

1 Appendix A – Consultation Questions and Response Form

DTSA Schedule 9 - Data Analysis Services ConsultationTo: helpdesk@electralink.co.uk

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Option 1 - No change to the existing Schedule 9 DAS arrangements	Are the current Schedule 9 arrangements fit for purpose and do they provide DTS Users with suitable protection on the limitation of use and disclosure of copied DTS Message data in the provision of DAS service?
	<p>Currently Schedule 9 does not deal with ELEXON concerns in the following areas:</p> <ul style="list-style-type: none"> • Transparency – How is this data currently being used and to what parties are these services being provided; • Governance – Under what governance are services provided to non DTS Users and what role the DTS User Group should play in terms of approving the use of data services; • Data Ownership – Who owns the data, what right does the sender/receiver have to control the use of this data in DAS and should an opt in/out or veto mechanism be in place; and • Identification of non DTS Users – What protection is in place for parties mentioned in DTC Flows who are not the end consumer or vulnerable customer. <p>It was only after the schedule was approved that concerns around the DAS became apparent therefore Schedule 9 does need to be revisited and updated to reflect the concerns noted above.</p>
	Are there any areas in Schedule 9 which should be amended?
	As noted in the section above.

Option 2 - Remove Schedule 9 from the DTSA.	Should Schedule 9 be removed from the DTSA preventing ElectraLink, or any other service provider, from processing DTS Message data for the provision of DAS on bilateral, commercial user pays basis?
	ELEXON believe that the DAS does offer value, we have used this service ourselves (though we requested the data owners and PAB

	<p>permission in advance adding in extra governance) to provide greater assurance around BSC processes.</p> <p>We think that the best result would be to address the concerns noted below;</p> <ul style="list-style-type: none"> • Transparency • Governance • Data ownership • Identification of non DTS Users <p>ELEXON believe that the best approach is to allow DAS to be provided under controlled conditions which offer suitable protection to DTS Users.</p> <p>We would therefore not support its removal from the DTSA if the above concerns can be appropriately addressed in Schedule 9.</p>
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<p>Option 3 - Fund the provision of all DAS through DTS Charges as regulated services.</p>	<p>Should Schedule 9 be amended to make DAS regulated DTS services charged for through the DTS Charges?</p>
	<p>ELEXON would not support DAS becoming a regulated DTS service.</p> <p>This was previously discussed when the concept of DAS was in its early stages and the DTS User Group rejected it.</p> <p>This approach may resolve some of the concerns we have regarding transparency and governance. However ELEXON believe that there should remain a clear distinction between commercial and regulated services and that those who benefit from these services should fund them.</p>

<p>Option 4 - Refine the list of "Purposes" for which DAS Service can be provided</p>	<p>Do you think the Purposes as currently defined remain fit for purpose and provide protection to DTS Users on the use and disclosure of copied DTS Message data for DAS?</p>
	<p>ELEXON support the idea of having a set of objectives and refining these would offer greater control to DTS Users as to the use of this data.</p> <p>ELEXON have identified additional controls (set out below) which we would like to see included in Schedule 9. This will resolve a number of our concerns that Schedule 9 is currently not fit for purpose.</p>
	<p>How could the Purposes be refined to improve protections for DTS Users in the use and disclosure of copied DTS Message data for DAS service?</p>
	<p>Consideration should be given to the following;</p>

	<p>Conflict with other industry Codes or Agreements</p> <p>This would be to ensure that DAS does not put any DTS User sending/receiving data over the DTS in breach of their own obligations.</p> <p>These Agreements/Codes should take precedence over DAS (the reason being is that these are regulatory requirements mandated on parties). Where a DTS User can prove that provision of DAS by Electralink puts them in breach of obligations elsewhere then DAS should not be provided</p> <p>We would note that we (or any other party bound by code provisions) would not be liable under the DTSA for loss arising from a breach of the DTSA which is due to a duty to comply with relevant code provisions.</p> <p>Identification of third parties</p> <p>During discussion around Electricity Market Reform (EMR) using the DTS, ELEXON have identified a concern that whilst Schedule 9 prevents Electralink from explicitly referencing or identifying Users or End Consumers (unless the DAS Customer already has a right to receive such information) it provides no such protection to any other third parties whose data might be included in flows.</p> <p>So for example if we sent a flow to Party X that contained information about Party Y, and Party Y was neither a) a DTS User or b) an End Consumer, then Electralink could in theory disclose specific information about Party Y to DAS Customers.</p> <p>Further controls should be put in place to prevent these situations from occurring.</p>
	<p>Are there any other Purposes you would like to be included?</p>
	<p>The first purpose noted in Schedule 9, <i>improvement or enhancement of efficiency in the energy market</i> is so general that it could conceivably cover just about anything so greater refinement is required.</p> <p>We do note that this concern would be mitigated by the implementation of tighter governance around the use of DAS.</p>

<p>Option 5 - Define a list of DAS, which would change from time to time and be governed</p>	<p>Do you agree that a DAS Catalogue should be created, made public to all DTS Users and changes to it be governed and approved by the DTS User Group?</p>
	<p>ELEXON would support a combination of Option 4 and Option 5.</p> <p>The provision of a DAS catalogue would provide greater transparency in terms of what services are being provided and allowing the DTS User Group to approve the addition of new services would improve</p>

through DTS User Group approval	the level of control. These two areas form part of the overall concerns ELEXON have in relation to DAS.
	What additional controls, if any, should apply to the governance of the DAS Catalogue?
	<p>ELEXON have previously raised concerns regarding DAS and data ownership and the ability of DTS Users to maintain some form of ownership over the data which they send/receive over the DTS.</p> <p>A scenario could arise whereby Electralink wish to provide DAS using the data sent between a group of DTS Users and whilst the restrictions noted in the DTSA would apply the DTS User Group could approve this new service against the wishes of the DTS Users sending/receiving the data.</p> <p>In this instance use of data for DAS would be against the wishes of the DTS Users sending/receiving the data. Therefore the concept of a veto should be considered.</p>

	Are there any other areas in relation to the provision of DAS by ElectraLink through the permission granted in Schedule 9 which you would like to comment on?
	The DTSA is set up so that any new party acceding to the DTSA is automatically accepting that their data will be subject to the DAS under Schedule 9 and may often not have a choice but to accept that position.
	With the DTS being a de-facto monopoly, we must ensure that the addition of commercial services to the DTSA does not act as a barrier to entry to new parties.
	ELEXON question whether Schedule 9, as currently drafted, could be considered a barrier to entry if a participant (who has limited choice in the use of data transfer services) is forced to cede the data to Electralink.
We must remember that the primary function of the DTS is regulated data transfer and design a framework which is compatible to that end.	