



# Consultation Response

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Ref: **Ofgem/smart data access 2014/01**

11 February 2014

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## **ELEXON's response to consultation on extending the existing smart meter framework for data access and privacy to Smart-Type Meters and Advanced Meters**

We welcome the opportunity to respond to this consultation. ELEXON's response is restricted to our observations regarding consistency of the BSC with any licence obligations placed on Suppliers regarding data access and ownership. Ofgem should note that a change to the BSC would be prudent to align the BSC with the licence changes and remove any potential for confusion.

### **Settlement metering and data ownership – Smart Metering Systems**

In 2012 the smart meter programme consulted on new licence obligations for establishing the data access and privacy regime for smart metering systems. In our response ELEXON highlighted that it may be necessary to amend the BSC to ensure the current wording relating to 'ownership' of metering data is consistent with the new obligations. Section L5 of the BSC states that *'The Registrant of a Metering System shall own the metering data acquired from such Metering System, and may provide to any person access to and use if such data'*.

We highlighted that we believe the BSC should be amended to remove any potential confusion between the BSC and the licence. To support this we prepared draft amendments to the BSC and provided it to DECC for comment. DECC subsequently indicated that the draft text changes were consistent with the privacy and data access regime.

Whilst ELEXON has prepared the draft text, we are unable to raise Modifications to the BSC, therefore the text is awaiting a Party to raise the change.

### **Settlement metering and data ownership – Advanced and Smart-Type meters**

Ofgem's proposals to extend the licence obligations to 'Advanced and Smart-Type' meters will require an amendment to the draft text for changes to the BSC. The draft text we shared with DECC made use of the definition of 'Smart



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Metering System' to identify where additional licence obligations applied (and therefore where BSC Party Registrants needed to consider these in conjunction with Section L5 of the BSC).

ELEXON proposes to amend the draft text to include the term 'Remote Access Meter'. This amendment would capture the fact that the Registrant would need to consider the licence regime in conjunction with L5 of the BSC for data access from these metering systems.

A copy of the text is included as an Appendix to this response. We would welcome Ofgem's views on the proposed revisions to the BSC to support the licence changes.

Please note that ELEXON is unable to raise a Modification to the BSC to implement the revised text, we would welcome Ofgem's support in encouraging BSC Parties to raise a change to the BSC.<sup>1</sup>

If you would like to discuss any areas of our response, please contact me on 020 7380 4213, or by email at [david.jones@elexon.co.uk](mailto:david.jones@elexon.co.uk).

Yours sincerely

**David Jones**  
**Senior Regulatory and Market Advisor**

**Appendix A – draft changes to the BSC to align with licence changes**

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<sup>1</sup> Please note a change to the BSC is necessary irrespective of whether the further licence changes are made to include 'Remote Access Meters', as the BSC has yet to be amended to reflect the changes for 'Smart Metering Systems'.

## Appendix A – draft changes to the BSC to align with licence changes

### SECTION H: GENERAL (v18.0)

#### 4. CONFIDENTIALITY AND OTHER INTELLECTUAL PROPERTY RIGHTS

##### 4.8 Data Protection Act

*Amend paragraphs 4.8.1 and 4.8.2 to read as follows:*

4.8.1 Each Party (other than BSCCo and the BSC Clearer) warrants that it has effected, and undertakes that it will during the term of the Code effect and maintain all such notifications and registrations as it is required to effect and maintain under:

(a) \_\_\_\_\_ the Data Protection Act 1998; and/or

(b) \_\_\_\_\_ in respect of Electricity Consumption Data obtained by, or on behalf of, a Registrant of a Smart Metering System or a Remote Access Meter, any relevant obligations contained in that Registrant's Licence,

in each case, to enable it lawfully to perform the obligations imposed on it by the Code.

4.8.2 Each Party undertakes to comply with:

(a) \_\_\_\_\_ the Data Protection Act 1998; and

(b) \_\_\_\_\_ where applicable, any restrictions relating to the use of Electricity Consumption Data contained in a Licence,

in the performance of its obligations under the Code.

### SECTION L: METERING (v15.0)

#### 5. METERING DATA

##### 5.1 Ownership of Metering Data

*Amend paragraph 5.1.1 to read as follows:*

5.1.1 Subject to paragraphs 5.1.2 and 5.1.3, and without prejudice to Section H4.6, the Registrant of a Metering System shall, as between the Registrant and BSC Parties, own the metering data acquired from such Metering System, and may provide to any person access to and use of such data.

##### 5.2 Access to and Use of Metering Data

*Amend paragraph 5.2.1 to read as follows:*



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5.2.1 Subject to paragraph 5.2.7, and Wwithout prejudice to Section H4.6, the Registrant of each Metering System shall provide access to, and hereby authorises the use of, metering data, to and by:

- (a) the Panel, any Panel Committee, BSCCo and each BSC Agent; and
- (b) in the case of an Interconnector, the relevant Interconnector Administrator, Interconnector Error Administrator and Interconnector Users

(each a "data recipient", which term shall include any officer, director, employee, agent or adviser of the same), without charge, for all purposes for which each such data recipient requires such access and use pursuant to or in order to give effect to the Code, but not for any other purposes.

*Insert new paragraph 5.2.7 as follows:*

5.2.7 Subject to Sections H4.8.1 and H4.8.3, a Registrant of a Smart Metering System or a Remote Access Meter shall not be under an obligation to provide access to, or authorise the use of, metering data under any provision of the Code solely to the extent that:

- (a) a Registrant is prohibited from providing such access, or authorising such use, under a condition of its Licence; and
- (b) the metering data is Electricity Consumption Data.

## ANNEX X-1: GENERAL GLOSSARY (v57.0)

*Insert the following new definitions in alphabetical order:*

<b><u>"Electricity Consumption Data":</u></b>	<u>(i) in respect of a metering data obtained by a Supplier, has the meaning given to that term in each Supply Licence; and</u> <u>(ii) in respect of metering data obtained by a Licensed Distribution System Operator, has the meaning given to that term in each Distribution Licence;</u>
<b><u>"Remote Access Meter":</u></b>	<u>has the meaning given to that term in each Supply Licence;</u>
<b><u>"Smart Metering System":</u></b>	<u>has the meaning given to that term in each Supply Licence;</u>