



Project Initiation

How can we improve the Priority Services Register for vulnerable consumers?

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Contents

Summary	3
1. Introduction	5
2. Background	6
3. What are we seeking to address?	7
4. Legal and regulatory considerations	8
5. Lawful basis for sharing data	12
6. Outcomes-based approach	12
7. Possible system solution	13
8. Data Protection Impact Assessment	19
9. Conclusion	20
10. Next steps	20
Workshop	21

Summary

This paper outlines a project that RECCo has initiated to consider what changes could be made to the Retail Energy Code (REC) and REC Services to facilitate the energy industry's effort to improve the efficacy of the Priority Service Register (PSR) and deliver better consumer outcomes.

While the REC does not directly govern the onboarding of consumers to, or the maintenance of, the PSR, sharing associated data is enabled through the industry data flows set out within Schedule 13 of the REC. These flows are substantively industry party-to-party.

Over the years, much work has been done to share data, for instance, between energy distributors and water companies in the same region. However, these continue to fall short of the *tell me once* principle aspired to by consumer advocates.

In our 2021/22 Forward Work Plan, we stated that:

“We will work with REC Parties and wider stakeholders to identify and overcome the barriers to more effective and efficient sharing of PSR data to better meet the needs of vulnerable and priority consumers.”

We have undertaken a lot of engagement over the past year, including participation in external workshops on PSR data sharing. Based on those discussions, we believe we can fulfil certain

consumer-focused Use Cases, overcoming some of the problems that have traditionally inhibited sharing priority services data whilst remaining compliant with the General Data Protection Regulation (GDPR). Our project will further develop this alternative approach, which will then inform a consultation with stakeholders before any change to the REC is formally proposed.

The proposal focuses on three key areas:

A) An outcomes-based approach

Many Use Cases associated with vulnerable consumers could be delivered by focusing on the relevant outcome rather than necessarily sharing the underlying personal data that triggers the need for that outcome. For instance, existing PSR Needs Codes may state several different conditions, such as the consumer or someone else in the household having a chronic illness, being of pensionable age or having children under 5, but each of these may result in the same action, such as a text service of planned interruptions or prioritised reinstatement of supply. Appropriate categorisation and depersonalisation may facilitate the wider sharing of those instructions, including to a range of third parties involved in relevant activities and enable the desired outcome to be more readily met.

B) Use of the Enquiry Services

Following Retail Code Consolidation, the Gas and Electricity Enquiry Services are managed through the REC, providing a comprehensive record of all grid-connected properties in Great Britain. Use of the enquiry services is not limited to REC Parties but can include any organisation with a legitimate interest, with access being subject to oversight and approval in accordance with the REC. This would enable a wider range of relevant agencies to access and, where appropriate, act upon the data and mitigate any issues arising from the limited geographic coverage of existing PSRs, such as when a consumer moves out of the area.

C) **Robust and consistent governance under the REC**

Whilst the REC governs the transfer of consumer data when consumers switch suppliers, the onboarding of consumers onto the PSR and the allocation of any Needs Codes is still largely subject to individual parties' interpretations and policies. However, as all energy suppliers and network operators are party to the REC, there is an opportunity to improve the consistency of the consumer journey, irrespective of which industry actor they may initially contact. Further, as the REC is a legally binding document underpinned by licence, adherence to its provisions would be a legal obligation, providing a clear and lawful basis for processing any personal data,

fulfilling any Use Cases that could not otherwise be met through the outcomes-based approach covered above.

We recognise that any new service may need to be developed incrementally alongside the existing PSRs. We, therefore, consider that there may be two options to progress this work as follows:

A) **A PSR flag**

Whilst this would only meet a few of the expected Use Cases for PSR data, the availability of a binary flag to indicate a vulnerability issue may be helpful to parties who may not otherwise be informed and aware of any updates.

B) **Outcome- codes**

Focusing on *what* industry participants need to do rather than *why* should better facilitate including relevant data in work instructions without necessitating the wider sharing of personally sensitive data.

As part of this project, we will produce process maps showing how either option could be utilised to deliver on a range of use cases and assess whether they will better meet the needs of vulnerable consumers and industry participants. Part of that assessment will be undertaken by a stakeholder workshop, details of which will be published in due course.

We aim to produce a plan that would be delivered entirely through the governance of the REC. However, we also note Ofgem’s ambition for the energy industry to work towards a universal PSR and will engage with it throughout this project, particularly if it appears that its aims could be better facilitated through complementary modifications to the licence.

1. Introduction

RECCo is a not-for-profit, corporate vehicle ensuring the proper, effective, and efficient implementation and ongoing management of the REC arrangements. We seek to promote trust, innovation, and competition whilst keeping positive consumer outcomes at our heart. We are committed to ensuring that RECCo is an “intelligent customer”, ensuring efficacy and value-for-money of the services we procure and manage on behalf of REC Parties, including those which constitute the REC Code Manager.

This paper builds on the aims we articulated in our Strategy and Forward Work Plan¹. It sets out our broad thinking on how the REC could facilitate an improved mechanism for sharing PSR data and, in turn, introduce efficiencies that bring positive outcomes for vulnerable consumers. We call this concept

development stage, and it covers, at a high level, our thinking and progress in assessing that concept, including:

- what approach we could take to opening data;
- what systems could be used and
- how we propose to take this work forward.

We want to contribute to the energy industry and other agencies by being able to work towards a *tell me once* principle for the recording and appropriate sharing of vulnerable consumers’ needs. However, as we recognise the challenges of delivering upon this aim, we consider that an agile and incremental approach could be adopted to fulfil specific consumer Use Cases rather than await a full solution. In the first instance, we believe that there may be merit in a simple flag being included with the enquiry service(s) to indicate that a PSR needs code attached to a property or meter point. This flag could be further built upon to inform permitted users of certain actions that may be required, depending upon their role. We explain this more fully in section 5.

Whilst there are further steps we intend to take to develop this concept, circulating our initial analysis at this stage provides an opportunity for all our stakeholders to consider our approach. This is the first step in that engagement, and we propose to hold workshops and consultations as we progress our thinking.

¹ <https://www.retailenergycode.co.uk/fs/wp-content/uploads/2023/03/Final-RECCo-FWP-Master1.pdf>

2. Background

Energy Suppliers and Distribution Network Operators (DNOs) are responsible for protecting customers in vulnerable situations. Statutory obligations are placed on them by their licenses and through other legal requirements, including the Equality Act. Energy companies must provide certain services free of charge (non-financial services) relating to safety, access and communication to specified groups of customers. Ofgem defines the eligible groups² as people of pensionable age, people with disabilities, and those chronically sick or with children under five. Retail Energy Suppliers meet these obligations by creating and maintaining a PSR.

Historically, individual parties have had the freedom to establish the processes and procedures to meet these obligations in a way that suits their customers and business, but with varying degrees of success. These individual approaches to establishing and maintaining PSRs have resulted in inconsistencies that mean consumer needs have been met with poor outcomes. To combat these issues, Ofgem conducted a review and, in 2016, concluded³ that in respect of data, the

² For current eligibility criteria, see: <https://www.ofgem.gov.uk/information-consumers/energy-advice-households/getting-extra-help-priority-services-register>

industry must agree on a set of ‘revised Needs Codes’ so that vulnerability was consistently categorised and the overall quality of data was improved. Ofgem also proposed that companies update and improve the mechanisms used to share this information.

By setting out a general requirement, the Electricity and Gas Supply Licenses are substantively silent on how much information needs to be shared. In both Licenses, Condition 26.3 states:

“In so far as permitted by any laws relating to data protection and/or privacy, the licensee must share the Minimum Details using the Relevant Industry Mechanisms.”

Currently, data sharing is enabled through industry data flows contained within Schedule 13 of the REC⁴, where these flows are substantively party-to-party. Over the years, the energy industry has undertaken work to share data across utilities. A number of smaller-scale initiatives have been successful. Nevertheless, constraints continue to hinder the industry from opening data in a way that would provide visibility of PSR more broadly.

We are cognizant of work being progressed by DNOs and Water Companies to share PSR data across utilities. Our

³ [Decision to modify gas and electricity supply, electricity distribution and gas transporter licences for PSR arrangements | Ofgem](#)

⁴ [EMAR - Transfer of Consumer Data \(digital-navigator.azurewebsites.net\)](#)

concept focuses on the energy sector in the first stage, though non-industry parties can access the enquiry services. Indeed, many already do so, including Citizens Advice and local authorities, as set out in REC Schedule 12. The ability for such organisations to populate a PSR flag and codes could therefore be an important step in ensuring that the consumer who needs support are added to the PSR, either directly or ensuring that there is further proactive contact.

3. What are we seeking to address?

Issues

It must be noted that the revision of industry-wide ‘needs codes’ made great strides in improving consumer outcomes by introducing greater consistency in categorising vulnerable consumers and their needs. Nevertheless, it is widely accepted that using individual PSRs across the many entities in the energy industry can be inefficient. Consumers who qualify for the PSR can be added or removed at their request, though each industry party they contact retains discretion on whether the criteria have been met and the request fulfilled. This can lead to inconsistencies and frustration for the consumer. We highlight three key concerns below.

Firstly, is the consumer experience. There isn’t an industry-specified standard for onboarding a consumer to a PSR. Consequently, the consumer’s experience can vary. This is exacerbated when the consumer switches supplier, which requires them to re-commence the PSR application process. As a result, many consumers are unaware of the PSR or the services that can be provided. Additionally, many consumers qualifying for support may not self-identify as vulnerable and consequently do not apply to register. This problem could be lessened if agencies from outside the industry who may have a closer relationship with the consumer and their needs could more easily register on their behalf, i.e. GPs or Carers.

Secondly, there are different approaches and requirements between gas and electricity. There is little consistency in the level of the data that is collected, varying in detail, accuracy and the mechanisms used to store that data. The frequency of review and updates to consumer data is also driven by individual supplier processes (though, at minimum, it needs to be checked with the consumer at least every two years in line with current GDPR requirements). Other data issues stem from the ability to share without contravening GDPR or other legislative or regulatory requirements.

Finally, the support required by the consumer is often provided by third parties, such as health care services, who may need access to the data that would enable the necessary support or provisions to be implemented. Whilst data is shared with

others, such as DNOs, it is done so via industry data flows - this limits who can access such data and, therefore, the support that can be offered to the consumer. For instance, the children's charity Contact found that as few as 3% of the households operating life-supporting medical equipment received a rebate for electricity use.⁵ In short, the closed nature of the implemented approach to gathering, storing and sharing data inevitably creates inconsistencies.

Aim

We want to explore how we can improve the experience and outcomes for vulnerable consumers by seeking ways to share data, address restrictions, reduce inconsistencies and move closer towards the *tell me once* principle. In the long term, the aim would be to fully share data with a range of agencies that can support consumer needs.

We think there are three key outcomes that we can seek to achieve by developing our concept, namely:

- Move towards a *tell me once* principle by opening a minimum data set to readily support relevant consumers' needs.

⁵ Contact: [Out of Energy](#)

- Use current industry infrastructure as part of the solution.
- Develop rules and a governance framework to support the concept that would have the capability to extend to other sectors in future, such as water companies and health agencies.

4. Legal and regulatory considerations

RECCo's mission is to facilitate the efficient and effective running of the retail energy market, including its systems and processes. The REC, Schedule 13⁶, provides RECCo with the vires to review the current arrangements. In doing so, we are cognisant that any new proposals do not have unintended consequences, that they can support current and future states, bring about an improvement in systems and outcomes for vulnerable consumers, and that the costs of doing so do not outweigh the benefits. Any changes to how PSR information is shared will need to be supported with robust systems, rules, processes and governance arrangements.

The first consideration is the legality of any proposed change. Any well-intentioned change must be permissible and not contravene any broader legislation, rule, or regulations. We

⁶ [EMAR - Transfer of Consumer Data \(digital-navigator.azurewebsites.net\)](#)

must ensure that the legal and regulatory requirements in the GDPR and Licence requirements are not breached and that risks and issues are identified and addressed.

A full impact assessment and a Data Protection Impact Assessment will be required if this proposal progresses. In the first instance, we have captured, at a high level, some issues and challenges so that they feed into our thinking and an early feasibility assessment on whether we should progress this proposal.

Table 1 below captures systems and potential governance issues at a high level. Table 2 looks at the broader legislative requirements parties must meet, including GDPR issues and Licence Requirements.

Table 1: REC requirements

Current governance and framework		Issues to consider for any new approach
REC Schedule 13	Transfer of Consumer Data – Sets out the data transfer requirements and flows. Vires for RECCo to review	<ul style="list-style-type: none"> • System requirement- Information flows need to support the current and future state to ensure the transition is successful. This may impact processes, training, systems and communication requirements. Need to consider: <ul style="list-style-type: none"> • Could a new/integrated or central approach be supported by current/existing systems • Alternatively, is a new data-sharing platform necessary • What are the implications of system changes on parties • Costs implications • Does this begin to achieve a move to a <i>tell me once</i> principle • Medium term – ensure the next steps to achieving <i>tell me once</i> are progressed <ul style="list-style-type: none"> • Assess data sets that would support the progression • Longer term – aim to include other parties, such as water companies, fire brigade, or health care services. Need to consider the additional requirements to enable other agencies access to data to better meet consumer needs, including: <ul style="list-style-type: none"> • Identifying potential users • Understanding how third parties with viewing rights could be managed • What governance arrangements are needed for long-term ambitions to extend/open PSR

Table 2: Legal and regulatory requirements (non-exhaustive at this stage)

Current governance and framework		Issues to consider for any new approach
General Data Protection Regulations	Legal obligations on data ownership, processing, access etc. and the lawful basis for sharing information	<ul style="list-style-type: none"> • GDPR Lawfulness - Does the new concept meet a lawful basis for sharing information: <ul style="list-style-type: none"> • Article 6 (1) (a) – explicit consent • Article 6 (1) (c) - compliance with a legal obligation if the requirement is added to the Supply Licence and REC. • Article 6 (1) (d) – vital interest of the consumer • Article 6 (1) (e) – substantial public interest • Article 6 (1) (f) – legitimate interest • Also need to ensure the customer has the right to object (Article 21) • Who is the controller of the data - Is this approach covered by the Data Sharing Code of Practice <ul style="list-style-type: none"> • specifically data pooling and whether there are joint or separate controllers (joint requires formal agreement under Article 26 UK GDPR – could be a schedule in the REC) • Need to undertake DPIA
Standard Supply Licence	Condition 26 - Priority Services Register There is clear responsibility for identifying vulnerable consumers within their customer base and the requirements to set up, promote and maintain a PSR.	Review to ensure compatibility of new requirements and explore with Ofgem the option of any modification required to facilitate those requirements being met.

5. Lawful basis for sharing data

In August 2021, the Information Commissioners Office issued a letter to Ofgem to clarify the lawful basis for DNOs and Water Companies to share priority services data. They refer to Article 6(1)(f) UK GDPR ('legitimate interests') and that sharing PSR data would be in the legitimate interest of the DNOs and the energy and water companies, who can provide better support to vulnerable individuals, in the interest of the individuals themselves.

They go on to state:

"We do not consider that consent is the most appropriate legal basis for the data sharing under Article 6 UK GDPR. This is because there will be vulnerable individuals who are unable to consent or who do not consent, and this puts them at significant risk. Also, having to obtain the consent of every individual would prejudice that purpose (and so para 18(2) Part 2 Schedule 1 is met)."

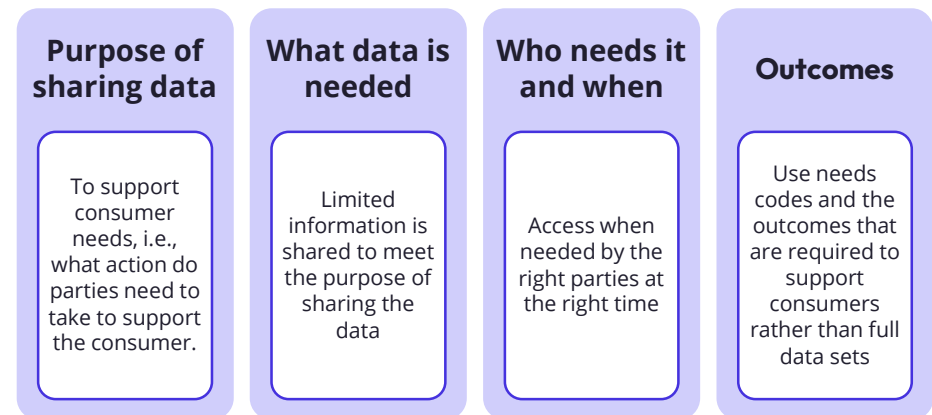
This letter was issued as a specific response to current programmes focused on sharing data between DNOs and Water Companies. We believe that this guidance potentially addresses some of the issues in relation to the lawful sharing of data amongst retail energy suppliers and key industry parties, such as DNOs. Nevertheless, we will ensure that our proposals

are legally reviewed and subject to a Data Privacy Impact Assessment.

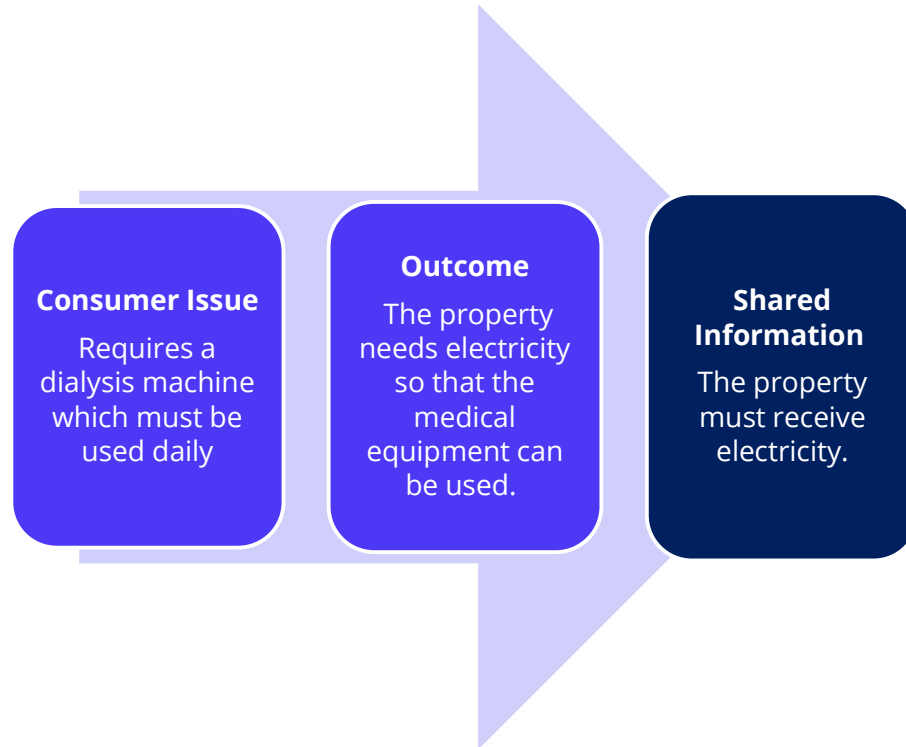
6. Outcomes-based approach

The issues and challenges captured above have helped shape our thinking around a potential solution which employs an outcomes-based approach - by limiting the data that is shared and highlighting the required outcomes. By reducing the input to key data sets and outcomes, we can ensure that only the right data is shared at the right time with the right parties.

To do this, we considered the following:



Testing this against a user story, we identified how this approach could be applied in its simplest form:



We recognise that more detailed Use Cases need to be developed, wherever possible, informed by evidence-based user stories, to test the efficacy of this concept. This work will form part of our next steps.

7. Possible system solution

We have identified the enquiry service as a potential solution for housing key data sets. The service is extensively used across the retail energy sector and by other market participants such as DNOs. To the extent that the Electricity Enquiry Service could be accessed by Gas Transporters (GTs) and synchronised with the Gas Enquiry Service, we could form the basis of a universal PSR hub, as the system already holds meter point records for all the grid-connected properties in Great Britain. Reusing existing industry infrastructure should facilitate a cost-effective solution that is much quicker to deliver than a wholly new system.

Further benefits may come from reusing existing infrastructure, such as the established governance, including access rights. The enquiry service is also secure, which ensures that any sensitive data that may be recorded can be appropriately protected.

Whilst we do not anticipate that this approach would replace the individual PSRs currently held across the industry, it would enable parties to add relevant data to the enquiry services so that there is appropriate visibility whilst maintaining their own more detailed registers that meet their own and customer needs.

Data

Assuming we proceed with the outcomes-based concept described above and the proposed system, we need to then understand what data sets could be included.

We accept that there are many complications in establishing consistent data sets that might form part of the key information that is shared. However, we seek to utilise existing systems and processes wherever possible. The energy and water industries already have an agreed set of needs codes that are commonly used, which can provide the starting point for sharing data. We also propose an incremental build, using the needs codes and identifying the minimum key data sets required to open data across the retail energy sector.

There are two possible approaches to how we share PSR data. They are not mutually exclusive and can be treated as stand-alone options and incremental builds. The question is, what data do we need to share to achieve the right outcomes for vulnerable consumers? We discuss the two possible options, the benefits of each approach and the associated issues in the section below.

Option A - PSR Flag

We think there is merit in readily identifying if a meter point or property is on a PSR. Therefore, in the first instance and as a minimum, Option A would include a flag that recognises that a PSR needs code is attached to a property or meter point. In addition to this flag, the needs code and outcome are prime candidates to be included, but we are open to when these data points should be added. These additional items could form part of a second step to opening data and achieving the *tell me once* principle. On this basis, Option A would be a single flag to identify if the relevant meter point is on a PSR.

A single flag would be the first step to enabling sight of a PSR need which in turn can inform the actions and steps taken by the relevant party. We believe this would be particularly beneficial to other agencies who need to be aware of potential issues that may impact the decision or actions they take on behalf of vulnerable consumers. For instance, where a supplier seeks a warrant for forced PPM installation, such a flag could provide Magistrates Courts with an alert to check if the applicant has considered the PSR flag before making its decision.

This stepping stone towards a *tell me once* principle also limits the potential issues and risks associated with moving to broader data sharing. It enables us to test and learn from this

approach. It informs how we proceed and what incremental builds would be appropriate, useful and benefit vulnerable consumers and those interacting with them.

To achieve this first step, there are a number of issues relating to the input and maintenance of data that would need to be

overcome. These would need to be fully explored and addressed as part of the project phase, but we have included our initial high-level view of key issues in the table below. These are not defined outcomes or solutions but are included to help parties understand the issues that would need to be resolved.

Table 3: Managing input and maintenance

Issue	Potential resolution	Potential Solution
<p>Responsibility of inputting</p> <p>Both Energy Suppliers and DNOs have an obligation to hold a PSR, whilst GTs don't have a specific obligation to maintain a register, they do undertake the activities that mirror the requirement.</p> <p>Given that numerous parties hold data, consideration needs to be given to the primary source of the data input.</p>	<p>Most customers are likely to reach out to a supplier in the first instance, it would seem appropriate for Suppliers to input data.</p>	<ul style="list-style-type: none"> • Data could be added via an API. This requires the least development of systems and therefore manages time, resources and costs. • We should remain cognisant of other programmes, with DNOs and Water Companies, so that impacts are considered part of any potential solution.
<p>Maintaining data</p> <p>As multiple parties will have their own PSR, how is a change updated, and by whom?</p>	<p>For this initial step (flag), suppliers would be able to ensure the data is maintained and updated to reflect changes.</p>	<ul style="list-style-type: none"> • Industry would be able to rely on current flows to advise relevant parties of change, but only the incumbent supplier would update the enquiry service. • Another option is that any party can update but must provide a date validation to ensure that it is the most updated entry.

		<ul style="list-style-type: none"> • Acceptance criteria could be established as part of any solution. • Frequency of updating the data would also need to be agreed and established. Greater accuracy will stem from regular updating, which ensures more reliability.
<p>Reliability of data</p> <p>Data quality and accuracy would need to be assured so parties can appropriately rely on it.</p>	<p>Requirements are set under GDPR to maintain data which should improve reliability.</p>	<ul style="list-style-type: none"> • Performance assurance could be undertaken (under the REC performance assurance framework) to bolster confidence that the data is accurate and regularly updated. • Acceptance criteria could be established. • Consideration could also be given to the introduction of SLA's to ensure reliability.

Option B – Fuller PSR data sharing

The second option is to use a broader set of data as described in the concept section above, i.e., essentially sharing minimum data sets with an outcomes-based approach. This is in addition to or instead of the binary PSR Flag described in Option A.

There is merit in considering this option as a starting point, as it brings forward several benefits that address the issues we have identified. This broader data set would no doubt provide more information that would help to meet the needs of the consumer. A clear indication of the need and outcome would inform the user of the required actions or considerations without the need to undertake additional searches or enquiries.

Removing barriers to information sharing would significantly move the industry towards a *tell me once* principle. However, we know this also brings challenges that would need more time to resolve. A better starting point may be to progress with Option A whilst we develop Option B. A key challenge would be which data set would be sufficient to achieve this option. We look at this and the challenges around data in the section below.

To achieve the move to Option B, we should also consider longer-term issues that would need to be resolved. In particular, we want to future-proof this concept so that the data can be viewed and used across utilities and other agencies. This will require a resolution of whether we identify a property or an individual to attach the relevant PSR outcomes code. There is merit in identifying an individual who can then be

targeted for support. Moreover, this method is used in other utilities and would enable a more consistent approach. This would be a move away from a meter point (MPAN/MPRN) and could be replaced by using the Unique Property Registration Number (UPRN) that is now used as part of the switching process.

What forms part of a minimum data set requirement?

In identifying potential data sets, we have considered what information would be useful, the justification for it and any potential issues that need to be addressed. We summarise these at a high level below. A full assessment would need to be undertaken to ensure the data set and issues are fully identified. If this concept proceeds, such assessment would form part of the next steps in this project.

Table 4: Data considerations

Data requirement	Why and potential issues
Relevant needs code	Needs codes are commonly used across the industry and would need to remain consistent. These could be reviewed and validated as part of the development stage of the solution. This ensures they remain relevant to the issues that consumers face today.
Identifying outcomes associated with the needs code	<ul style="list-style-type: none"> • Each needs code may have a number of outcomes attached to it. The relevant outcome needs to be clearly identifiable. • One approach may be to break the outcomes associated with each needs code down to the sub-set level. This ensures that action/outcome can be appropriately applied to the consumer need whilst ensuring the energy industry has a consistent approach and process for inputting and maintaining data. This would need to include the option to add multiple outcomes to meet the consumer’s need. For example, they might need hot water, which requires a mechanism to heat the water, gas and/or electricity, and also requires running water.

	<ul style="list-style-type: none"> • In future, these need to reflect multi-utility requirements, such as landline/telecom needs. • It will be important to maintain agreed needs codes to avoid duplication, errors and inconsistencies.
Understanding the priority level of needs codes	Adding a priority level could help guide system users so that consumers' needs are appropriately met. However, this may require significant industry engagement to assess the needs codes and allocate appropriate levels of priority and may need to form part of the medium-term development.
Identifying any time limits that apply to the relevant needs code	<ul style="list-style-type: none"> • Adding an end date so that when a time-limited code, such as a child under 5, is specified/recorded. Or adding in a new date where there is an additional requirement, such as a new baby in the household. This further strengthens the accuracy of the data and provides confidence in the system. • Incumbent suppliers would be expected to regularly review and ensure the data reflects the consumer needs.
Ensure that data sets remain cleansed and updated.	<ul style="list-style-type: none"> • Good maintenance will be vital in ensuring the data is reliable. Changes such as home moves, new needs or removal of needs will need to be regularly updated. To achieve this, a requirement could be set to confirm validation, e.g. by adding the date of the last update. This will contribute to good data practice and more accurately reflect consumers' needs. • Consideration may need to be given to the introduction of SLAs so that standards and accuracy of data can be ensured.

Following this, we will produce an illustrative data set using needs codes, broad descriptions and categories to help inform the user of the nature of the consumer vulnerability, combined with specific outcomes to ensure the consumers' needs are met.

The suggested data sets could include the following:

- **Needs Code number** - begins with the relevant needs code and is broken down to reflect the possible outcomes for that needs code
- **Needs Code Description** - the relevant description of that needs code (in line with current industry definitions)

- **Additional explanation** - to provide further clarification of the needs code (in line with current industry definitions)
- **Outcomes** - each needs code outcome is broken down so that it can be accurately applied to the consumer's need
- **Priority level** - to be used in all instances
- **Time-bound information** - to be used as required
- **Data validation date** - to be used as required

We are cognisant of other projects⁷ across the industry and how these are developing the data sets that could be shared. We will continue to monitor and engage in these to avoid duplication of effort.

8. Data Protection Impact Assessment

We will undertake a full Data Protection Impact Assessment (DPIA) as part of this project to ensure that we have correctly identified issues and that our approach is compliant with relevant data legislation and regulatory requirements. We have commenced this process, and as part of our initial assessment, we have considered the following high-level:

- **Categorisation of PSR data** - the first step is to ensure we have correctly categorised the data so that a full assessment can be carried out. PSR data can be considered as special category data due to the nature of the vulnerabilities it identifies. This determines how that can be processed. In this instance, we believe the data can only be processed for the purposes outlined in this document.

⁷ ENA and Water UK sharing data between DNO and Water Companies by region and Support For All led by Northumbrian Water.

- **General Data Protection Regulation** - ensure we have identified and addressed the relevant legislation which covers the activity
 - the legitimate interest requirements for processing under Article 6(1)(f) of UK GDPR; and
 - the substantial public interest requirements for processing under Article 9(2)(g) of UK GDPR and Schedule 1, Part 2, paragraph 18 (safeguarding of children and individuals at risk) of the DPA 2018
- **Purpose** - this initiative will operate to increase the accuracy of the PSR data, allow new ways to share, and ensure that once a consumer is no longer required to be recorded on the PSR, they are removed.
- **Consent** - a consumer can only be added to the PSR where explicit consent has been provided and would reasonably expect this information to be used in this manner.
- **Access** - the data will be limited to the necessary data required to support the consumers and only available to authorised individuals managed through Role Based Access Controls.

Having undertaken this initial analysis, there is no expectation that the processing/sharing of this data will result in a high risk to consumers. The objective of the processing is to reduce the potential for a vulnerable consumer to be negatively impacted.

Nevertheless, as indicated above, a full DPIA would need to be conducted as we proceed with this project.

9. Conclusion

We have discussed our initial review with various stakeholders, and those discussions have reinforced our view that there is merit in pursuing the development of an outcomes-based indicator to be provided through the enquiry service(s) to sit alongside the existing PSRs.

We believe that taking an iterative approach will ensure we build a system that is fit for purpose and can meet future needs. Starting with a minimum data set is critical to this journey, and as a minimum, we believe there is great merit in proceeding with Option A at the earliest opportunity.

However, we need to quickly begin to address many of the issues highlighted in this paper. To future-proof this approach and make it functional across utilities and other sectors, there must be:

- an agreed approach to which data sets can be shared
- an assessment of those data sets to ensure they are GDPR compliant

- a mechanism to map individuals and properties so that consumers are readily identifiable. This will enable better management of their needs.

We believe this will pave the way for our longer-term vision of moving to a *tell me once* principle, opening the data to third parties who can better meet the needs of consumers as well as improving data quality and management for the retail energy sector.

10. Next steps

We want to better understand the ‘as is’ process and what a future state might look like in order to inform the viability of Options A and B. To this end will undertake mapping of:

- the current end-to-end processes for identifying consumers who qualify for the PSR, obtaining their consent, revising PSR data and notification relevant parties of that change; and,
- an alternative set of end-to-end processes demonstrating whether and to what extent the consumer journey and data sharing between participants would be improved by utilising the enquiry services as a central hub for PSR, e.g. utilising a flag or flags which enable relevant parties to deliver necessary consumer outcomes without requiring the sharing of sensitive personal data.

May 2023

We will share this mapping with stakeholders in our wider engagement strategy.

Workshop

We will hold a workshop to consider the development of the two options discussed in this paper, gathering stakeholder feedback on the process mapping, challenges, and appetite for both options.

If you would like to be kept up to date on the development on this project, to participate in the workshop referenced above, or have any comments on this paper, please contact us at:

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