



SMETS1 Consultation TMAD - Data Deletion / Retention

A SMETS1 consultation on 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 a detailed 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 Code¹ (SEC).

In this document DCC proposes changes to the TMAD in support of SMETS1 service delivery. Clause 7 of the TMAD covers matters related to the closure of each cohort. DCC is proposing amendments to provide clarity on data retention / deletion once each Requesting Party is decommissioned.

2. Data Deletion / Retention after Requesting Party Decommissioning

The formal closure of the DCC migration capability for a SMETS1 cohort is realised by the decommissioning of the Requesting Party for that cohort, as prescribed within Clause 7 of the TMAD which has occurred for three cohorts². Following the formal closure of the DCC migration capability for a SMETS1 cohort, the data set that is relevant to each such cohort becomes static as there will be no further updates from the SMETS1 SMSO that provided the decommissioned Requesting Party service. Importantly, the Migration dataset includes MPAN / MPRN information which is classified as personal data.

The existing Clause 7.9 (c) of the TMAD requires data related to Migration to be deleted promptly once a cohort is closed unless there is an ongoing requirement (within the SEC) for the data to be retained in order to provide any Services.

Given the provisions in Clause 7.9 (c) of the TMAD, and the need for DCC to take the appropriate data protection steps in relation to the retention of MPAN / MPRN information, there could be an expectation that the data would be deleted for each cohort at closure. However, DCC has legitimate ongoing uses for the data whilst Migrations continue across all remaining cohorts due to ongoing Service provision elsewhere, and none of the data (for the previously closed cohorts) has been deleted:

- data related to successful Migration of SMETS1 Installations is retained as it is needed by DCC for checking for duplicated MPxN across all cohorts when Migrating live cohorts; and
- data for SMETS1 Installations that didn't Migrate and that are in Excluded Categories is kept as there is a monthly reporting requirement to the relevant Energy Suppliers in Clause 18 of the TMAD (NB the TMAD is currently due to expire in March 2024).

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

² The MOC (MDS) cohort closed on Sunday 23 October 2022 (<https://www.smartdcc.co.uk/consultations/smets1-publication-final-rp-decommissioning-timetable-for-moc-mds/>). The FOC (NP) cohort closed on Sunday 9 April 2023 (<https://www.smartdcc.co.uk/consultations/smets1-publication-final-rp-decommissioning-timetable-for-foc-np/>). The IOC Cohort closed on Sunday 28 May 2023 (<https://www.smartdcc.co.uk/consultations/smets1-publication-final-rp-decommissioning-timetable-for-ioc/>).

In addition, the data is presently used for reporting to the Department for Energy Security and Net Zero (the Department) and the Gas and Electricity Markets Authority (the Authority) as well as for reporting on activities within DCC.

DCC notes that within the current Clause 7 of the TMAD, there is no explicit requirement that sets out whether to retain / dispose of the retained data (i.e., not initially deleted under Clause 7.9 (c)) once the TMAD expires / the last Requesting Party is closed as the requirement is drafted to be a one-off exercise. It has also been highlighted to DCC that there may be other on-going uses for this data required to support the Government and the Authority in fulfilling its duties e.g. for analysis of historic Migration success. Additionally, DCC has a Data Retention Policy which is applicable as per Section G2.17 of the SEC. The purpose of the Data Retention Policy is to prescribe how / when DCC retains data such that DCC can ensure it is able to satisfy its legal, contractual, and commercial requirements. However, DCC's Data Retention Policy isn't currently referenced within the drafting in Clause 7 of the TMAD. DCC considers this to be an oversight as its Data Retention Policy should have been referenced when DCC had consulted on the initial TMAD draft.

Given this situation and the need to comply with DCC's obligations under the SEC and data protection legislation, DCC considers it prudent to propose the following TMAD changes to clarify the requirements for DCC relating to data retention.

- Renumber Clause 7.9 (c) to be standalone as Clause 7.9A with consequential amendments such that it becomes a repeatable exercise to apply each time such SMETS1 data is proposed by DCC to be deleted. The requirement to retain / delete data is also extended to include a reference to DCC's Data Retention Policy.
- Introduce a new TMAD Clause 7.9B to require DCC to engage with the Department and the Authority prior to deletion of any such data and to delete in accordance with wider rules where not directed (within a two-month period) to retain it by the Authority or the Department. The requirement to delete data will also include a reference to DCC's Data Retention Policy.
- Introduce a new Clause 7.9C allowing DCC to retain data where either the Department and/or the Authority specify a later date for retention of the data, and to delete data as soon as reasonably practicable following expiry of the specified retention period.
- Include an obligation on DCC in Clause 7.9D of the TMAD to report to the SMKI PMA and the DCC Independent Security Assurance Service Provider on the outcome of such data deletion / retention to provide stakeholder transparency and assurance. DCC considers that these additional obligations are required to provide explicit clarity on the treatment of such data related to Migration across all cohorts.

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.

3. Next Steps

Following the closure of this consultation, DCC will take into account respondents' views, and, subject to the consultation responses received, submit to the Department an amended version of the TMAD that it considers suitable for re-designation by the Secretary of State.

DCC aims to conclude on this consultation on 1 September 2023 and to provide the Department with a conclusions report related to the TMAD re-designation covering the proposed amendments.

DCC has discussed the re-designation of the TMAD with the Department and it is proposed that, subject to timely receipt of DCC's report, copies of relevant stakeholder responses to this consultation, and the outcome of the consultation exercise, the Secretary of State will re-designate the TMAD on 15 September 2023 or as soon as reasonably practicable within one month thereafter.

In order to expedite the re-designation of the TMAD, DCC is also seeking views on behalf of the Department on the proposed dates for re-designation of the TMAD as well as the draft direction which is presented in Attachment 1 of this consultation document for stakeholder consideration.

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.
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4. How to Respond

Please provide responses in the attached template by noon on 18 August 2023 to DCC at consultations@smartdcc.co.uk. This template may be submitted in PDF or similar format rather than Microsoft Word format if preferred.

Consultation responses may be published on our website www.smartdcc.co.uk. Please state clearly in writing whether you want all or any part, of your consultation to be treated as confidential. It would be helpful if you could explain to us why you regard the information you have provided as confidential. Please note that responses in their entirety (including any text marked confidential) may be made available to the Department for Energy Security and Net Zero (the Department) and the Gas and Electricity Markets Authority (the Authority). Information provided to the Department or the Authority, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 2018, and the Environmental Information Regulations 2004). If the Department or the Authority receive a request for disclosure of the information, we/they will take full account of your explanation (to the extent provided to them), but we/they cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

If you have any questions about the consultation, please contact DCC via consultations@smartdcc.co.uk.

5. Attachments

Attachment / Title
1. Draft Notification Text on TMAD
2. SMETS1 Consultation - TMAD - Data Deletion / Retention - Response Template
3. TMAD v26.DELRET Draft Redlined against V26.0 clean

Table 1 – Attachments

Attachment 1

This attachment contains the text that DCC plans to use for direction of changes to the TMAD.

TMAD Draft Direction Text

This direction is made for the purposes of the smart meter communications licences granted under the Electricity Act 1989 and the Gas Act 1986 (such licences being the “DCC Licence”) and the Smart Energy Code designated by the Secretary of State pursuant to the DCC Licence (such code being the “SEC”).

Words and expressions used in this direction shall be interpreted in accordance with Section A (Definitions and Interpretation) of the SEC.

Pursuant to Condition 22 of the DCC licence and Section X5 (Incorporation of Certain Documents into this Code) of the SEC, the Secretary of State directs that, with effect from [DD MM YYYY], the SMETS1 Transition and Migration Approach Document (TMAD) previously designated and incorporated into the SEC as Appendix AL is hereby re-designated and incorporated in the form set out in Annex [XX] to this direction.

For the avoidance of doubt such re-designation of the SMETS1 Transition and Migration Approach Document shall be without prejudice to anything done under the DCC Licence or the SEC on or after this document first being designated, or the continuing effectiveness of anything done in this document prior to its re-designation (which shall have effect as if done under the re-designated document).

This direction is also being notified to the SEC Administrator.