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

Responding to this consultation

This is the Modification Report 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.

To help us process your response efficiently, please email your completed response form to sec.change@talan.com with the subject line ‘MP234 Modification Report 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 Tuesday 10 March 2026**.

The Change Board may not be able to consider late responses.

Summary of the proposal

What is the issue?

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:

- Suppliers (Large & Small)
- 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	caroline.farquhar@citizensadvice.org.uk

Parties represented	
Party Category	Consumer Statutory Advocate
Parties represented	Consumers

Confidential information	
Does your response contain any confidential information?	
Response	N/A
<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 Board and the Authority under a Red classification in accordance with the SEC Panel Information Policy.</p>	

Consultation questions

Question 1	
<p>Do you believe that MP234 should be approved or rejected?</p> <p><i>Please provide your rationale with reference to the General SEC Objectives.</i></p>	
Response	Reject
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	<p>We believe that the proposed solution will be negative for consumers in relation to their control over 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.</p> <p>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</p>

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used for a commercial purpose without any direct, or potentially any indirect, benefit.

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 almost inevitable 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.

We believe that consumer trust in smart meter data will 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 smart meter rollout and consequent slowdown in usage of flexibility and in achieving net zero. There is also a risk of an increase in consumers - having lost the ability to choose who can access their smart meter data - choose to withdraw from smart metering by requesting their meters be removed or have functionality switched off. We already know that when trust in smart meters drops so does appetite for smart-enabled products and services including Time of Use tariffs so this decision will also negatively impact broader net zero goals.

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 (The UrbanTide and Data Communications Company (DCC) (<https://urbantide.com/uzero>) offers many of the same benefits to Local Authorities without any disclosure of individual personal data. We therefore 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.

In addition, we believe that it is premature to introduce this modification when the Retail Energy Code 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

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	<p>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>
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Question 2

Please provide any further comments you may have.

Comments	N/A
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