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MP234 ‘Addition of Public Task and Legitimate Interests into the SEC’ Refinement Consultation

Responding to this consultation

This is the Refinement Consultation for [MP234 ‘Addition of Public Task and Legitimate Interests into the SEC’](#).

We invite you to respond to this consultation and welcome your responses to the questions set out in this form. To help us better understand your views on this Modification Proposal, please provide rationale to support your responses. In order for us to set out the business case we ask that you provide any information you can on the costs and benefits of this modification to you. This can be a rough order of magnitude and can be marked as confidential.

To help us process your response efficiently, please email your completed response form to sec.change@talan.com with the subject line ‘MP234 Refinement Consultation response’.

If you have any questions or you wish to respond verbally, please contact Lydia Bentley on 020 3922 0748 or email sec.change@talan.com.

Deadline for responses

This consultation will close at **17:00** on **Wednesday 7 January 2026**.

The Proposer may not be able to consider late responses.

Summary of the proposal

What is the issue?

Currently, to collect or obtain Consumption Data a Party must hold the Appropriate Permission or have the Unambiguous Consent of each Energy Consumer. This modification seeks to add the principles of Public Task and Legitimate Interests into the SEC as additional bases for collecting Consumption Data.

The Proposer believes this would help public authorities to fulfil their regulatory obligations to tackle fuel poverty, protect vulnerable households and uphold minimum standards of housing by identifying at-risk Energy Consumers through their Smart Metering Systems (SMS). The Proposer outlines that this would also enable SEC Parties to offer their services to a wider range of customers.

What is the solution?

The proposed solution is to change SEC Section I 'Data Privacy' to introduce new arrangements that will allow for organisations to access Consumer's Consumption Data via the lawful bases of Legitimate Interest (LI) or Public Task (PT), as delivered by the General Data Protection Regulation (GDPR). Consequential changes are also proposed for the Privacy Controls Framework (PCF) to underpin the proposed Section I changes.

The proposed changes to SEC Section I will establish the overarching requirements for access to data via the lawful bases of PT and/or LI. It sets out requirements relating to permission, the role of the Privacy Sub-Committee (PSC) as a 'gatekeeper' of access to the Consumption Data, and details arrangements for the assurance of Parties who access Consumption Data outside the proposed arrangements.

The proposed changes to the Privacy Controls Framework (PCF) detail the granular evidentiary requirements needed by a SEC Party to access Consumption Data via the lawful bases of PT and LI. These more granular requirements relate to the proposed use of the Consumption Data and will support the PSC in their determination of access to the aforementioned data. Arrangements here relate to such things as details of the premises to which the proposed Consumption Data relates, the time period for which Consumption Data is requested, the assessment for necessity, and so on.

Will I be impacted?

MP234 is expected to impact the following SEC Parties:

- Other SEC Parties (primarily); and
- All other SEC Parties

Full details of how this modification may impact you can be found in the Modification Report.

Respondent details

Respondent details	
Name	Caroline Farquhar/Colin Griffiths
Organisation	Citizens Advice
Phone number	

Parties represented	
Party Category	Consumer Representative
Parties represented	Consumers

Confidential information	
Does your response contain any confidential information?	
Response	No
<p>If 'yes', please clearly mark all confidential information (e.g. in red font).</p> <p>Any confidential responses will be shared with the Change Sub-Committee, the Change Board and the Authority under a Red classification in accordance with the SEC Panel Information Policy.</p>	

Consultation questions

Modification solution

Question 1	
Do you agree that the solution put forward will effectively resolve the identified issue? <i>Please provide your rationale.</i>	
Response	Possibly.
Rationale	<p>While the solution may resolve the identified issue, there is insufficient evidence to show that the benefits for consumers from sharing this data without explicit consent outweighs the shortcomings relating to loss of consumer control over their data.</p> <p>Other less intrusive products have already been developed to help Local Authorities, Social Landlords and others to access data to meet their needs to identify and relieve social poverty. The UrbanTide and Data Communications Company (DCC) project uZero (https://urbantide.com/uzero) achieves many of the same aims which does not require opening up personal consumer data without consent. We do not believe that there is a need for this modification proposal. The uZero project was developed in combination with academia, many Local Authorities (e.g. Sunderland, South Gloucestershire, Nottingham, Wakefield, Bristol, Barnsley, Blackpool, Hillingdon, Essex, Suffolk, Havering, Eden, Hastings) as well as Electricity Distribution Network companies. The project offers substantial insights for Local Authorities and other users relating to energy usage and fuel poverty while preserving anonymity for consumers.</p> <p>The proposed modification will result in consumer data being used for commercial gain without any direct (or potentially any indirect) reward for consumers and potentially be passed to a wide range of social and commercial entities. By eliminating the need for consumer consent, the leverage consumers currently have to require a clear benefit before allowing access to their personal data will be lost and other parties will benefit from its value rather than consumers.</p>

Question 2	
Do you agree that the legal text will deliver MP234? <i>Please provide your rationale.</i>	
Response	No response
Rationale	No response

Question 3

Do you agree with the proposed implementation approach?

Please provide your rationale.

Response	No
Rationale	We believe any implementation should await the results of the design and implementation of the REC Consumer Consent Solution.

Impact assessment

Question 4

Will there be any impact on your organisation to implement MP234?

If 'yes'. please state how you will be impacted, including both implementation effort and any on-going impacts.

Response	No
Rationale	N/A

Question 5

Will your organisation incur any costs in implementing MP234?

Please provide an estimate of your costs, including both implementation effort and any on-going costs; please exclude your share of the central costs. Please also provide information on any cost-savings you may achieve as a result of this modification and any costs you may incur as a result of the identified issue continuing if this modification is not implemented.

Expected Implementation Costs

£0	<input checked="" type="checkbox"/>	£1-£49,999	<input type="checkbox"/>	£50,000-£249,000	<input type="checkbox"/>
£250,000-£499,999	<input type="checkbox"/>	£500,000 or more	<input type="checkbox"/>		

Rationale	N/A
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Question 6

Further to Question 5, will your organisation incur any intangible or unquantifiable costs in implementing MP234?

Response	No
Rationale	N/A

Question 7

Will there be any benefit to your organisation in implementing MP234?

Please provide an estimate of your costs, including both implementation effort and any on-going costs; please exclude your share of the central costs. Please also provide information on any cost-savings you may achieve as a result of this modification and any costs you may incur as a result of the identified issue continuing if this modification is not implemented.

Expected Cost Savings

£0	<input checked="" type="checkbox"/>	£1-£49,999	<input type="checkbox"/>	£50,000-£249,000	<input type="checkbox"/>
£250,000-£499,999	<input type="checkbox"/>	£500,000 or more	<input type="checkbox"/>		

Rationale	N/A
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Question 8

Further to Question 6, will your organisation incur any intangible or unquantifiable benefits in implementing MP234?

Response	No
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Rationale	N/A
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Question 9

How long from the point of approval would your organisation need to implement MP234?

Please provide your rationale, including the activities you would need to complete during this time.

Response	N/A
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Rationale	N/A
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Case for change

Question 10	
<p>Do you believe that MP234 would better facilitate the General SEC Objectives?</p> <p><i>Please pick which General SEC Objectives would be better facilitated and provide your rationale with reference to these General SEC Objectives.</i></p>	
Response	No
General SEC Objectives	<input type="checkbox"/> (a) facilitate the efficient provision, installation, and operation, as well as interoperability, of Smart Metering Systems at Energy Consumers' premises within Great Britain
	<input type="checkbox"/> (b) enable the DCC to comply at all times with the General Objectives of the DCC (as defined in the DCC Licence), and to efficiently discharge the other obligations imposed upon it by the DCC Licence
	<input type="checkbox"/> (c) facilitate Energy Consumers' management of their use of electricity and gas through the provision to them of appropriate information by means of Smart Metering Systems
	<input type="checkbox"/> (d) facilitate effective competition between persons engaged in, or in Commercial Activities connected with, the Supply of Energy
	<input type="checkbox"/> (e) facilitate such innovation in the design and operation of Energy Networks (as defined in the DCC Licence) as will best contribute to the delivery of a secure and sustainable Supply of Energy
	<input type="checkbox"/> (f) ensure the protection of Data and the security of Data and Systems in the operation of this Code
	<input type="checkbox"/> (g) facilitate the efficient and transparent administration and implementation of this Code
	<input type="checkbox"/> (h) facilitate the establishment and operation of the Alt HAN Arrangements
Rationale	We do not believe that the proposed solution would better facilitate the General SEC Objectives and further believe that the proposed solution will be negative with respect to (f) ensure the protection of Data and the security of Data and Systems in the operation of this Code.

Question 11

Do you believe there will be any impacts on or benefits to consumers if MP234 is implemented?

If 'yes', please provide your view on how consumers would be impacted by and/or how they will benefit from this change.

Response	Yes
Rationale	<p>We believe that the proposed solution will be negative for consumers in relation to their control over their data. Reliance on GDPR principles of Legitimate Interest or Public Task considerations would be counter to the principle of consumers having control over their data. In most relationships between a consumer and a commercial provider, the consumer gives up their data in direct exchange for a service or product. In this scenario, the consumer will have their data taken without their knowledge or permission and used for a commercial purpose without any direct, or potentially any indirect, benefit.</p> <p>We believe that consumer trust in smart meter data may be impacted negatively if they discover that commercial third parties are accessing their data without explicit permission and passing it (for commercial gain) to Local Authorities, Social Landlords, other public bodies, and, in fact, any commercial entity. Individual as well as private business customer smart meter data could be affected by this modification and any loss of trust in the smart meter environment may result in impacts to the wider smart meter rollout for both the domestic and non-domestic sectors. Such negative impacts could result in a slow down in the rollout and consequent slowdown in usage of flexibility and in achieving net zero.</p> <p>We have not been provided with sufficient evidence to show that providing smart meter usage data to these public bodies and commercial entities will have the benefits for consumers that is described especially as the existing uZero project offers many of the same benefits to Local Authorities without any disclosure of individual personal data. We are concerned that smart meter data users will bypass the existing protections and rely on the GDPR parameters. This is not in consumers' interests. It is also likely that once such an avenue is opened up many organisations which currently rely on consumer consent and a value-exchange offer in exchange for a consumers' data will switch to using a legitimate interest basis, further reducing the control and choice consumers have over their data.</p>

Question 12

Noting the costs and benefits of this modification, do you believe MP234 should be approved?

Please provide your rationale.

Response	No
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Question 12

Noting the costs and benefits of this modification, do you believe MP234 should be approved?

Please provide your rationale.

Rationale	<p>As mentioned above, we believe that the proposed solution will be negative for consumers in relation to their ability to control who can access their data. The Data Access and Privacy Framework, written by Government and reflected in supply licence conditions, is clear that consumers can choose which personal data they share with their suppliers. Customers have repeatedly and clearly said that trust is key for both smart meters and smart enabled products and services. 92% of those surveyed said it's important that customers are able to make choices about who accesses their data. We believe that the introduction of GDPR principles to access consumer smart data will open the door to many types of data-user using the GDPR principles to bypass the current stringent privacy protections.</p> <p>There is a high consequential risk that consumer trust in smart meter data usage will be impacted negatively if consumers discover that third parties including Local Authorities, Social Landlords, or even commercial entities may be accessing their data without explicit permission and for commercial gain with no apparent benefit to themselves. This loss of trust in the smart meter environment may result in negative impacts to the wider smart meter rollout and to net zero accomplishment.</p> <p>In addition, we believe that it is premature to introduce this modification when the REC has been tasked by Ofgem to design a Consumer Consent Solution (CCS) for energy data. The CCS will be developed with wide industry input via multiple workshops and consultations. It would be better to await the results of the CCS which will be transparent within industry and have higher visibility to the public via utility press updates. The development of the CCS will likely engender greater public confidence compared to the SEC modification which could be introduced with relatively few parties inputting to it and which may not include the wider considerations that the CCS will incorporate (such as the Ofgem Data Design Principles, for example). We have recently input to the ongoing CCS development and while we have concerns regarding the current CCS design meeting consumer needs for control over their data, we believe that any SEC modification relating to consumer data access should await the conclusion of the CCS project.</p> <p>Our response to the Ofgem consultation on the CCS is attached, which provides further details regarding our views on data privacy for consumers relating to their smart meter data.</p>
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Any other comments

Question 13

Please provide any further comments you may have.

Comments	N/A
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