranteed Standards of Performance compensation payments being those payments which the Gas Transporter is obliged to pay under secondary legislation or its Gas Transporter Licence if the Transporter fails to meet the required quality standards. This use case can also be used where a Gas Transporter chooses to make a voluntary payment to a Consumer.

5.9. A Gas Transporter shall not allow any other person to use the 'broadcast' or 'extract'

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function in relation to the Consumer Contact Data held in the Secure Repository in relation to its network; except that a Gas Transporter may allow another Gas Transporter to do so in order to send a message which is of relevance to the Consumers of both Gas Transporters.

5.10. On a Switch, the relevant Gas Transporter shall ensure that the Consumer Contact Data provided by the previous Gas Supplier is deleted from the Secure Repository.

5.11. Each Gas Transporter using the Secure Repository:

(a) shall be entitled to determine the content of the relevant message, and shall ensure that adequate contact information is provided to enable the Consumer to contact the Gas Transporter;

(b) shall ensure that any Consumer Contact Data that it extracts from the Secure Repository is held only for as long as it is required and is promptly and securely deleted once no longer required;

(c) shall specify and record a reason for processing when accessing or instructing the use of Consumer Contact Data, including why the broadcast or extract function was used; and

(d) shall ensure that the Consumer is contacted using their preferred contact method (where one is recorded within the Secure Repository), but may also contact the Consumer using other contact methods where the circumstances reasonably require.

5.12. Where, in response to a communication received via the broadcast function, a Consumer informs the Gas Transporter that they wish to be permanently forgotten, then the Gas Transporter shall direct the Consumer to contact their Gas Supplier (but shall have no obligation to notify the Gas Supplier directly).

5.13. Where, in response to a communication received via the extract function, a Consumer wishes to be permanently forgotten, the Gas Transporter shall ensure that procedures exist to permanently delete the data extracted by the Gas Transporter in relation to that Consumer, and the Gas Transporter shall also advise the Consumer to contact their Gas Supplier to remove data held within the Secure Repository.

5.14. Where, in response to a communication received via the extract function, a Consumer wishes to have a 'temporary stop' on a particular broadcast communication, then the Gas Transporter shall ensure that the broadcast provider acts on this request and ceases any and all further communications related to the particular topic of the broadcast communication (but the Consumer will not be 'permanently forgotten').

5.15. The CDSP shall ensure that:

(a) there is a reporting function in the Secure Repository to enable reporting of usage

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by each Gas Transporter for each purpose defined in Paragraph 5.8, split by use of the broadcast and extract functions for defined date ranges; and

(b) where the REC PAB or Code Manager so request, the CDSP provides a report detailing the number of requests and usage reasons for a defined period in relation to requests by Gas Transporters to use Consumer Contact Data held in the Secure Repository.

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