



# SMETS1 Conclusion TMAD - Data Deletion / Retention

A SMETS1 conclusion on proposals by DCC for amendments to the TMAD covering data deletion / retention on cohort closure.

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# 1. Introduction and Context

A number of energy suppliers have installed first generation smart devices (known as SMETS1 devices) in consumers' premises across Great Britain. The Data Communications Company (DCC) has designed a solution for the enrolment of SMETS1 devices into its network. Part of DCC's plan to deliver SMETS1 Services involves an approach for migrating SMETS1 Installations into DCC's systems.

The detailed technical and procedural requirements of the migration approach are set out in the SMETS1 Transition and Migration Approach Document (TMAD). The TMAD is Appendix AL of the Smart Energy Code<sup>1</sup> (SEC). In this document DCC concludes on its proposals to amend the TMAD in support of SMETS1 service delivery.

The SMETS1 Consultation - TMAD – Data Deletion / Retention<sup>2</sup> was published via DCC's website on 18 July 2023 (with an email notification sent to SEC Parties and other interested stakeholders) with responses due by noon Friday 18 August 2023. The consultation proposed amendments to Clause 7 of the TMAD to provide clarity on data retention / deletion once each Requesting Party is decommissioned. The consultation also proposed to re-designate the proposed amendments into the TMAD between 15 September 2023 and 15 October 2023.

This document provides a response to that consultation consistent with the regulatory requirements for amending the TMAD.

## 2. Stakeholder Engagement

This section details DCC's stakeholder engagement that has taken place in relation to the proposed regulatory changes.

### 2.1. Questions

The consultation set out two questions and this document provides a response to these two questions. Table 1 below details these questions as presented in the public consultation.

Number	Question
Deletion / Retention Q1	Do you agree with DCC's proposal to amend the TMAD (change to Clause 7.9 (c) and new Clauses 7.9B, 7.9C, and 7.9D) to clarify obligations relating to data retention / deletion and to require DCC to engage with the Department and the Authority before SMETS1 data is deleted? Do you have any detailed comments on the relevant changes to the legal drafting? Please provide a rationale for your views.
Deletion / Retention Q2	Do you agree with the proposed re-designation date of 15 September 2023 (or within one month thereafter) for the changes to the TMAD within this consultation? Please provide a rationale for your views.

Table 1 – Consultation Questions – TMAD – Data Deletion / Retention

<sup>1</sup> The current version of the SEC is available from <https://smartenergycodecompany.co.uk/the-smart-energy-code-2/>

<sup>2</sup> <https://www.smartdcc.co.uk/consultations/smets1-consultation-tmada-data-deletion-retention/>

## 2.2. Responses

Stakeholders were invited to respond to the consultation by noon on Friday 18 August 2023 using the response template<sup>3</sup> that was provided.

During this period DCC received a written response from two respondents regarding this consultation.

It should be noted that recently some stakeholders have advised DCC that they generally only respond to DCC's regulatory consultations if they wish to provide specific feedback on or have concerns about the relevant proposals. The number of responses received should be considered in this context.

## 2.3. Analysis of Responses

DCC reviewed the consultation responses and included a statement on any areas of disagreement as set out in the Sections below.

# 3. Clarification on Data Retention / Deletion on Cohort Closure (Deletion / Retention Q1)

The existing Clause 7 of the TMAD requires data, which relates to Migration in a SMETS1 cohort, to be deleted promptly after that cohort is closed unless there is an ongoing requirement in line with the SEC, to retain the data for DCC to provide any Services. However, the existing Clause 7 does not explicitly state if such data may be retained and does not reference that DCC may be required to use such data to fulfil its duties under its Licence and the SEC during requests from the Secretary of State and the Gas and Electricity Markets Authority (the Authority). The Clause also does not refer to DCC's Data Retention Policy, which prescribes how and when DCC retains data to satisfy its legal, contractual, and commercial requirements.

DCC sought views on proposals to amend the Clause 7 of the TMAD to clarify the arrangements for data retention / deletion on decommissioning the Requesting Party in respect of each SMETS1 cohort during formal closure of the migration capability for that cohort. This covered proposals to amend Clause 7.9 and introduce new TMAD Clauses 7.9A to 7.9D to ensure that the requirements for deleting the data relating to Migrations in each SMETS1 cohort where it is no longer required for providing ongoing Services under the SEC and / or to be retained under DCC's Data Retention Policy may be applied each time such a cohort closes. These changes were covered by the following question: "***Do you agree with DCC's proposal to amend the TMAD (change to Clause 7.9 (c) and new Clauses 7.9B, 7.9C, and 7.9D) to clarify obligations relating to data retention / deletion and to require DCC to engage with the Department and the Authority before SMETS1 data is deleted? Do you have any detailed comments on the relevant changes to the legal drafting? Please provide a rationale for your views.***".

## 3.1. Respondents' Comments / DCC Analysis / Clarifications

All respondents provided a response to this question.

One respondent stated they had no objections without further comment.

<sup>3</sup>

[https://www.smartdcc.co.uk/media/adhgdwl1/smets1\\_consultation\\_tmad\\_data\\_deletion\\_retention\\_response\\_template.docx](https://www.smartdcc.co.uk/media/adhgdwl1/smets1_consultation_tmad_data_deletion_retention_response_template.docx)

The other respondent expressed concern related to a lack of clarity for determining at what point the DCC will no longer require the data. DCC has spoken to the respondent to discuss their comment. DCC explained that this clarity is provided in the proposed Clause 7.9A. of the TMAD. This drafting sets out that DCC shall only retain SMETS1 data related to Migration where it is required for the purposes of providing ongoing Services under the Code and / or where it is required to be retained under the DCC's Data Retention Policy. Where this data is no-longer required for such purposes then DCC shall follow the prescribed process in the TMAD in relation to data deletion whereby the Authority or Department can determine if they have a need for the data to be retained for a further period to support the Department and the Authority in fulfilling its duties e.g. for analysis of historic Migration success. Following discussions with DCC, the respondent confirmed that they now have no concerns with DCC's plans and have no objections to the proposed TMAD change.

The other respondent also sought clarity on the governance arrangements for any changes to DCC's Data Retention Policy that arise from the proposed changes once the TMAD has expired<sup>4</sup>. DCC's Data Retention Policy is prepared to be consistent with Section G of the SEC and Condition 10 of DCC's Licence, and to also reflect the existing obligations on DCC from the Data Protection Act 2018. DCC's Data Retention Policy provides a framework to enable DCC to make informed decisions about what data should be kept, for what purpose, and for what length of time to be consistent with the various regulatory and legal requirements. DCC's general principle is that records should be retained for as long as they are relevant for the purposes for which they are produced or kept. DCC's Data Retention Policy is subject to an annual review process and is updated to reflect any material change. The policy is audited by ISO 27001 external assessment and the Compliance Officer, as required in Condition 12 of DCC's Licence. DCC's Data Protection Impact Assessment (DPIA) for retention of this Migration data, which is subject to annual review, is one of the means that can lead to material updates to DCC's Data Retention Policy if changes, which may arise from the DPIA, are considered material. Considerations under DCC's DPIA include how personal data, such as MPAN / MPRN information from Migrations, may be treated under DCC's Data Retention Policy. Based on DCC's current DPIA, DCC can confirm that it does not envisage any changes to the DCC's Data Retention Policy following expiry of the TMAD.

### 3.2. Areas of Unresolved Disagreement

n/a.

### 3.3. Summary

Given the support for the proposed amendments to Clause 7 of the TMAD, DCC concludes it is appropriate to amend the TMAD, as proposed.

It should also be noted that the Migration dataset includes MPAN / MPRN information which is classified as personal data. DCC has a current DPIA appropriately covering the retained Migration data, which DCC has prepared consistent with DCC's Data Retention Policy. This DPIA is subject to annual review by DCC.

DCC therefore proposes that the Secretary of State re-designates the relevant amendments to the TMAD to implement the changes to clarify the arrangements for data deletion / retention on cohort closure.

<sup>4</sup> In line with the existing TMAD Clause 1.3, the TMAD is set to expire on 31 March 2024.

## 4. TMAD Re-designation (Deletion / Retention Q2)

DCC sought views on re-designating the TMAD between 15 September 2023 and 15 October 2023 with the changes proposed in this consultation through the following question: “*Do you agree with the proposed re-designation date of 15 September 2023 (or within one month thereafter) for the changes to the TMAD within this consultation? Please provide a rationale for your views.*”.

### 4.1. Respondents’ Comments / DCC Analysis / Clarifications

All respondents provided a response to this question.

One respondent stated they had no objections without further comment.

The other respondent stated they had no objection to the proposed date for TMAD re-designation on the basis that there are no changes/requirements for Requesting Parties to retain any data, systems, or adjust decommissioning plans.

DCC can confirm this assumption is valid, the proposals in this consultation are focused solely on data retained by DCC following each decommissioning of a Requesting Party, and do not propose any changes relating to requirements to adjust decommissioning plans or for Requesting Parties to retain any data or systems.

### 4.2. Areas of Unresolved Disagreement

n/a.

### 4.3. Summary

Given the respondents’ support for the proposed re-designation period, DCC concludes it is appropriate to re-designate the TMAD between 15 September 2023 and 15 October 2023 and proposes that the Secretary of State re-designates the TMAD on 15 September 2023.

## 5. Summary of Drafting Changes

There are no changes to the TMAD arising from the comments received regarding the matters set out in this conclusion document.

## 6. Conclusions

DCC is confident that, in consulting on the proposed TMAD changes, it has met its SEC obligations. DCC believes that it has undertaken appropriate consultation with industry regarding the proposed changes to the TMAD. DCC does not believe that the respondents’ feedback to this consultation results in fundamental amendments to the TMAD. As such further consultation is not necessary or appropriate.

DCC is confident that the TMAD version submitted to the Secretary of State for re-designation reflects the requirements for document submission (as per Section N of the SEC) and considers the revised TMAD to be fit for purpose as it:

- is defined to a sufficient level of detail for re-designation into the SEC and is materially complete, and the content is technically accurate;
- contains revisions that continue to align it with the overall solution design for the SMETS1 Service and other relevant documents; and

- continues to provide an overarching framework that sets out clearly and unambiguously parties' rights and obligations which are consistent and aligned with the rest of the SEC requirements in relation to SMETS1 Services.

In summary, DCC considers that the revised TMAD is fit for purpose.

## 7. Next Steps

DCC has submitted this conclusion report to the Secretary of State on the date of the report's publication. DCC will publish the report on DCC's website and notify SEC Parties.

The Secretary of State is expected to decide on whether and when to re-designate the revised TMAD into the regulatory framework for the amendments in the scope of this consultation.

Given this consultation process, DCC notes that the earliest date on which the proposed amendments to the TMAD could be re-designated is 15 September 2023 and the latest date is 15 October 2023 without requiring a further consultation on the designation date.

## 8. Attachments

Attachment	Title
1.	TMAD v27.0 draft delta against current version v26.0
2.	TMAD v27.0 draft clean

Table 2 - Attachments