

# **Citizens Advice Response to DECC's "Consultation on the timing of the review of the Data Access and Privacy Framework"**



# Introduction

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The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination. Since 1 April 2014, Citizens Advice service took on the powers of Consumer Futures to become the statutory representative for energy consumers across Great Britain.

The service aims:

- To provide the advice people need for the problems they face
- To improve the policies and practices that affect people's lives.

The Citizens Advice service is a network of nearly 400 independent advice centres that provide free, impartial advice from more than 3,500 locations in England and Wales, including GPs' surgeries, hospitals, community centres, county courts and magistrates courts, and mobile services both in rural areas and to serve particular dispersed groups. In 2012/13 the Citizens Advice service in England and Wales advised 2.3 million people on 6.6 million problems.

Since April 2012 we have also operated the Citizens Advice Consumer Service, formerly run as Consumer Direct by the OFT. This telephone helpline covers Great Britain and provides free, confidential and impartial advice on all consumer issues.

In the last four quarters Citizens Advice Bureaux have dealt with 84,000 enquiries about fuel debt, while hits to the energy section of our website doubled in October and November, the period during which suppliers announced their price increases last year. Calls to the Citizens Advice Consumer Helpline seeking advice about energy doubled in the same period.

# Response

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Question: Do you agree that the full review of the smart metering Data Access and Privacy Framework should be concluded in 2018 rather than 2016? Please explain your rationale.

In principle Citizens Advice does not take issue with the delay of the full review of the data access and privacy and framework, particularly in light of the delays in the launch of DCC services and subsequent delays to the rollout as a whole.

However in light of this proposed delay the “continuous monitoring and review” process outlined in section 3 of the consultation document will become all the more important to ensure that the principles of the Data Access and Privacy Framework are upheld as smart meters are installed in consumer homes across Great Britain. There remain several outstanding areas of concern regarding the handling of consumer data as part of the smart meter rollout. It will be imperative that a delay to the review not delay action on these areas. The main issues of concern to Citizens Advice are outlined below:

## **Protecting consumer transparency and control:**

Citizens Advice and predecessor body Consumer Futures has undertaken extensive work with consumers regarding data privacy both generally and with specific reference to smart meters and energy data. While consumers frequently have varying attitudes to what data they choose to share a common thread across demographics is that consumers want control and transparency. They want to be able to find out who is accessing or able to access their data, what data, how often it is accessed and they want to be able to control this. Recent work examining what consumers need, want and expect from smart metering data communications materials has emphasised the importance of these requirements<sup>1</sup>

Other countries have seen the rollout of smart meters significantly delayed and even halted due to consumer concerns regarding the privacy and security of new meters which have the capability to collect and store significantly more data about consumers and their homes. These concerns are equally present among consumers in Great Britain and will need to be adequately addressed if government and industry expect consumers to accept and benefit from smart metering.

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<sup>1</sup> <http://www.consumerfutures.org.uk/files/2014/01/Smart-and-clear.pdf>

Smart meter data is generated by consumers and in addition to being personal is also potentially very valuable. Consumers are increasingly becoming aware of the value of their data. As such if suppliers or other parties wish to make use of any data beyond what is necessary to provide an accurate bill (i.e. a monthly meter read) they will have to offer benefits to their customers that reflect this value. It is up to suppliers to make the case to consumers that they will see an active benefit from sharing more data. Alongside this it will also be vital that suppliers only request access data that is required to provide the services they are offering.

Consumers are currently afforded some protection and control via the opt-ins and outs outlined in section 2.5 of the consultation document, however we have recently heard some energy suppliers and networks arguing for additional, more detailed data, or a watering-down of the agreed consumer choices regarding their data. This risks undermining confidence in the rollout. We cannot state strongly enough the importance of a firm foundation for data privacy and protection, the consumer opt-ins and outs were formulated to help ensure this and many consumers have agreed to have smart meters installed on the basis that they have this level of control. Seeking to alter these requirements after meters have been installed on the basis of these protections would be unacceptable. These options also provide consumers with some leverage to ensure that the benefits smart data can provide reach them and are not absorbed by suppliers or networks as suppliers will have to offer something in return for consumers sharing more detailed data.

It should also be borne in mind that under the Data Protection Act, as little data as possible should be accessed and collected to complete the task at hand, that data collected for one purpose should not be used for another and that the act may be strengthened or ammended in the near future.

### **The DCC and Consumer Consent:**

Concerns remain around the security and privacy of smart metering particularly regarding how the Data Communications Company (DCC) is proposed to function. As it stands there are robust processes in place by which the DCC must ensure that its users (suppliers and potentially a wide range of third party services) are who they claim to be but there is no process by which it then verifies that these users have the permission of consumers to access their data. The only proposed means of preventing abuse is an auditing process for DCC users, this would only catch poor behaviour or data handling after the fact. Even a single incident in which a DCC user collects data they do not have permission to access either maliciously or in error will risk undermining faith in the smart metering programme. Measures taken against a DCC user after the fact would not undo the damage as the user would still have the data. Government, energy suppliers and the DCC need to address this issue immediately.

We would also expect a stronger sense of the potential penalties for such a breach to be laid out in the near future, particularly as, on a practical level, it seems

unlikely that any of the larger energy suppliers would be removed entirely from the DCC or the SEC even in the event of a significant breach given how integral the DCC is to Great Britain's current smart meter infrastructure, particularly regarding consumer experience with switching and services.

Elsewhere in government the midata programme, which currently deals with far less detailed energy data than the DCC will has identified the need to ensure consumer consent is adequately authenticated, current proposals are to make use of security tokens and other verification methods to ensure such an incident cannot occur. Options such as these should be examined as potential solutions to this gap in security and privacy protection.

## **The CAD**

One element of the consumer data experience not specifically referenced in the consultation document that warrants mention is the Consumer Access Device (CAD), section 2.5 of the consultation document states:

*2.5 Consumers will be able to share their energy consumption data easily with third parties, such as switching sites and energy services companies, if they choose to do so. Before third parties access energy consumption data remotely via the DCC, they are required to obtain explicit (opt-in) consent from consumers.*

The CAD will allow consumers to access and, should they wish share, their detailed near real-time usage data directly via their Home Area Network (HAN) without need for this data to be sent via the DCC. Along with the DCC the CAD has a role to play in avoiding the risk that suppliers become the gatekeepers to a consumer's data, enabling consumers to share their data on their terms with other service providers who may offer a wide range of services including but not limited to: tariff comparison and switching , energy advice, remote healthcare and home security systems.

The CAD also provides an opportunity for the growing independent market of Home Energy Management Systems (HEMS). Consumers should not be 'locked in' to using only services provided by their energy supplier or need to go via their energy supplier to access and control their own data.

## **A Data Dashboard**

Citizens Advice will shortly be launching a piece of work to generate a proof-of-concept for a smart meter "data dashboard" which would allow consumers to see who is accessing their data, how often and in what detail as well as allowing them to query access and, where appropriate, stop it. Such a service would need to be impartial, consistent and not charge the consumer for its service. While organisations are expected to regularly inform their customers of what data they are collecting this should not be the sole means by which consumers can access this information or make decisions about it.

A significant concern with how the DCC is currently planned to operate is that it has no consumer facing role. This raises several issues:

- A lack of transparency for consumers to see who is accessing their data – they will have to rely on contacting organisations they believe are accessing their data directly, a clearly flawed process as they may not know who to contact and, in many cases, may not trust the DCC user to inform them what they are not collecting
- A lack of control for consumers – they will not be able to request that the DCC not provide their data to DCC users but will instead have to approach the organisation directly. Again issues of knowing who to approach and trusting that consumer requests are acted upon are significant

An independent data dashboard would help mitigate both of these issues by providing consumers with all the information in one place. It's important to note that the dashboard would not resolve the issue raised earlier in this response regarding the DCC's lack of any means to confirm that a DCC user has gained consumer permission before collecting data.