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Email: [DCCregulation@ofgem.gov.uk](mailto:DCCregulation@ofgem.gov.uk)

Date: 10 August 2023

Dear James,

**Consent given by the Gas and Electricity Markets Authority (the “Authority”) pursuant to Licence Condition 9 (Independence and autonomy of the Licensee) and Licence Condition 10 (Protection of Confidential Information) of the Smart Meter Communication Licence, and Section M4.3(c) of the Smart Energy Code to Smart DCC Ltd.**

Thank you for your letter dated 11 July 2023 requesting consent to permit Smart DCC Ltd (DCC) to allow appropriate third-party access to smart meter ‘system data’ to enable ongoing development of support services to help fuel poor households. In this letter you requested the Authority’s consent:

- pursuant to Licence Condition (LC) 9.6(c), for DCC to utilise system data on an ongoing basis in support of eleven organisations’ projects; and
- pursuant to LC 10.5(c) and Section M4.3(c) of the Smart Energy Code (SEC), for DCC to access and disclose smart meter system data as part of its collaboration with the eleven organisations.

**Background and DCC’s request**

On 1 April 2021, Ofgem granted consent for DCC to participate in a project as part of the Modernising Energy Data Applications (MEDApps) competition, funded by Innovate UK.<sup>1</sup> The project enabled the development of an algorithmic model (“uZero tool”) which was designed to help local authorities, energy suppliers and distribution networks to identify

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<sup>1</sup> [Consent granted to DCC under Conditions 9 and 10 of the Smart Meter Communication Licence, and Section M4.3 of the Smart Energy Code | Ofgem](#)

and provide support across geographic areas at greatest risk of fuel poverty. The April 2021 consent has now expired.

Further, DCC has received requests from a number of organisations, such as local authorities and academia, to share smart meter system data with the aim of developing methods to identify and support households at risk of fuel poverty. Details of these organisations and their respective projects are listed in Appendix 2.

Licence Condition 9.2, by default, prohibits DCC from carrying out any business or activity other than that of the Authorised Business. Additionally, LC 10.2 and SEC Section M4.1 and M4.2 set out general prohibitions on disclosing Confidential Information. You consider the proposed activity does not fall within DCC's Authorised Business, and relates to the disclosure of smart meter system data which falls within the definition of Confidential Information. However, LC 9.6(c) permits the carrying on of business or any activity where the Authority has given its consent. Similarly, LC 10.5(c) and SEC Section M4.3(c) permits for the disclosure of Confidential Information that is made or given with prior consent of the Authority. You therefore requested the Authority's consent to share information with the organisations listed in Appendix 2 on this basis.

You justified your request by noting that the original project in the MEDApps competition led to positive results in the potential to identify hidden pockets of fuel poverty, enabling better targeted support and improving the uptake of energy efficiency schemes. You also stated that there is demand for ongoing use of the original uZero tool, which DCC is no longer able to support. The additional projects you intend to work on would use smart meter system data in an appropriate and secure manner to enable ongoing development of support services to help fuel poor households, and benefits include better targeting and deployment of energy efficiency retrofit for consumers who stand to benefit the most from reduced energy bills, improved comfort, and health and wellbeing.

You requested consent to consider these activities a 'Permitted Purpose' for a two-year period, which would enable continued use of the smart meter system data. During this time you stated you would consider alternative regulatory means (such as a SEC modification) by which further access to this data set could be achieved.

### **The Authority's decision**

We have considered your request and consider the eleven organisations' projects may improve the support available to fuel poor households and could provide benefits to

vulnerable consumers in particular. As DCC is responsible for the national smart metering infrastructure, we consider that DCC's involvement would maximise the projects' success.

In making this decision, we note assurances provided by DCC that:

- DCC is aware it must ensure compliance with data protection legislation, and has updated its Data Protection Impact Assessment to reflect the potential ongoing processing of data and provision of access
- there is no personal data contained in the data set, and all information will be subject to robust modification including anonymisation and aggregation, handled in compliance with data legislation
- DCC will only share the information in line with contractual data access agreements with the involved parties, and not provide access on an open-data basis during the Permitted Purpose period
- associated costs are negligible, and any costs and time that are incurred will be monitored and recouped from organisations that are recipient to the data as part of a data access agreement
- DCC will engage with and receive permission from relevant energy suppliers prior to sharing any data.

We therefore consent to DCC's participation in the projects and the access, use and disclosure of the relevant data as described in your 11 July 2023 letter, subject to the assurances given above and the requirements set out in this letter and attached Consent. DCC remains responsible for ensuring it is compliant with all relevant data protection legislation and other applicable obligations. In particular, DCC must maintain adequate protections to ensure data is handled appropriately and unintended and/or wrongful data disclosure is avoided. DCC's involvement in these projects must not detract in any way from DCC delivering its objectives under its Mandatory Business. We also do not expect material related costs to be recovered via charges to DCC's customers.

The Consent is attached to this letter.

This letter and attached Consent constitute Notice of the Authority's reasons for the decision pursuant to section 38A Gas Act 1986 and section 49A Electricity Act 1989.

Yours Sincerely



**Ayena Gupta**  
**Head of DCC Oversight and Regulatory Review**

## **Appendix 1**

### **Consent given by the Gas and Electricity Markets Authority (the "Authority") pursuant to Licence Condition 9 (Independence and autonomy of the Licensee) and Licence Condition 10 (Protection of Confidential Information) of the Smart Meter Communication Licence, and Section M4.3(c) of the Smart Energy Code (SEC) to Smart DCC Ltd.**

Whereas:

1. Smart DCC Ltd (the "Licensee") is the holder of a licence (the "Licence") granted pursuant to Sections 7AB(2) and (4) of the Gas Act 1986 and Sections 6(1A) and (1C) of the Electricity Act 1989.
2. In accordance with Licence Condition 9 Part A, the Licensee must not carry on any business or undertake any activity other than a business or an activity of the Authorised Business. However, Licence Condition 9 Part B sets out that nothing in Part A prevents the Licensee from carrying on any business or conducting any activity to which the Authority has given its consent.
3. Licence Condition 10.2 requires that the Licensee must neither disclose Confidential Information to, nor authorise access to Confidential Information by, any person except in accordance with the provisions of Licence Condition 10 ("the General Prohibition"). Licence Condition 10.5(c) sets out that the General Prohibition does not apply to any disclosure of or authorisation of access to Confidential Information that is made or given with the prior consent of the Authority.
4. Sections M4.1 and M4.2 of the Smart Energy Code (SEC) prohibit DCC from disclosing another Party's Confidential Information, or using it for purposes for which it was not provided to DCC. Section M4.3(c) of the SEC allows for the use of the Party's Confidential Information if it is made or given in accordance with the Authority's prior written consent.
5. On 11 July 2023, the Licensee requested the Authority's consent:
  - a. pursuant to Licence Condition 9.6(c), to categorise the Licensee's work utilising system data for provision to organisations named in Appendix 2 to this consent as a 'Permitted Purpose' for a two-year period; and
  - b. pursuant to Licence Condition 10.5(c) and Section M4.3 of the SEC, to disclose Confidential Information consisting of Audit Trail Data, Registration Data and Inventory Data to the organisations named in Appendix 2.
6. The Licensee justified this request by explaining that it has received requests from these organisations to access smart meter system data for the purpose of addressing issues related to fuel poverty and enable new public interest services.

Additionally, a previous consent granted by the Authority in April 2021 to carry out activity in support of a fuel poverty identification project has now expired, and therefore the Licensee is unable to continue providing data to support the ongoing project despite continued demand from the market. The Licensee considers its participation in this work would not constitute a business or activity of the Authorised Business, and the smart meter system data falls within the definition of Confidential Information, therefore the Authority's consent would be required.

7. The Authority considers that consent should be given to the Licensee because the proposed projects the Licensee intends to support may assist in:
  - a. identifying households or properties eligible for additional support
  - b. improving suppliers' ability to assist fuel poor households and providing support to vulnerable consumers in particular
  - c. informing development and testing of solutions to address disadvantage and exclusion in the transition to a smart energy system

This is only enabled through the Licensee's unique position within the energy industry as the party responsible for the national smart metering infrastructure, therefore the Authority's consent would maximise the success of the projects.

**Now** the Authority consents as follows:

- pursuant to Licence Condition 9.6(c), the Licensee may support the projects listed in Appendix 2 in the role set out in its letter of 11 July 2023. The Licensee's participation in these projects may therefore be classified as a Permitted Purpose.
- pursuant to Licence Condition 10.5(c) and Section M4.3(c) of the Smart Energy Code, the Licensee may disclose the relevant Confidential Information consisting of Audit Trail Data, Registration Data and Inventory Data as set out in its letter of 11 July 2023, provided that the Licensee:
  - duly consults with and gains permission from all energy suppliers whose data will be part of these projects
  - adheres to all relevant data protection legislation and other applicable regulations; and
  - does not use or disclose the relevant data outside the scope of this consent.

This consent does not apply to further activity outside the scope of the projects and organisations outlined in Appendix 2 and is subject to the requirements set out in this consent and attached letter. This consent does not set a precedent, and we would consider any future requests on a case-by-case basis. This consent shall take effect from 10 August 2023 and shall end on 31 August 2025 unless revoked, amended or replaced by the Authority.

## **Notice of reasons**

8. This document and attached letter also constitutes a notice under section 38A of the Gas Act 1986 and section 49A Electricity Act 1989 of the reasons for the decision of the Authority to give this consent pursuant to the Conditions.

**Dated 10 August 2023**



**Ayena Gupta**  
**Head of DCC Oversight and Regulatory Review**  
**Duly Authorised on behalf of the Gas and Electricity Markets Authority**

## Appendix 2

### Organisations recipient to the data

<b>Organisation</b>	<b>Project/ programme</b>	<b>Programme duration</b>
Urban Tide	uSmart Zero	31 August 2025
Cranfield University	Protecting Minority Ethnic Communities Online (PRIME)	31 March 2025
Suffolk Council	Suffolk Office for Data Analytics	31 August 2025
University College London	Energy Data Observatory and Laboratory	31 August 2025
University of Oxford	Energy Data Observatory and Laboratory	31 August 2025
Centre for Sustainable Energy (CSE)	Smart & Fair	31 December 2024
Energy Systems Catapult	Inclusive Smart Solutions (subject to award)	31 March 2025
Greater Manchester Combined Authority	Retrofit programmes	31 March 2025
Usher Institute, University of Edinburgh	Energy Poverty and Infections in Children (subject to award)	November 2024 to November 2029
Greater London Authority	Warmer Homes Advice Service	Until 2025
CGI IT UK Ltd	VIVID SIF Alpha project (subject to award)	October 2023 to April 2024