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Thursday 17th November 2016
via Email to: energymarket@cma.gsi.gov.uk

Dear David,

Thank you for providing the opportunity in responding to the open consultation with the proposal to introduce a database under the CMA order. I trust our response assists your project in views from a small supplier. We ask that our points are considered in your final decision relating to Energy Market Investigation order.

We are still unclear as to whether the full requirements of the Data Protection Act 1998 and the impending EU-GDPR 2018 have been considered. I'm sure you can appreciate that we must have complete confidence from the regulator, OFGEM that our customer's data will be managed and maintained in accordance with the Data Protection Act.

The current proposal of providing OFGEM with our customers' data does raise concerns in terms of how the data subject will have provided explicit consent that other suppliers within the market can use their data for direct marketing activities. In order for us to gain their explicit consent will require positive engagement and clear explanation as to what the consent is being obtained for. Given that the target audience of customers being placed on the database is those who are disengaged we're struggling to understand how a disengaged customer will want to engage with suppliers in the first instance to give explicit consent before being added to the database.

Good Energy like many other smaller suppliers only offers one core tariff which is the Standard Variable, also known as an SVT. The majority of our customers are therefore on our SVT and have been for many years, however this doesn't indicate that they are disengaged or on the wrong tariff. We feel that for us in particular, placing our engaged customers who are aware of their tariff choice and happy with being a Good Energy customer will have the adverse impact of what the database intends to achieve.

There are obviously pro's and con's to this proposal as this could also provide Good Energy with marketing opportunities where customers of other, bigger suppliers who do offer multiple tariffs do have disengaged customers who are unknowingly on the most expensive tariff. Our first concern has to be that of the legality of this proposal and whether a database will drive the intended outcome.

We do agree that there are certain customers who are disengaged and the industry must do more to promote the benefits of alternative choice and cheaper deals. There are many initiatives and programmes in place and underway that are also promoting a national culture of switching energy supplier, a few to mention being



Energy UK's Switch Guarantee – peace of mind for customers that suppliers will switch their supply within 21 days

Smart Energy GB – Media campaign is in every home at the moment through TV, radio and print. Customers are starting to think about energy more and this will only increase during the Smart roll out

SMART metering – Every UK home will be contacted over the next 3 years and suppliers will visit each for the first time in history to install a new meter, provide energy advice and build a different, interactive relationship with consumers

Price Comparison Sites – There are more price comparison sites than ever in the market, collective switching is more active than ever before and energy prices are constantly under the media spotlight. Money Saving Expert has regular prime time slots on TV urging viewers to consider switching energy supplier if they are not satisfied with what they're paying.

Pre Payment Debt Assignment Protocol – PPM customers are no longer tied to their supplier if their debt is below £500. Customers with pre payment meters can easily switch supplier and transfer their debt.

Switching statistics from July 2016 prove that in the usually quietest period of the year for consumers switching, 333,653 consumers switched supplier (over 107,000 every day in July).

I trust our response assists with your consultation. In essence, we would ask that two points are considered, the legality of this proposal in terms of the data protection act but also ensuring sustainability of this initiative against the EU-GDPR. The second point is whether the database will provide the desired outcomes OFGEM are looking for above and beyond what we are already seeing with a softer, more respectful approach in promoting the benefits of switching supplier.

Kind Regards,

Peter Berry
Senior Compliance Manager
Good Energy
