

## **Response dated 18 November 2016 from First Helpline to the Formal Consultation on the Energy Market Investigation (Database) Order 2016**

We feel we're not alone in wondering why this is necessary and whether the funds that will be invested could be better used elsewhere. While we understand that there are many disengaged customers in the market, we also understand that for some customers this is a conscious decision.

Below are points we feel are relevant:

- Why will customer data only be available to suppliers when Ofgem highlights how important PCWs are to consumers and that many consumers place more trust in them? Should the customer be able to decide who their data is shared with (suppliers or PCWs)?
- While you mention handling customer data in line with DPA, we don't feel you've fully covered opt in/out from a PECR point of view. This considers soft opt in where the customer is asked marketing questions as part of a sale/sign up for a product or service; the correspondence regarding 'The Database' will be a singular communication specifically about sharing customer data and we question whether non-receipt of a response can actually count as an opt-in? PECR states that non action by a customer can't necessarily be considered as 'opt in' and we feel this is especially pertinent relating to correspondence which is not part of any other process.
- How many suppliers are allowed to contact me at any one time? If you're giving suppliers a limited timeframe in which they can use the customer data (to ensure it's up to date), could I receive 30 emails in a week from different suppliers asking me to switch? Could this further disengage customers that may feel like they're being harassed?
- The order notes state that a disengaged customer is someone that has been on an SVT for 3 or more years, and that the customer still falls into this bracket even if it's by conscious choice (meaning they have engaged and decided that SVT is better for them). We would argue that the number of truly disengaged customers is different to the numbers being quoted.

Regards

Carol Seaton