



E.ON response to the Better Use of Data consultation paper

Executive Summary

- E.ON is committed to helping people to control their energy use and to deliver affordable energy for them in a sustainable way. The long-term, sustainable solution to fuel poverty is to improve the energy efficiency of existing, often old, housing stock. However, fuel poor and vulnerable households also need help with their energy costs to be able to afford to heat their homes.
- The Warm Home Discount (WHD) scheme provides direct financial support to vulnerable households to help them keep their homes warm during the colder months. Households are also provided with advice on how to manage their energy use to ensure future energy costs are kept as affordable as possible.
- We welcomed the announcement in the Spending Review last year that the WHD scheme will continue for a further five years. We support changes being made to the scheme to improve the targeting of fuel poor households in the future to ensure that support goes to those who need it most. Doing this cost effectively relies on widening existing data sharing powers, as proposed in this consultation, to identify low income high cost households through data matching.
- Identifying eligible fuel poor households through data matching will reduce WHD administration costs considerably, ensuring that more support can reach those who need it most. At the moment, only pensioner households can be automatically identified for the 'Core Group' WHD rebate with other vulnerable customers (the 'Broader Group') needing to apply and be verified by the energy supplier. In our experience, Broader Group rebates are over thirty times more expensive to administer than Core Group rebates. Wider data sharing, allowing a greater proportion of WHD recipients to be automatically matched, will significantly reduce the overall administration costs and will increase the cost-effectiveness of the scheme overall.
- We therefore support the data sharing proposals to achieve this and the broader principles on which the changes are based. We also agree that safeguarding the use of the data must be a priority and that there should be strong sanctions in place to deter misuse of data. However, government will need to make sure that any sanctions intended to penalise suppliers for unlawfully sharing data do not unintentionally disadvantage intended WHD recipients.
- We support making WHD Core Group recipients automatically eligible for measures under supplier obligation schemes. Fuel poor households, by definition, will live in properties that are costly to keep warm due to being poorly insulated and these are the very homes that supplier obligation schemes seek to target. Since the primary focus of these schemes in the future will



also be to tackle fuel poverty, then if households have already been identified as fuel poor and eligible to receive the WHD rebate, it makes practical sense not to require a separate application process or eligibility check to qualify for energy efficiency measures under a supplier obligation.

- As a business with considerable experience of completing surveys for the Office of National Statistics (ONS), we do not feel that the administrative burden or the associated costs are excessive. We would prefer to retain the ability to provide robust and accurate data ourselves to the ONS rather this being done through more modern methods of data collection.
- We have responded to the questions below that are relevant to E.ON as an obligated supplier and as a business that submits returns to the ONS. We have not commented on questions outside of these areas of activity.

Improving public service delivery

Question 1

Are there any objectives that you believe should be included in this power that would *not meet* these criteria?

1. No comments.

Question 2

Are there any public authorities that you consider would not fit under this definition?

2. No comments.

Question 3

Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

3. We agree that excluding non-public sector bodies which deliver a public service would limit the effectiveness of the power. We believe that the power to share data should include non-public authorities where the delivery of the public service meets the principle objective of the power, namely to benefit individuals.



4. . In our capacity as an obligated supplier within the scope of both the WHD and Energy Company Obligation (ECO) schemes, we are in no doubt that our ability to deliver cost effectively under future obligated schemes depends upon successful sharing of available data to allow eligible households to be identified as efficiently as possible. At the same time, we welcome the proposal that the gateway is permissive, meaning that the public authorities able to use the power can decide whether or not to disclose data.

Question 4

Are these the correct principles that should be set out in the Code of Practice for this power?

5. Yes, we support all of the principles outlined in paragraph 44. It is vital that data is shared only for defined purposes and that these are clearly laid out. It is also crucial that safeguards are in place to prevent the misuse of shared data and that any sanctions for breach of the rules are robust and effective, but without unintended consequences.
6. We fully agree that no datasets should be shared outside the public sector (paragraph 54) and that the only information shared between energy suppliers and Government should be an “eligibility flag”. This would ensure that the Data Protection Act (DPA) 1998 is not weakened in any way and that the information provided to energy suppliers is proportionate.
7. We are committed to ensuring we fully adhere to the DPA 1998 and any associated data sharing regulations and believe these should be strongly enforced. However, we believe that introducing the power to withhold eligibility information from suppliers, whilst providing a powerful deterrent against misusing the data, would ultimately disadvantage customers more than energy suppliers and undermine the key principles this consultation is setting out to achieve.
8. In order to prevent duplicate payments the current automatic data sharing process utilises a qualifying date. The eligibility flag for any given customer is sent to the energy supplier that supplied the customer on an agreed date (for scheme year five the date was 12th July 2015). Excluding one energy supplier from the process would lead to an enormous amount of confusion for customers who might be unsure whether they need to apply for the discount or if it will be provided to them automatically.
9. In addition to the extra cost an energy supplier will incur by trying to identify qualifying customers, there is also an extremely high likelihood that a proportion of eligible customers will not contact their energy supplier and therefore miss out on the help that they are entitled to. As stated in paragraph 46, ‘relying on citizens to step forward and apply always results in some people missing-out’. We would ask that the practical considerations of such a measure be



carefully considered to ensure that any deterrent for misuse of data does not have a detrimental impact on customers and prevent those most in need from receiving assistance.

Providing assistance to citizens living in fuel poverty

Question 5

Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

10. We believe that the Government should share information with the relevant non-public sector organisations to provide assistance to households living in fuel poverty. As stated in our response to question 3, the ability of obligated suppliers to deliver cost effectively under future obligation schemes depends upon successful sharing of available data to allow eligible households to be identified as efficiently as possible.
11. A key element of the current data sharing arrangement is the provision of the WHD helpline for customers with queries about the data matching process. This helpline is administered by the Department for Work and Pensions (DWP) and supports customers who have not been automatically matched and therefore need to provide additional information in order to receive the WHD rebate.
12. We believe it is vital that this service remains in place. As energy suppliers only receive an "eligibility flag", customers need an alternative route for queries about the information held about them by the DWP. The continuation of the central helpline administered by the DWP will ensure that citizens receive the help they are entitled to without having to increase the level of personal data shared with energy suppliers.
13. Widening the scope of the data matching exercise to other low income customers as well as those living in the coldest homes is likely to increase the volume of queries, at least in the short until the new eligibility rules are understood and the datasets have been fully validated. The helpline will therefore continue to have an important role to play and should be maintained.
14. In addition to the WHD data sharing agreement there is also a separate process that involves the provision of data matching to delivery agents for the Energy Company Obligation. This is currently administered by the Energy Saving Trust (EST). This means that installation contractors and managing agents for delivery of the Home Heating Cost Reduction Obligation can request householder details to be checked for eligibility. The ability for multiple organisations to request a data match through EST risks duplication and may already have resulted in more than one submission of householder details being made to DWP for eligibility-checking. We would



propose that obligated parties are considered relevant non-public sector organisations but that this definition does not apply more widely.

Question 6

Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

15. We believe that energy bill rebates alongside energy efficiency advice would be an appropriate form of assistance to households in fuel poverty. The rebate provides direct support for citizens to heat their homes during the colder months but it is also important that they understand how to avoid using more than they need. It is therefore important that households are provided with advice on how to manage energy use to ensure future energy costs are kept as low as possible.
16. In addition, it would make sense for households automatically eligible for the WHD rebate to also be eligible for energy efficiency support under ECO or a future supplier obligation scheme. The focus of these schemes is moving more towards tackling fuel poverty so if households have already been identified as fuel poor for the purpose of receiving the WHD rebate, they should also be eligible for energy efficiency support. Taking steps to avoid duplicating eligibility checks not only avoids incurring unnecessary costs but also simplifies the process for citizens.
17. We believe that restricting the provision of data-matched eligibility information to obligated suppliers only for the delivery of WHD as well as ECO (and future supplier obligations) will mitigate the risk of duplicated processes (as described in paragraph 14) and unnecessary administration costs. As identified in the consultation document, saving on administration costs will lead to a greater proportion of the budget for the ECO scheme reaching those who need it most.

Question 7

Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

18. As the new proposed principles in the consultation will not seek to replace or amend existing legislation then we would ask that consideration be given to The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011. This states that the information disclosed to energy suppliers must be used for the purpose of providing a Warm Home Discount rebate or providing 'relevant assistance'. Relevant assistance is defined as:



- (a) energy efficiency measures, thermal efficiency measures and advice and assistance relating to energy and thermal efficiency;
- (b) advice and assistance relating to the generation of electricity or heat produced by micro generation or the production of heat produced by any plant which relies wholly or mainly on wood as a fuel;
- (c) advice and assistance relating to the reduction of energy consumption;
- (d) inclusion on the priority services register;
- (e) assistance in relation to debt or disconnection;

19. To ensure consistency for vulnerable customers identified through the data matching exercise, new legislation should reflect the current definition of 'relevant assistance'.

Access to civil registration to improve public service delivery

Question 8

Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

20. No comments.

Question 9

Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?

21. No comments.

Combating fraud against the public sector through faster and simpler access to data

Question 10



Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

22. No comments.

Question 11

It is proposed that the power to improve access to information by public authorities to combat fraud will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the Fraud gateway be operational for before it is reviewed?

23. No comments.

Improving access to data to enable better management of debt owed to the public sector

Question 12

Which organisations should Government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtors who owe multiple debts?

24. No comments.

Question 13

How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?

25. No comments.

Question 14

It is proposed that the power to improve access to information by public authorities for the purpose of better managing debt owed to government will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the debt power be operational for before it is reviewed?



26. No comments.

Access to data which must be linked and de-identified using defined processes for research purposes

Question 15

Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

27. No comments.

Question 16

To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

28. No comments.

Question 17

What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

29. No comments.

Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

Question 18

Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

30. No comments.



Question 19

If your business has provided a survey return to the ONS in the past we would welcome your views on:

(a) the administration burden experienced and the costs incurred in completing the survey, and

(b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics.

31. As a business with considerable experience of completing ONS surveys, we do not feel that the administrative burden or the associated costs are excessive.
32. We would prefer to retain the ability to provide robust and accurate data ourselves to the ONS, rather than this being done through 'more modern methods of data collection'. Some of the data we provide is of a commercially sensitive nature and is only released on the basis that the ONS will retain its confidentiality. Our main concern with altering the way in which data is collected is that this could increase the risk of sensitive data being subsequently disclosed.

Question 20

What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to processes that collect, store, organise or retrieve data?

33. No comments.

April 2016

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional):

Debbie Haynes

Position (optional):

Energy Efficiency Projects Officer

Organisation name:

Oxford City Council

Address:

109 St Aldates

Oxford

OX1 1DS

Email



Telephone (optional):



Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?

Personal response

Official response

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

Type of representative group or interest group

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

How did you find out about this consultation?

Gov.uk website

Internet search

Other

May we contact you for further information?

Yes No

Questions

Improving public service delivery

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

No

Yes

If yes, please explain your reasons.

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Question two: Are there any public authorities that you consider would not fit under this definition?

No

Yes

If yes, please explain your reasons:

To support fuel poverty related projects, it would be useful to integrate health organisations such as Clinical Commissioning Groups and health service providers. Linking health to poor housing/underheating is key for tackling vulnerability.....

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Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

Increasing the scope of the power to cover non-public sector bodies will ensure the application of consistent conditions and safeguards for accessing information and more importantly to align the public service delivery proposals to those proposed to tackle fraud and debt.

Additionally Oxford City Council (with the EDIS project) has started discussions around data sharing with energy companies in order to target in need residents, poorly insulated homes and vulnerability. A standard line on data sharing and clear guidelines and responsibilities to enable this to happen more easily or as part of joint working would be instrumental in moving this forward nationally and across the board. The EDIS project would be happy to share findings and knowledge as well as offer the data platform tool as a model for usage.

Any sharing of power with an energy company must be for the expressed aim of supporting people rather than for any commercial (ie marketable gain).

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons

Templates/clear guidance is required to ensure all parties are clear on data protection application and the appropriate level of data sharing for different projects dependant on the purpose. All parties need to be very clear that data can only be released for certain purposes (ie targetting fuel poor, improved wellbeing etc.

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Providing assistance to citizens living in fuel poverty

Oxford City Council is working on a project with funding from Innovate UK and partners, Coventry City Council and others which is based on the analysis of data sharing to develop an 'Energy Data Integration System' (EDIS). The purpose of the project is to process Local Authority and Utility Company data to develop specific interventions to overcome specific social issues including fuel poverty by identifying dwellings where funding support for energy could be appropriate to deliver social benefits and where there are a suitable range of energy saving interventions including physical measures to the premises and awareness raising training for the occupants. The work done so far on this is a good illustration of trying to integrate data sharing for the purpose of helping target people for winter warmth projects. Therefore our findings so far should help to inform the government's approach on data sharing for public benefit.

The project has focussed on the development of agreements for data sharing, bringing together a number of layers of data from EPC records, thermal imaging data, housing stock information, geospatial and benefits data. Analysis of this data will be undertaken using the 'Energy Signature Analysis Method' which has been developed to identify appropriate interventions for energy consumers.

It is also designed to allow sensitive data to be combined in a way that assures data protection while delivering valuable outcomes. Learning from this project so far has informed this response. Oxford City Council and their partners would welcome further discussion of how this work can inform government policy on fuel poverty targeting using data.

Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

This needs to not be just for the Warm Homes Discount however as this is limited. Fuel poverty criteria should be broadened and the government should work with local authorities such as Oxford City Council in order to determine the best way to

target this with energy companies. This data should not be made available for any commercial company as unethical cold calling and misselling is already rife in this industry. Rather, encouraging energy companies and local authorities to align approach on fuel poverty could help reduce bad practice in the industry by offering a 'seal of approval'. Councils already have a strong data controller role, government could support this with training and standard lines, enabling them to lead the way on fuel poverty targetting via accurate and well managed data.....

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

... One significant means of assistance for those in fuel poverty would be to lower the cost of pre-payment tariffs would go a long way to provide assistance.

This is helpful where appropriate criteria are found. However, this is only one means of reducing fuel poverty. Assessing homes for energy efficiency needs is vital – once the building needs less energy to heat it, incomes and energy costs have less of an impact.

Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?

- Yes
- No

If yes, please explain your reasons:

There are a wide range of fuel poverty assistance which Oxford City Council is finding access to via the EDIS project. Access to data on construction types and

property/energy efficiency information that is accurate (ie in addition to EPCs) can help identify measures and target homes that are at risk of fuel poverty. Additionally, research shows that 60% of energy consumption is affected by occupancy behaviour. Targetting high energy users (as the EDIS project aims to do) can help occupants to help themselves. Many would benefit from information pamphlets or energy awareness training as well as home measures. Effective targetting using accurate data can help offer support, advice and training to help individuals understand and manage their energy use more effectively. Help with finding the lowest fuel tariffs and assistance or budgeting training to get off pre-payment meters can also be offered as well as long term financial planning. The Council has an energy advice and advanced energy finance support (carried out by energy advice officers and Citizens' Advice Bureau) which can act as a model for this approach.

Access to civil registration information to improve public service delivery

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?

- Strongly agree
- Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

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Combating fraud against the public sector through faster and simpler access to data

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

Yes

No

Please explain your reasons:

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Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?

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Improving access to data to enable better management of debt owed to the public sector

Question twelve: Which organisations should government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtor who owe multiple debts?

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Question thirteen: How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?

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Question fourteen: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed??

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Access to data which must be linked and de-identified using defined processes for research purposes

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

- Yes
- No

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Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

Yes No

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Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

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Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

Yes

No

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Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:

a) the administration burden experienced and the costs incurred in completing the survey

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b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics

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Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?

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Consultation response

Better Use of Data – Consultation Paper

Introduction

Somerset County Council welcomes the opportunity to respond to this consultation.

Please find the combined comments from lead officers in Information Governance, Business Intelligence and Getset services.

Should you have any queries regarding the comments, please contact Amy Shepherd, Corporate Performance Officer [REDACTED]

Consultation response

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

The consultation has identified in objective (c) that the well-being of individuals would include physical, emotional and social well-being. Therefore this legislation should include a power to promote information sharing across Health, Social Care and provider organisations as a key objective.

Whilst the report does include reference to this objective it states it is as pending the report from Dame Caldicott later this year and the objectives should be drafted to include this as a power to be refined as a result of Dame Caldicott's report

28. Health and care data plays a critical role in the design and delivery of public services and in driving improved outcomes for citizens. However, health and care data is particularly sensitive and rightly needs additional protections. For health and care data to be included, additional safeguards regarding confidential personal information are likely to be required and we need to ensure these are in line with Dame Fiona Caldicott's review due in early 2016. Cabinet Office and Health officials will work together to explore ways in which health and care data may be integrated into the proposed legislation in a way that incorporates an extra layer of safeguards consistent with Dame Fiona's recommendations.

Proposed Objective:

- Improving the ability of public bodies and all service providers to share an individual's sensitive personal data for the provision of their direct care.

Question two: Are there any public authorities that you consider would not fit under this definition?

Unlike previous legislation this statute must include in scope both Adults and Children across the provision of public services. It must specifically include the Cabinet Office, Home Office, the Ministry of Justice, Department of Health and Department of Education.

As the definition of a public authority is 'a person who exercises functions of a public nature' the assumption is that this definition includes Schools, Academies, Colleges and Universities? In addition these powers should include those non-public sector bodies that perform a public service on behalf of the public authorities.

With the advent of out-sourcing and the privatisation of services in both Health and Social Care it is essential that those organisations such as Residential Homes, Care Homes, Charities, Voluntary Sector, and Social Enterprises are included in this definition.

This definition should include the caveat that those organisations meet minimum criteria for data protection, information security and safeguarding (DBS).

Question three: Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the public service delivery power?

Yes

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

An additional principle is that for an organisation to be considered for the sharing of sensitive personal data it must demonstrate that it can meet a pragmatic common standard "to be determined" that would incorporate elements of PSN accreditation, NHS toolkit, ISO27000.

This standard would ensure that sensitive personal data is collected, processed, shared stored and destroyed in accordance with the relevant legislation and industry best-practice.

Proposed Principle d)

Organisational safeguard. This would include details of the minimum technical and organisational controls required for the sharing of personal data and would enable an organisation to be certified for that purpose.

Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

Yes, the Government should share information with non-public sector organisations for the purpose of assisting citizens living in fuel poverty ensuring the information shared is proportionate, relevant and necessary and yes it should also share information for other reasons, to identify families that are vulnerable / at risk and offer early intervention.

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

Yes

Question seven: Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

Not that I am aware of.

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

Yes, this enables services to predict demand

Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?

Yes

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

As before, in order that an organisation can show that it is able to process sensitive personal data the Code of Practice should include an Information Governance toolkit self-assessment similar to that done by those sharing Health data to demonstrate that they have robust technical and organisational controls. The results of this toolkit to be submitted to the ICO, published and potentially audited.

Proposed Code of Practice principle e)

All participating organisations must complete a self-assessment IG toolkit to demonstrate that they have the capacity to securely process sensitive personal data. This toolkit may be audited by the ICO

Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the Fraud gateway be operational for before it is reviewed?

Agree – three years

Question twelve: Which organisations should Government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtors who owe multiple debts?

In order that a picture of the consolidated debt to "Government" can be compiled and suitable support and recovery processes be put in place all those public authorities with the power to raise charges, for which a debt may be incurred, should be included.

Question fourteen: It is proposed that the power to improve access to information by public authorities for the purpose of better managing debt owed to government will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established

and outcomes and benefits evaluated. How long should the debt power be operational for before it is reviewed?

Agreed – 3 years

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

Yes – a fee should be charged to organisations seeking anonymised / pseudonymised information that is part of a project designed to lead to revenue generation and profit in the private sector, however there should be a maximum fee.

No – a fee should not be charged to other public sector and not for profit organisations seeking to establish improve the quality, effectiveness or efficiency of services.

Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

Yes - However it should be that all requests both successful and unsuccessful should be published. This would allow a clearer picture to be formed as to what requests are made and why requests are rejected.

Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

There is also an argument that another benefit to the public is the economic benefits to be gained from the availability of this data to researchers

Proposed criteria (c)

The promotion of national economic development and prosperity

Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purpose of producing National and official statistics and statistical research?

Yes

Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:

a. the administration burden experienced and the costs incurred in completing the survey, and

b. ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to ONS for the purposes of producing National and other official statistics.

The costs in completing the survey for the ONS were funded by the DCLG. The process was simple and did not consume too much resource.

Question twenty: What principles and factors should be considered in preparing the Code of Practice?

The Code of Practice must consider if those organisations collecting, processing, sharing, storing, transmitting, destroying have appropriate organisational and technical controls in place to handle what is in its raw state could be sensitive personal data.

- a) All these organisations must agree to submit to a practical IG self-assessment toolkit and potential audit from the ICO in order to obtain accreditation to process this data.
- b) The raw personal data must be processed in accordance with the DPA principles
- c) The data must be anonymised / pseudonymised in accordance with the process outlined in this consultation (or a similar process).
- d) Any data set containing personal data must be transmitted using some robust form of encryption. (Suggest Government provides an interoperability standard for any encryption tool that is used to ensure smooth data transfer such as TLS).
- e) Any minimal cohort of data containing potentially recognisable personal identifiable information must be assimilated into another cohort to prevent identification.

PARKINSON'S^{UK}
CHANGE ATTITUDES.
FIND A CURE.
JOIN US.

Data Sharing Policy Team
Floor 6
Aviation House
London
WC2B 6NH

By email: data-sharing@cabinetoffice.gov.uk

April 2016

Re: Parkinson's UK response to better uses of data consultation

About Parkinson's

Parkinson's affects about 127,000 people in the UK. Around a third of people with the condition develop symptoms before the age of 65, and one in 100 before the age of 40. The numbers of people with Parkinson's are estimated to increase by 28% by 2020.

Parkinson's is a progressive neurological disorder for which there is currently no cure. It is associated with the death of nerve cells in the midbrain which results in the loss of the chemical messenger dopamine. This affects learned voluntary movements such as walking, talking, writing and swallowing. As the condition progresses it impacts on all aspects of the person's life and the lives of those around them.

As well as the symptoms that affect movement, people with Parkinson's can find that other issues, such as tiredness, pain, depression and constipation, can have an impact on their day-to-day lives.

About Parkinson's UK

As the UK's Parkinson's support and research charity we're leading the work to find a cure, and we're closer than ever. So far we have invested over £70 million in ground breaking Parkinson's research. Currently we are supporting around 70 research projects totalling over £20 million across the UK. Our members also play a key role in assessing research funding applications.

We also campaign to change attitudes and demand better services. We bring people with Parkinson's, their carers and families together via our network of local groups, our website and free confidential helpline. Specialist nurses, our supporters and staff provide information and training on every aspect of Parkinson's.

Executive summary

Parkinson's UK welcomes the opportunity to comment on this consultation. Our response focusses on:

- Clarification required regarding the proposed purposes for objectives
- Inclusion of non-public bodies
- Using patient data for research

Are there any objectives that you believe should be included in this power that would not meet these criteria?

Although there are no additional objectives we believe should be included in this power, we do not think that *'the improvement or targeting of a public service provided to individuals of a particular description'* or

Parkinson's UK 215 Vauxhall Bridge Road, London SW1V 1EJ

“the facilitation of the provision of a benefit (whether or not financial) to individuals of a particular description” are sufficiently clear purposes for objectives to be based upon.

It is positive that the consultation document acknowledges that *“the purpose of the objective must be to improve outcomes for citizens and result in an offer of a service. Furthermore, it cannot be used for punitive purposes, or where the benefit is to the wider community rather than individual citizens”.*

However, it is unclear as to whether the goal of ‘improvement’ of public services is aimed at improving the public’s experience of a given service, or of the efficiency of services themselves, in order to ‘make the best use of taxpayers’ money’. We view this as a potential contradiction, and requires urgent clarification.

For example, it would not be appropriate for claimants’ healthcare information to be divulged directly to assessment providers without context, in order to reduce the overall number of people in receipt of disability benefits for instance, by targeting them at fewer claimants.

The proposed purpose of *“the facilitation of the provision of a benefit (whether or not financial) to individuals of a particular description”* also requires further clarification. The term ‘benefit’ suggests that this data sharing would be applied to all aspects of benefit delivery, which could mean that claimants have confidential information shared without their consent, which may negatively impact their benefit claims.

Finally, the purpose of facilitating a benefit which is ‘not financial’ is a subjective term, and may be interpreted in a number of ways. For example, it would not be of ‘benefit’ to withdraw financial support from people with Parkinson’s who are too unwell to work, as part of the Government’s agenda to halve the disability employment gap.

Recommendation: The Government should provide greater clarification for the purposes on which they have based the objections on.

Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the public service delivery power?

In the context of the above, we do not agree that non-public sector bodies such as disability benefit assessment providers should be included in the scope of the public service delivery power. We would be concerned that external companies may not have sufficient data protection measures in place to ensure individuals’ information is safe. We are also concerned that it could be used out of context to restrict access to benefits.

Recommendation: Remove non-public sector bodies from the scope.

Using patient data for research

Parkinson’s UK believes that a system that makes valuable data available for the benefit of medical research is positive. We welcome proposals to ensure better sharing of data to benefit medical research and the assurance in the consultation that safeguards will be in place to ensure this data is handled securely.

Patient data are vital to Parkinson’s research. Patient data can be used to identify new treatments and therapies and understand the causes of Parkinson’s. Data from patient records can help with many areas of research such as looking at the safety and value of drugs, evaluating new treatments and informing health care management.

Parkinson’s UK 215 Vauxhall Bridge Road, London SW1V 1EJ

Safeguards however do need to be in place to ensure that data is used and stored securely. People with Parkinson's are generally supportive of their data being shared for advances in research and service improvement but need information on who has access to their data and reassurance that this will not be sold to third parties for commercial use.

Parkinson's UK has been able to calculate the prevalence of Parkinson's in the UK by accessing patient data from GP records. We now know that there are approximately 127,000 people in the UK with Parkinson's. This information is extremely useful on a local and national level when planning NHS services for people with Parkinson's. Knowing the predicted number of people with the condition in an area, allows providers and commissioners of NHS services to plan services to meet demand i.e. employ the correct number of specialist Parkinson's nurses to ensure people have access to the care that they need. This intelligence is crucial to ensure that taxpayers money is allocated responsibly.

People affected by Parkinson's are generally supportive and enthusiastic of their data being used for research. Parkinson's UK has 370 local groups across the UK and we conducted seven separate events across the UK with members of these groups and staff in order to engage with them on clinical research issues. From a survey conducted with the members and staff, 90% (241 out of 256 people) reported that NHS data should be available to researchers.

It was important to respondents that their data was shared responsibly and confidentiality was a high priority. For example, 58% of respondents felt only coded data should be shared and 30% felt that only anonymous data should be shared. It was also important to respondents that there was clarity on who had access to their data. Therefore, it is crucial that clear communication is provided to patients about who does and does not have access to data and to increase trust in how NHS services are sharing the information.

Many people are concerned that insurance companies and other organisations would have access to their data which would be very damaging. It is also important that clarity is provided on whether other Government departments would have access to the data.

Recommendation: Although patient data is vital for research, the public should be communicated with clearly about how their data is being used, who has access to it and have the ability to opt out of their data being used.

Conclusion

We recognise that data is crucial for improving services and care for patients. However, it is vital that data is handled safely and securely and that the public are made aware of who has access to their data.

The purposes provided for the objectives in this consultation are unclear. The Government should provide greater clarification for the purposes on which they have based the objections on.

The purpose of sharing data must be for the benefit of the public and to improve the services they access. Confidential information should not be shared without the person's consent and should not negatively impact benefit claims, for instance.

Non-public sector bodies should not be included in the scope. We cannot guarantee the quality of their data security measures. More people will be encouraged to share their data for medical research purposes if they are assured that their data will not be sold on to non-public sector bodies.

Although patient data is vital for research, the public should be communicated with clearly about how their data is being used, who has access to it and have the ability to opt out of their data being used.

Parkinson's UK 215 Vauxhall Bridge Road, London SW1V 1EJ

For more information please contact Phil Reynolds, Policy and Campaigns Advisor (Social Care and Welfare) [REDACTED]

Parkinson's UK 215 Vauxhall Bridge Road, London SW1V 1EJ

[REDACTED]

Patron HRH The Duchess of Gloucester GCVO. Parkinson's UK is the operating name of the Parkinson's Disease Society of the United Kingdom. A company limited by guarantee. Registered in England and Wales (00948776). Registered office: 215 Vauxhall Bridge Road, London SW1V 1EJ. A charity registered in England and Wales (258197) and in Scotland (SC037554).

----- Forwarded message -----

From: [REDACTED]
Date: 14 April 2016 at 15:07
Subject: Better Use of Data - Consultation
To: data-sharing@cabinetoffice.gov.uk

Dear Data Sharing Policy Team,

Firstly I fully support the need for improved information sharing to drive improved public services and tackle fraud/debt, however I feel that current arrangement allows this type of data sharing and joined up working:

Data Protection Act
Freedom of Information Act
Environmental Information Regulations
Re-use of Public Sector Information Regulations
National Fraud Initiative
Wales Accord for Sharing Personal Data (WASPI)

WASPI has been very successful in Wales and addresses many of the issues raised in the consultation, added to the codes of practice issued by the ICO then I don't see a case for additional legislation.

Regards
Alun
Alun Kime

IT Information Manager | Rheolwr Gwybodaeth
Information & Business Services | Gwasanaethau Busnes a Gwybodaeth
Corporate Services | Gwasanaethau Corfforaethol
Flintshire County Council | Cyngor Sir y Fflint

[REDACTED]

<http://www.flintshire.gov.uk> | <http://www.siryfflint.gov.uk>
<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csyfflint>



SCOTTISHPOWER

Rupert Steele OBE
Director of Regulation

Data Sharing Policy Team
Floor 6
Aviation House
London
WC2B 6NH

22 April 2016

Dear Team,

BETTER USE OF DATA IN GOVERNMENT – CONSULTATION

Thank you for the opportunity to provide views on the Government's proposals for better using data to support the efficient delivery of public services to citizens and to inform better decision making. ScottishPower is a major UK energy company; the focus of our response is accordingly on the proposals for data sharing to provide assistance to citizens living in fuel poverty.

As an energy supplier obligated under the Warm Home Discount scheme, ScottishPower supports the proportionate, secure and well-governed sharing of information by the Government with obligated suppliers. This process helps reduce the significant costs which can be associated with identifying eligible customers and, in turn, ensure that help reaches those most in need as identified by the Government.

As is noted in the Consultation document, the best way of ensuring that assistance reaches those intended is to provide it automatically as a result of a data match process. This is also the most cost-effective way of delivering support, which minimises the sums that have to be recovered through consumer bills.

In light of the announcement in the Autumn Statement that both the Warm Home Discount scheme (WHD) and the Energy Companies Obligation (ECO) would be continuing through this Parliament and beyond, we welcome the Government's commitment to considering how best to use data sharing to provide assistance to those most at risk of fuel poverty.

In particular, we believe that replacing all or part of the current WHD Broader Group with automatic energy bill rebates for defined low income citizens of working age and families with children could be an efficient and effective outcome. This would however leave the WHD scheme largely demand led and potentially unable to deliver against a fixed budget; the Industry Initiatives and any residual Broader Group pots might not be able to accommodate the fluctuations in the data matched elements of the scheme, while delivering value for money. Government might therefore need to accept an indicative rather than fixed budget for WHD if the scheme evolves in this direction. Clearly, decisions in this area are a matter for Government and will need careful consideration.

ScottishPower London Office, 4th Floor, 1 Tudor Street, London EC4Y 0AH



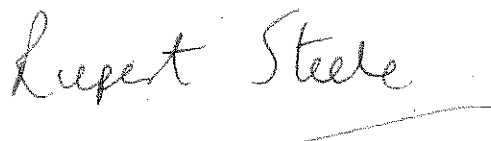
We also support allowing the WHD data-matching process as an option to be used to facilitate delivery of energy assistance measures to those most in need under the re-designed ECO scheme. This option is already available for the existing Core Group and should help to deliver upon the Government's objective of ensuring that delivery of this energy efficiency scheme is focussed on those in or at risk of fuel poverty. It would complement other means of identifying households which suppliers may have in place, particularly recognising that delivery of ECO is not restricted to a supplier's own customers – for example, installer-generated leads will normally be independent of the supplier.

Lastly, we can also see the merit of facilitating all this through the proposed public service delivery power. However, we would welcome further clarity on the detail of the enabling powers that will facilitate further data sharing, particularly around the permitted use of the information. This was carefully considered when the existing Core Group disclosures were authorised in 2011. The relevant Regulations¹ allow disclosure not only for the purpose of giving relevant assistance, but also testing of the necessary IT systems. They also make it clear that suppliers are not committing an offence if the information is used for the purposes of managing a customer's account. This is necessary, for example, when attempting to reconcile a direct debit account, where the WHD credit may be material to the calculation. We suggest that any new offence draws on the considerable thought that went into the 2011 precedent.

Subject to getting the detailed framework of the public service enabling power right (including appropriate safeguards), this approach could provide greater flexibility over time than relying on the enactment of specific legislative provisions to respond to new circumstances or situations. Our answers to the relevant questions in the Consultation document are included in the attached Annex.

If you would like to discuss any of points made, please do not hesitate to contact me.

Yours sincerely,



Rupert Steele
Director of Regulation

¹ The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011
S.I. 2011/1830

BETTER USE OF DATA – CONSULTATION
SCOTTISHPOWER RESPONSE TO SPECIFIC QUESTIONS

Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

Yes. In principle we support the use of appropriate data sharing with any non-public sector organisation (including energy suppliers) who are obligated under supplier obligations (such as the Warm Home Discount (WHD) scheme and the Energy Companies Obligation) to provide assistance to households living in fuel poverty.

We can also see the merit of facilitating all this through the proposed public service delivery power. However, we would welcome further clarity on the detail of the enabling powers that will facilitate further data sharing, particularly around the permitted use of the information. This was carefully considered when the existing Core Group disclosures were authorised in 2011. The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011² allow disclosure not only for the purpose of giving relevant assistance, but also testing of the necessary IT systems. They also make it clear that suppliers are not committing an offence if the information is used for the purposes of managing a customer's account. This is necessary, for example, when attempting to reconcile a direct debit account, where the WHD credit may be material to the calculation. We suggest that any new offence draws on the considerable thought that went into the 2011 precedent.

Subject to getting the detailed framework of the public service enabling power right (including appropriate safeguards), this approach could provide greater flexibility over time than relying on the enactment of specific legislative provisions to respond to new circumstances or situations.

For a number of years, energy suppliers have been obligated to provide financial assistance and energy efficiency measures through Government designed programmes. In recent years, these programmes have included targeted sub-groups based on those who meet certain eligibility criteria with the aim of reaching the most vulnerable customers. However, such targeting often has significant administrative costs as suppliers try to identify eligible households and verify eligibility, either directly with the householder or using third parties. (This often relies on collecting evidence that the householder is in receipt of income related benefits.) Moreover, intrusive verification can often deter those who are eligible from engaging in such programmes. Conversely, the WHD Broader Group has a lesser verification burden, but is cash limited, so that some people who meet the criteria may miss out. Proportionate and secure data sharing processes can help to significantly address these delivery challenges.

For example, the data matching process under the WHD scheme has proved successful in facilitating the provision of a financial rebate to certain specified groups. Automatic entitlement has ensured that assistance reaches those targeted by the scheme without the requirement for often lengthy and complicated eligibility processes.

Since the Autumn Statement confirmed the continuation of the WHD scheme and the Energy Companies Obligation (ECO), it is important that the Government facilitates the identification

² S.I. 2011/1830

of any specific groups intended to be helped through such schemes by means of appropriate data sharing processes.

In particular, we believe that replacing all or part of the current WHD Broader Group with automatic energy bill rebates for defined low income citizens of working age and families with children could be an efficient and effective outcome. This would, however, leave the WHD scheme largely demand-led and potentially unable to deliver against a fixed budget; the Industry Initiatives and any residual Broader Group pots might not be able to accommodate the fluctuations in the data matched elements of the scheme, while delivering value for money. Government might therefore need to accept an indicative rather than fixed budget for WHD if the scheme evolves in this direction. Clearly, decisions in this area are a matter for Government and will need careful consideration.

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

WHD

Through the WHD scheme, energy bill rebates have been successfully delivered to the 'Core group' using a data matching process since the scheme began. As stated above, we believe that replacing all or part of the current WHD Broader Group with automatic energy bill rebates for defined low income citizens of working age and families with children could be an efficient and effective outcome. This would however leave the WHD scheme largely demand-led and potentially unable to deliver against a fixed budget; the Industry Initiatives and any residual Broader Group pots might not be able to accommodate the fluctuations in the data matched elements of the scheme, while delivering value for money. Government might therefore need to accept an indicative rather than fixed budget for WHD if the scheme evolves in this direction. Clearly, decisions in this area are a matter for Government and will need careful consideration.

In considering this further, we note that the recently published Warm Home Discount consultation includes a proposal for suppliers to meet their Industry Initiative obligation by contributing to a central funding pot to be administered by a third party. We would support the introduction of such a mechanism, though it is unclear whether it would provide the flexibility required, should the number of Core Group recipients be less (or greater) than the number forecast.

ECO

In order to deliver upon the Government's aim of better focussing the delivery of energy efficiency measures under ECO (as re-designed) to those in fuel poverty, we consider that the use of similar data matching processes may be helpful in helping to target limited resources.

Under ECO, energy suppliers (and their supply chain partners) often incur significant search costs to successfully identify individuals in the specific groups included within the ambit of the scheme. Data sharing, which is in line with the 'Low Income High Cost' definition of fuel poverty (should this be the group targeted by the Government for assistance under the future scheme), would facilitate more efficient and cost-effective delivery of measures. Not only would this require data sharing in relation to household income, but it may also require the sharing of data (if available) in relation to the cost to heat the home as well as details of those homes that have yet to receive particular energy efficiency measures.

Whilst it is possible that this could be based on a similar data matching process as is currently operated under the WHD scheme, the design of such a process would be much more complicated; as mentioned, there are additional factors involved when delivering ECO such as the energy efficiency of the home and the number of occupants. We would be happy to engage further with officials on addressing these challenges.

In addition, the fact that ECO can be delivered beyond a supplier's own customer base means that it is important that data sharing should be an option available to suppliers to be used alongside existing processes they may have to identify eligible consumers.

Question seven: Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

The Autumn Statement confirmed the continuation of an energy efficiency obligation on energy suppliers for the remainder of this Parliament and beyond, albeit with a renewed focus on delivering measures to those in fuel poverty. Such a scheme is aimed at helping to improve the energy efficiency ratings of the UK housing stock thereby addressing one of the main contributory factors of fuel poverty.

Given the Government's stated ambition, it follows that identifying and targeting households for assistance under the scheme is vital to helping suppliers focus the limited funding available on the cost-effective delivery of measures to those most in need. We believe that effective data sharing will be critical to this. Without this, search costs will be a significant component of the overall administrative costs and delivery will remain much less effective than it might be.

ScottishPower
April 2016

Better Use of Data

Sustain Ltd Response

1 Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

We would support a mechanism that allows non-public sector organisations access to information, but would recommend an approval process for recipients to restrict information being too open source. There is a balance to be struck between allowing competent, experienced stakeholders access to information in order that the obligation is achieved and protecting the customer.

We also support an overarching safeguarding mechanism to be applied to all data recipients to provide protection and a good customer journey to the customer.



Better Use of Data - Consultation Paper

Energy UK response

22nd April 2016

About Energy UK

Energy UK is the main trade association for the energy industry, with over 80 members; representing energy generators and suppliers of all sizes. Our members supply gas and electricity and provide network services to both the domestic and non-domestic market. Energy UK members own over 90% of energy generation capacity in the UK market and supply 26 million homes and 5 million businesses, contributing over £25 billion to the UK economy each year. The industry employs 619,000 people across the length and breadth of the UK, not just in the South East, contributing £83bn to the economy and paying over £6bn annually in tax.

Energy UK's retail members are: British Gas, Co-Operative Energy, DONG Energy, Ecotricity, EDF Energy, Engie, E.ON, Flow Energy, First Utility, GB Energy Supply, Good Energy, Haven Power, npower, Opus Energy, ScottishPower, Smartest Energy, Spark Energy, SSE, Utilita and Utility Warehouse.

Energy UK strongly believes in promoting competitive energy markets that produce good outcomes for consumers. In this context, we are committed to working with Government, regulators, consumer groups and our members to develop reforms which enhance consumer trust and effective engagement. At the same time, Energy UK believes in a stable and predictable regulatory regime that fosters innovation, market entry and growth, bringing benefits to consumers and helping provide the certainty that is needed to encourage investment and enhance the competitiveness of the UK economy.

These high-level principles underpin Energy UK's response to the Cabinet Office consultation on the better use of data. This is a high-level industry view; Energy UK's members may hold different views on particular issues. We would be happy to discuss any of the points made in further detail with the Cabinet Office or any other interested party if this is considered to be beneficial.

Executive Summary

Energy UK is supportive of new data-sharing powers being used to improve the delivery of policies aimed at reducing fuel poverty. It is only right that Government data should be used to enable accurate targeting of such support to those most in need.

Energy suppliers are responsible for a number of schemes aimed at reducing fuel poverty. The Warm Home Discount (WHD) is one of these schemes. Energy UK would welcome extending data-sharing powers to allow for increasingly cost-effective and targeted delivery of WHD. Failing to provide new data-sharing powers risks customer money being spent ineffectively on trying to identify eligible households, at a cost to all customers.

WHD is however only one scheme to tackle fuel poverty that suppliers are obligated to deliver. New data-sharing powers could enable better targeting of support in other areas such as the Energy Company Obligation (ECO). Energy UK would, therefore, urge the Cabinet Office to ensure that relevant legislation is worded so that it is possible to extend data-sharing powers to other obligated schemes to tackle fuel poverty.

The consultation makes reference to data-sharing between public agencies and private companies that fulfil a public service function via the public service delivery power. We would invite the Cabinet Office to carefully review if energy customers would consider this an appropriate use of their data. The proposals raise serious issues around customer trust and we expect members to respond with further detail. In relation to the proposed new powers for the UK statistics authority, Energy UK members would also urge the Cabinet Office to look at how DECC, Ofgem and other public bodies collect, store and share data from energy companies so that it can be done in the most efficient and least burdensome way possible.

This response focuses only on the questions relating to fuel poverty. These responses are set out below.

Questions

Question 5. Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- 1.1. Yes. Any organisation that is obligated to deliver fuel poverty policy on the behalf of the Government should be aided by data which can allow them to do so in an accurate and cost-effective manner.
- 1.2. As the Cabinet Office will be aware the official definition of fuel poverty has recently been modified to reflect the variety of factors driving fuel poverty. The Low Income High Cost (LIHC) definition, officially adopted by the UK Government for England in 2014, considers a household to be in fuel poverty if they have required fuel costs that are above average (the national median level) and were they to spend that amount they would be left with a residual income below the official poverty line.
- 1.3. Given the complexity of the LIHC fuel poverty definition, it is clear to see how finding people in or at risk of fuel poverty can be expensive and difficult. Not sharing data where it exists and can support a more effective fuel poverty reduction not only keeps the costs of fuel poverty policy higher than necessary (which can therefore exacerbate fuel poverty as schemes are currently funded via all customers' bills) it also ensures delivery of policy is less effective than it could be.
- 1.4. The LIHC definition of fuel poverty is central to the Government's fuel poverty strategy. The aims of the strategy cannot be met without more effectively identifying LIHC households to provide support to.

Question 6. Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- 2.2. Yes. Energy bill rebates and information about energy efficiency support are appropriate forms of assistance to households in or at risk of fuel poverty.
- 2.3. The current WHD scheme provides assistance via rebates to two groups: a 'core group' consisting of people in receipt of Pension Credit Guarantee Credit; and a 'broader group' made up of people who are on low incomes or are deemed to be vulnerable by their supplier. The core group is already facilitated by a DWP data-matching exercise to identify eligible recipients. This is seen as a success as it allows for the cost-effective and relatively simple processing of rebates.
- 2.4. Given that WHD is funded via all energy bills, the proposed data sharing powers would also help to ensure WHD represents greater value for money all energy customers. The consultation document highlights that non-data-matched rebates are 30 times more expensive to deliver than data-matched rebates.
- 2.5. If Government is requiring energy suppliers to deliver social obligations funded by all energy customers but is not willing to provide suppliers with the data to ensure effective targeting then it may be that such support is more suitable to being delivered by the tax and benefit system.
- 2.6. Finally the question as currently worded could be taken to suggest that provision of data sharing to support the delivery of energy bill rebates should be contingent on providing information about energy efficiency support. Energy UK believes this is a policy question for DECC about the design

of the WHD and not for the Cabinet Office determination on data-sharing powers to support the fuel poor.

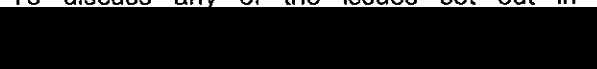
Question 7. Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

- 3.1. The extension of data-sharing powers is a first step to meeting the Government's targets to reduce fuel poverty by 2030. The wording of the legislation should therefore be careful to keep the door open for the use of these powers for other current or future schemes designed to reduce fuel poverty.
- 3.2. Energy UK supports data sharing for the benefit of offering holistic support to assist those in fuel poverty, for example benefit entitlement checks, fuel debt support, energy efficiency services and inclusion on energy suppliers Priority Services Registers.
- 3.3. In particular, the proposed powers could significantly improve the delivery of the Energy Companies Obligation (ECO) and the schemes that will succeed it between 2017 and 2022.
- 3.4. Evidence presented to the Energy and Climate Change Committee during their inquiry into home energy efficiency highlighted the importance of data to improving the efficacy of ECO. This evidence informed one of the committee's conclusions:

Accurate, accessible data on property characteristics, energy use and income are the key to tackling fuel poverty. Such data would also help drive a more targeted approach to delivering energy efficiency measures through various policies. We recommend that the Department assess what legislative changes would be needed to improve wide-scale access to- and sharing of data.¹

- 3.5. The Department of Energy and Climate Change (DECC) has indicated that it wishes to see future energy efficiency obligations increasingly targeted at the fuel poor. Currently suppliers must direct resources towards identifying customers eligible for ECO and these costs have to be recovered from all customer bills. Without data to assist suppliers to reach the more difficult-to-find households in or at risk of fuel poverty, there is a risk that these costs will increase.
- 3.6. To ensure maximum benefit suppliers would welcome data being shared by Government on all eligible customers. This is because suppliers can offer ECO measures to anyone in or at risk of fuel poverty, not just their own customer base.
- 3.7. There will not be perfect overlap between eligibility for WHD and ECO and this may create the risk of some people being contacted to explore the feasibility of energy efficiency measures which then cannot be funded. While this risk is real, the potential benefits of using DWP, DECC and Valuation Office Data to generate ECO leads outweigh any potential harm.

To discuss any of the issues set out in this response please contact Natan Doron on



¹ Home energy efficiency and demand reduction - Energy and Climate Change Committee report, March 12th 2016
<http://www.publications.parliament.uk/pa/cm201516/cmselect/cmenergy/552/552.pdf>

BY EMAIL

Data Sharing Policy Team
Floor 6, Aviation House
LONDON
WC2B 6NH

Your ref

Our ref 2204BUOD

Name Kate Garth

Phone

E-Mail

22nd April 2016

Better Use of Data – Consultation Paper

Dear Sir / Madam,

Thank you for providing RWE npower the opportunity to respond to the above consultation and to participate in the stakeholder workshop.

As a licensed energy supplier, all our business operations and processes are required to meet the energy supply licence conditions (both gas and electricity) as mandated by Ofgem. Failure to comply with the Supply Licence Conditions (SLC) can result in serious enforcement action, with significant financial penalties capped at a maximum of 10% of the Licensee's turnover. We are also bound by and comply with the requirements of the Data Protection Act. In future we (along with everyone else) will be required to comply with the requirements of the new European Union General Data Protection Regulation (GDPR) – it will clearly be important to ensure that any additional data sharing powers that are granted are designed in accordance with the new European requirements.

RWE npower currently supplies 4.77m domestic customer accounts and we have participated in data sharing with Government relating to recipients of eligible Pension Credit recipients since the original Pension Credit data sharing pilot in 2010 as well as the mandated Warm Home Discount scheme since 2011. Over this period, npower has paid ca. 674,000 rebates (with a value of ca. £89m) to householders specified by Government (in receipt Pension Credit Guaranteed element) who were identified via the data sharing gateway.

As the drivers and demographics of those households in fuel poverty change, it is critical to ensure that the data sharing powers that enabled the automatic provision of assistance to those in receipt of Pension Credit are extended to incorporate those low income households in receipt of different benefits, particularly those benefits administered through HMRC that cannot currently be shared under section 131 of *The Welfare Reform Act 2012*.

The potential for more sophisticated modelling and future targeting of households who are both low income and at risk of high energy costs (and therefore meet the Low Income, High Cost fuel poverty definition) through the matching (by Government) of household income data and property characteristics will further enable more accurate targeting and prioritising appropriate assistance to those in fuel poverty that need it the most. Whilst government place on private companies ever increasing demands on precision of targeted delivery, the costs and risks of delivering and complying with the scheme increases. We are yet to see government's plans on ECO but we fully expect more precise targeting of measures. In these circumstances, data sharing with energy suppliers is not an optional benefit but a necessity. Whilst government define the rules of the obligation, they have a duty to help energy companies comply

– data sharing is an example of this. If data sharing with suppliers is not permissible then government must rethink its proposed precision of targeting for ECO.

Please note that as an energy supplier, our responses to this consultation focus on only those aspects of proposals within the section A) "Improving Public Service Delivery" which relate the objective of more data sharing to facilitate improvements to the provision of fuel assistance to those most in need.

We do not make any comments in reference to the data sharing powers in relation to the Troubled Families programme or increasing access to the civil registration information, or to the wider data sharing proposals contained within either Section B "Tackling fraud and debt" or section C) "Allowing use of data for research and for official statistics".

If you have any questions regarding our responses to questions 1 – 7, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Kate Garth". The signature is written in a cursive, slightly slanted style.

Kate Garth
Customer Policy Manager
RWE npower

RWE npower response to questions 1 – 7 of the Better Use of Data Consultation

Question 1) Are there any objectives that you believe should be included in this power that would not meet these criteria?

Whilst we do not have any additional objectives that we believe should be added to this power, that would not meet this criteria, we would like to take this opportunity to reiterate, (please also see our response to question 3) that the improvement or targeting of a public service provided to individuals of a particular description may in many cases be delivered (or required to be delivered) by a private company that has been obligated to do so by Government, and therefore it is critical that the primary legislation facilitates data sharing both across public authorities and with private companies, where such a private company is obligated through legislation to deliver a service / benefit by Government, e.g. the provision of assistance to households in fuel poverty.

Question 2) Are there any public sector authorities that you consider would not fit under this definition?

We have no specific comments regarding this question, although we would welcome assurances in future (post the publication of Dame Caldicott's review of health and social care data) that subject to the additional security and sensitivities associated with health data, the Secretary of State for Health will be included in the Schedule of Specified Public Authorities, given the known risks of cold homes and excess winter deaths. The NICE guidance published last year includes recommendations that seek to identify and provide support to those individuals living in cold homes at risk of excess winter deaths.

Recommendation 1 – requires the development of a strategy by Health & Wellbeing Boards, that would include identification of individuals whose health is at risk of cold homes, and groups of individuals likely to be in hard to treat properties.

Recommendation 4 specifically calls for the identification of people at risk of ill health from living in a cold home and states that:

Primary health and home care practitioners should:

- *In collaboration with relevant local authority departments, use existing data, professional contacts and knowledge to identify people who live in cold or hard-to-heat homes. This includes people who are particularly vulnerable to the cold (see recommendation 5).*
- *Include this information in the person's records and use it (with their consent) to assess their risk and take action, if necessary (see recommendations 2 and 3).*
- *Ensure data sharing issues are addressed so that people at risk can be identified*

Question 3) Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of this public service delivery power?

Yes, in terms of the two current objectives to facilitate data sharing for public delivery, as set out in paragraph 40 of the consultation, namely:

- *Improving the ability to identify families who would benefit from the Troubled Families programme and,*
- *Automatic provision of fuel poverty assistance to those most in need*

Please note our response is focused only on the objective relating to fuel poverty assistance, we have not commented on any potential the roles provided by private companies or charities with regard to the Troubled Families programme.

The current automatic provision of fuel poverty assistance [Warm Home Discount] and energy efficiency measures in the UK are currently delivered (and further to the announcements made in the November 2015 Comprehensive Spending Review) will be delivered for the next five years through obligated energy supply companies¹.

Unless the legislation to facilitate greater data sharing for public service delivery ensures that such data sharing will be extended to include obligated energy suppliers, it seems unlikely that the specific objective can be met. Furthermore, we are concerned that as a future obligation holder, particularly for a future energy efficiency scheme will be targeted at the fuel poor, as confirmed by the Secretary of State on 11th February 2016² that we will be either unable to meet our legal obligations or be unable to meet them cost effectively, which would have a commensurately negative impact on customers, who ultimately pay for these obligations.

Question 4) Are these the correct principles that should be set out in the Code of Practice for this power?

We have no specific comments regarding the principles outlined in paragraph 44 of the consultation.

Question 5) Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason.

Yes, however we are cognizant of the concerns raised by many civil society organisations regarding the sensitivities surrounding data sharing with private organisations, even for a specific objective such as the better targeting of the finite resources available to tackle fuel poverty.

We therefore believe that Government (through the proposed data sharing legislation) should only be permitted to share such data with those licensed energy suppliers that are obligated (through legislation) to deliver such support / assistance.

We would not foresee any additional reasons for which data sharing with private companies (obligated suppliers) should be required, so long as the current rules which apply to existing data sharing, (as set out in *The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011*³ are replicated, in terms of the use of that data for the provision of **relevant assistance**.

¹ Energy and environment 3.113 Warm Home Discount – The government will extend the Warm Home Discount to 2020-21 at current levels of £320 million a year, rising with inflation (CPI). 3.114 Domestic energy efficiency supplier obligation – The government will implement a domestic energy efficiency supplier obligation for 5 years from April 2017, with a value of £640 million per year, rising with inflation (CPI). – Source Spending Review and Autumn Statement 2015, page 126 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479749/52229_Blue_Book_PU1865_Web_Accessible.pdf

² "That is why we have been clear that available support needs to be focused on those most in need. We will be reforming both the renewable heat incentive and the energy company obligation, to make sure that both schemes are sufficiently targeted towards the fuel poor and to tackle the root causes of fuel poverty.

³ As amended by *The Warm Home Discount (Miscellaneous Amendments) Regulations 2015*

Disclosure of social security information by the Secretary of State

5.(1) In a scheme year the Secretary of State is authorised to supply an electricity supplier with relevant information in relation to a person whom the Secretary of State believes to be a qualifying customer of that supplier in that scheme year for the purpose of

- a) enabling the Secretary of State to give the supplier a notice under regulation 6(1) of the WHD Regulations specifying the persons to whom the supplier must provide the prescribed rebate in accordance with those Regulations;
- b) enabling the supplier to so provide that rebate; and
- c) enabling the supplier to offer relevant assistance to that customer. .

(2) If relevant information about a person whom the Secretary of State believes to be a qualifying customer of an electricity supplier is supplied to that supplier by virtue of paragraph (1), that supplier may use that information for the purpose of—

- a) providing the prescribed rebate in accordance with the WHD Regulations;
- b) enabling the supplier to offer relevant assistance to that customer. .

(3) In this regulation - "**relevant assistance**" means—

- a) energy efficiency measures, thermal efficiency measures and advice and assistance relating to energy and thermal efficiency;
- b) advice and assistance relating to the generation of electricity or heat produced by micro generation or the production of heat produced by any plant which relies wholly or mainly on wood as a fuel;
- c) advice and assistance relating to the reduction of energy consumption;
- d) inclusion on the priority services register;
- e) assistance in relation to debt or disconnection;

"relevant information", in relation to a person, means—

- a) the name, any known alias and address of that person;
- b) the name and any known alias of the partner of that person;
- c) the name and any known alias of any person appointed to act on behalf of that person.

Furthermore we note that whilst these regulations could permit (clause 5.3.e) a supplier to include the customer whose data was provided by government onto the Priority Services Register⁴, we do not do so, as this would not be in accordance with the Supply Licence Conditions, given that explicit customer consent is required to include their details on the Priority Services Register⁵.

We believe this approach offers the best balance of protection for and potential provision of appropriate assistance to customers (in line with existing and or future, parallel data protection legislation), particularly the GDPR

Question 6) Would the provision of energy bill rebates, alongside information about energy

⁴ Priority Services Register – Priority services registers (definition included in the NICE guidance glossary): The priority services registers are schemes offering extra free services to people who are of pensionable age, are registered disabled, have a hearing or visual impairment, or have a long term health problem. They are run by energy suppliers and distributors.

⁵ Supply Licence Condition 26.4: Duty to establish Priority Services Register:

The licensee must establish and maintain a Priority Services Register which lists all of the licensee's Domestic Customers who:
(a) are of Pensionable Age, disabled or chronically sick; and (b) have either: (i) asked in person for their name to be added to the Priority Services Register; or (ii) had a person ask on their behalf for their name to be added to it.

efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

Yes, (please also see our response to question 5 relating to the definition of “*relevant assistance*” as set out in *The Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011*. We fully support these proposals (to facilitate wider data sharing beyond the current permissible data sharing of eligible customers in receipt of the Guaranteed element of Pension Credit with obligated energy suppliers.

We would however note that the proposals; as outlined in paragraphs 50 to 55 of the consultation, provide only the first step to ensuring the better targeting of support to those in fuel poverty and to support the delivery of the Government’s ambition to meet its Fuel Poverty target (in England) by 2030.

It is important to note that the provision of energy bill rebates (through the Warm Home Discount) or a successor scheme) only provides temporary solution to the issue of fuel poverty. To ensure a longer term, sustainable solution, tackling the UK’s most inefficient homes remains the critical area for policy development and action, for which broader data sharing between public authorities, in particular between DECC, DWP, the Valuation Office and HMRC is a pre-requisite. This would facilitate the development of a more accurate programme to target those in fuel poverty (and facilitate the prioritisation of those in the most severe fuel poverty; i.e. those with the largest fuel poverty gap).

The provision of “information about energy efficiency support” alongside energy bill rebates is unlikely to result in a significant uptake of measures by the impacted householder, given that energy suppliers, local authorities and the appointed operator of the (now defunct) Warm Front scheme, have spent significant resources sending information regarding the benefits of energy efficiency measures and how to access further support. Furthermore, local authorities, social services and healthcare providers commit significant resources to reaching these households for more fundamental social support. Getting an assurance that the individual (and their home) would be eligible for energy efficiency measures would be a very different proposition to simply receiving information on the potential of energy efficiency measures (as is currently the case).

A more precise energy efficiency programme will lead to higher costs to deliver. We are awaiting government’s plans and justifications for a more precise Energy Company Obligation from 2017 onwards. We believe that data-sharing not only assists obligated parties in delivery, but it is a necessity. The more government obligate suppliers with more complex and precise programmes, the more they have a duty to assist these obligated parties in the delivery of these programmes. However, the extent to which data sharing reduces the cost of delivering such programmes depends very much on the design of the obligation and the assumptions government will make in their Impact Assessment. We look forward to seeing this.

However, ensuring that the data sharing can be more widely used to target specific energy efficiency measures to those identified households would likely require more information to be shared with the supplier, than through the simple “eligibility” flag, as is currently the case for the data matching for the purposes of the provision of a rebate paid onto a customer’s electricity bill.

This is because the different property characteristics (be they the age, location, existing energy efficiency and thermal measures) will have an impact on the most effective forms of assistance for those properties. The effective modelling of the UK’s housing stock, alongside best estimates of the cost of retrofitting the properties of those in or at risk of fuel poverty will better enable effective decision making regarding the number and prioritisation of householders to be supported through future supplier based obligations, given that the funding envelope has already been confirmed until 2021/2022.

It is therefore important to ensure that the primary legislation is designed to be sufficiently flexible to take account of developments in policy for the provision of energy efficiency measures targeted at the fuel poor. Any future obligation placed upon suppliers to deliver energy efficiency measures targeted at those in fuel poverty must be designed (and appropriately modelled and financially assessed) on the basis of the availability of data sharing powers, as the more targeted the support (i.e. to the fuel poor on the basis of the Low Income, High Costs definition), the less efficiently suppliers will be to deliver their obligations without this information, leading to unnecessary cost and administration burden, which will eventually impact upon customers.

We note that following the Energy & Climate Change Select Committee's Call for Evidence into home energy efficiency, the Select Committee concluded that improved data sharing is critical:

Accurate, accessible data on property characteristics, energy use and income are the key to tackling fuel poverty. Such data would also help drive a more targeted approach to delivering energy efficiency measures through various policies. We recommend that the Department assess what legislative changes would be needed to improve wide-scale access to- and sharing of data.⁶

Question 7) Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power.

Please also see our response to question 6. We believe that the installation of energy and thermal efficiency measures does and will continue to play a pivotal role in tackling fuel poverty in a sustainable way. We believe the existing definition of "relevant assistance" (see our response to question 5) particularly "energy efficiency measures, thermal efficiency measures and advice and assistance relating to energy and thermal efficiency; advice and assistance relating to the reduction of energy consumption; assistance in relation to debt or disconnection" provides sufficient flexibility to incorporate the likely technological improvements / developments in more energy efficient products and services.

It will be important to ensure that those obligated energy suppliers are allowed to use the data in a way that supports customers in fuel poverty. Existing and additional provisions (through both the proposed Code of Practice for data sharing), supplier Licence Conditions (as stipulated by Ofgem) and existing requirements under the DPA will ensure that the data shared is only used for its intended purpose (i.e. providing assistance to those in fuel poverty) – given the scope of sanctions already available.

Please note that RWE npower will not submit responses to questions 8 – 20 of this consultation.

⁶ Home energy efficiency and demand reduction - Energy and Climate Change Committee report, March 12th 2016
<http://www.publications.parliament.uk/pa/cm201516/cmselect/cmenergy/552/552.pdf>

The Energy Saving Trust is pleased to respond to the Cabinet Office consultation on *Better Uses of Data in Government*. As we explain in the text of our response, our interest in this consultation results from our work with government on fuel poverty alleviation programmes, including through the provision of data matching services.

The Energy Saving Trust

The Energy Saving Trust is the leading, impartial sustainable energy organisation. We work on behalf of governments and businesses across the UK providing services in the area of data, assurance, consumer engagement, advice and grant administration.

For DECC the Energy Saving Trust delivers the telephone-based Energy Saving Advice Service in England and Wales. We also undertake other research and awareness-raising work for DECC on a project-by-project basis. In Scotland the Energy Saving Trust is the principal delivery partner of the Scottish Government for home energy efficiency. We run comprehensive local and national advice and grants programmes.

The Energy Saving Trust Foundation supports the development of a strong and vibrant community energy sector in the UK through research and support projects.

Public engagement on energy is at the heart of our work. In total each year the Energy Saving Trust handles just under half a million energy efficiency advice calls on behalf of UK and Scottish governments. Energy Saving Trust has a unique relationship with the public around energy saving and renewable energy. In line with our remit and interests we focus our response on questions 1-7, relating to fuel poverty.

Question one: Are there any objectives that you believe should be included in this power that would *not meet* these criteria?

No

Question two: Are there any public authorities that you consider would not fit under this definition?

No view

Question three: Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the public service delivery power?

Yes where these have been appointed to work on behalf of government or within the framework of a government programme. For example the Energy Saving Trust - a social enterprise - currently delivers the Energy Company Obligation Affordable Warmth data matching function working with DECC, DWP and the Energy Suppliers. We do this in two contexts: firstly as DECC's appointed contractor delivering the Energy Saving Advice Service (ESAS) - we identify if people who have called ESAS qualify for Affordable Warmth; secondly we work on behalf of seven of the obligated energy suppliers, checking if customers who have directly contacted them qualify for Affordable Warmth. Our contract with the seven energy suppliers is managed by Energy UK and DECC directly supported the procurement process.

Our ECO Affordable Warmth data matching service has been a very successful programme with no data handling problems having arisen and EST has consistently exceeded delivery targets in terms of speed of service, matching over 100,000 records.

We think it would be a mistake to rule out such approaches to delivery in the future for the following reasons:

- Access to wider data held outside government – charities and companies may bring their own datasets to the data matching processes. For example, the Energy Saving Trust has developed the Home Analytics dataset of address-level energy efficiency statistics that could be used effectively alongside other datasets for future targeting of fuel poverty schemes.
- Cost-effectiveness and reduced costs to government - the current delivery model for ECO Affordable Warmth data matching shows a service delivered outside government can be effectively supervised by the relevant government department, but paid for by third parties. It is harder to see how this – and similar approaches - could be made to work if the data matching were to take place only inside government.
- Third party organisations may be contacted by customers to see if they qualify for help outside of the timeframe of a one-off or intermittent government data matching process. For example in the context of a fuel poverty service, households may move to live in a colder home, or move onto qualifying benefits and may then contact an energy advice service to see if they qualify for energy efficiency help. Allowing those third parties to carry out data matching will improve the service that households receive.

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

We support the principles proposed.

Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

Yes we strongly support the provision of data as proposed for two main reasons:

- Poor targeting of fuel poverty schemes means help does not reach the people who need it most. Fuel Poverty is an extensive problem in the UK. It causes financial problems for households and – because it leads to under-heated homes - physical illnesses, mental health problems and poor performance at work or school. Requiring energy suppliers to do their own data matching adds to the cost of delivering energy supplier obligations and therefore ends up costing all bill-payers money; for government not to allow data matching would therefore be in conflict with the government's policy objective of minimising householder energy bills.

In 2009, the National Audit Office in its evaluation of the Warm Front fuel poverty programme found that "*The use of proxy measures, such as benefit entitlement, to determine who is eligible for Scheme grants has resulted in inefficient targeting of resources.*"¹ Nonetheless this use of proxy measures is

¹ *The Warm Front Scheme*, National Audit Office, 2009 <https://www.nao.org.uk/wp-content/uploads/2009/02/0809126es.pdf>

the approach that has continued to be used for targeting fuel poverty energy efficiency schemes ever since. And as programmes have increasingly reached the most easy-to-find fuel poor households, the costs of finding the remaining households become ever higher. The proposed data matching will represent a great leap forward in scheme targeting both in terms of:

- Focusing on the homes and households that most need measures - in particular taking characteristics of the home into account, as well as income of the household. Under the current fuel poverty definition, whether a household is in fuel poverty is determined by the household's income and the estimated cost to heat that home to an adequate level - determined by house size and the installed energy measures.
- Finding householders who will not proactively come forward to seek support.

We believe that sharing the very limited address-level information (a single "priority group flag") proposed in the consultation is a proportionate approach to delivering support for the alleviation of fuel poverty given the scale of the problem this poses for society.

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

There is a discussion to be had about the balance in fuel poverty alleviation activities between spending on rebates and spending on energy efficiency support: the Energy Saving Trust generally favours the long term protection that energy efficiency improvements give. However both rebates and energy efficiency assistance do help to address fuel poverty and we therefore support both as appropriate forms of assistance within the terms of this consultation. We support the move to align the criteria for both the Warm Home Discount scheme and the future supplier obligation and believe these two services should be offered in parallel – and believe energy suppliers should be able to use the data match results for either scheme.

Question seven: Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

We believe the power should allow the provision of advice to householders about measures and services that can alleviate fuel poverty in the broad sense, rather than narrowly just information about the direct ECO, WHD (or equivalent) offers. Thus the power should allow provision of information about the national Energy Saving Advice Service, emergency grants and support for fuel poverty, and impartial information about programmes such as the Renewable Heat Incentive or Smart Meter roll-out.



Data Sharing Policy Team,
Floor 6,
Aviation House,
London,
WC2B 6NH

Email: data-sharing@cabinetoffice.gov.uk

22 April 2016

Dear Sir,

Better Use of Data - Consultation Response

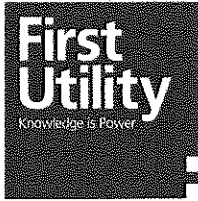
Thank you for allowing us the opportunity to comment on the proposals contained within your Consultation Paper "Better Use of Data". First Utility is pleased to submit the following observations.

We trust that you will forgive us for restricting our comments to those questions which we consider relevant to us as a Supplier in the Energy Industry.

Question 5

Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

We consider that the service we offer to our customer extends beyond the provision of Energy. With campaigns such as "Fix the Switch" we have led the industry in helping customers to take control of the cost of their energy consumption through faster switching so that they can benefit from savings at the earliest opportunity. Helping our customers to save money wherever possible and, as importantly, engaging with them and equipping them with the knowledge they need to participate in the market, is key for



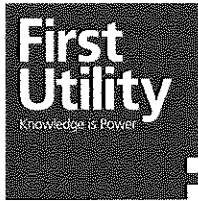
our Business. We are acutely aware, however, that there are a significant number of consumers in vulnerable situations who are eligible for additional help (and who would benefit greatly from it) but who may not be aware that they are entitled to it - perhaps because they are vulnerable to begin with.

As an Energy Supplier, we already have a regulatory obligation to engage with our Vulnerable customers to ensure that they have the services they need. Ofgem is reviewing the Industry's approach to Vulnerability, and we are keeping a watchful eye on developments as well as feeding into the working groups set up to work through the associated changes.

These changes not only affect suppliers, but others within the industry and, arguably, many organisations *outside* the industry. As your Consultation shows, vulnerability impacts on all aspects of daily life, and for reasons that are often personal to the individual and not easy to identify. The gathering of such information from those individuals can be time consuming and costly for suppliers. More importantly, it can be uncomfortable and frustrating for the consumer, particularly if they are required to repeat themselves on every occasion or whenever they wish to take advantage of such schemes.

Of particular concern to us is that a customer cannot take advantage of services and benefits available to them if they are not aware of them to begin with. To have automatic access to that data reduces cost for suppliers, distress and inconvenience consumers, and allows us to get help to the right individuals in the shortest possible time. These are the hurdles we wish to remove for our customers, and indeed for all consumers. We live in an age where, technologically, there is no reason for such hurdles to exist. Signposting and proactive engagement by suppliers will make a big difference, but responsibility must be taken by the Government and those outside the Energy Industry to assist Suppliers in tackling fuel poverty.

We appreciate that these proposals are restricted to enabling suppliers to use the data only to assist customers in fuel poverty. As a general principle, however, we see the benefits extending to customers with other vulnerabilities, and consistent with the efforts being made within the Industry to provide a less disjointed and more intelligent experience for vulnerable customers.



Question 6

Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

We believe that energy bill rebates, such as Warm Home Discount, are an appropriate form of assistance for citizens living in fuel poverty. In the context of these direct rebates, we would support the concept previously outlined by DECC of a wider data-matched WHD to ensure the best possible targeting of those most in need.

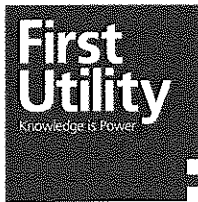
Whilst providing a direct financial benefit to the customer, however, we consider this to be only part of a bigger picture. We also see the provision of energy efficiency advice as key in helping to tackle root cause, and bring further relief to the customer. Our Energy Efficiency Helpline can assist customers in identifying other schemes or cost-saving initiatives which they might find helpful in lowering the cost of their energy.

Of particular importance to us is the value this data could bring in terms of identifying customers who are otherwise let down by their Suppliers through inaction. We believe that not enough is being done to assist those customers who are disengaged from the market and who are likely to be on their Supplier's more expensive standard or variable tariff. Likewise, not enough is being done to tackle those Suppliers who are allowing this to happen. We have led the market with our campaign to educate the public in understanding that they could be paying less for their energy. Data such as this would surely help the Government to better inform those customers let down by their existing suppliers, of their options.

Question 7

Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

Other schemes do exist which may have a positive impact on fuel poverty. We would, however, favour a more flexible approach. We understand the need to work alongside existing Data Protection principles, and to prevent abuse. For reasons already outlined,



we would ask the Government to consider the future landscape of Vulnerability within the Energy Sector, and the obligation on suppliers to be innovative in how they service their vulnerable customers. To that extent we would suggest some flexibility in the proposals and, if possible, for them not to be hard-wired to the provision of data to facilitate predetermined schemes. To have access to such data in circumstances where a supplier can demonstrate a genuine benefit to its vulnerable customer base would drive innovation and competition, whilst maintaining the necessary checks and balances necessary to avoid abuse.

We hope that you will find our comments helpful, but if we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,

Malcolm Henchley

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional): Malcolm Henchley

Position (optional): Head of Legal Services

Organisation name: First Utility

Address: First Utility Limited, Opus 40 Business Park, Haywood Road, Warwick, CV34 5AH

Email: 

Telephone (optional):

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?

Personal response

Official response

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

Type of representative group or interest group

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

How did you find out about this consultation?

Gov.uk website

Internet search

Other

We received an email from Dan Charlotte (Home Energy) at DECC inviting us to comment.

May we contact you for further information?

Yes No

Responses to our questions can be found in the attached letter.

Questions

Improving public service delivery

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

No

Yes

If yes, please explain your reasons.

.....

.....

.....

Question two: Are there any public authorities that you consider would not fit under this definition?

No

Yes

If yes, please explain your reasons:

.....

.....

.....

Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

.....
.....
.....

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

.....
.....
.....

Providing assistance to citizens living in fuel poverty

Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

.....

.....
.....

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

.....
.....
.....

Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?

- Yes
- No

If yes, please explain your reasons:

.....
.....
.....

Access to civil registration information to improve public service delivery

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Combating fraud against the public sector through faster and simpler access to data

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

Yes

No

Please explain your reasons:

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Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?

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Improving access to data to enable better management of debt owed to the public sector

Question twelve: Which organisations should government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtor who owe multiple debts?

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Question thirteen: How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?

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Access to data which must be linked and de-identified using defined processes for research purposes

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

Yes

No

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Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

Yes No

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Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

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Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

Yes

No

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Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:

a) the administration burden experienced and the costs incurred in completing the survey

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b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics

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Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?

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Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional):

Stuart Fairlie

Position (optional):

Head of Technical

Organisation name:

Elmhurst Energy

Address:

16 St Johns Business Park, Lutterworth, Leicestershire, LE17 4HB

Email:

[REDACTED]

Telephone (optional):

[REDACTED]

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?

Personal response

Official response

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

Type of representative group or interest group

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

How did you find out about this consultation?

Gov.uk website

Internet search

Other

May we contact you for further information?

Yes No

Questions

Improving public service delivery

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

No

Yes

If yes, please explain your reasons.

...no comment.....

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.....

Question two: Are there any public authorities that you consider would not fit under this definition?

No

Yes

If yes, please explain your reasons:

... no comment.....

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Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

..... no comment.....
.....
.....

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

..... no comment.....
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Providing assistance to citizens living in fuel poverty

Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

If the Government wish to give the funding to the appropriate persons/families they must give the necessary information to those non-public bodies that can help.

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

Elmhurst believes that in this day and age people should not be dying of fuel poverty in our country. The use of shared data which in any way ensures that the right families receive some help is a good idea. We whole heartedly agree that joined up thinking by Government enabling the money to go to the correct people is the right thing to do. The caveat to this is answered in the response below.

Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?

- Yes
- No

If yes, please explain your reasons:

Elmhurst strongly believes that Government are using the wrong information to find cold homes. The data held by DECC and the VOA are in our opinion not always appropriate or indeed fully comprehensive enough to make the correct connection to cold homes. The good news is that DCLG have a database of currently over 15 million (and growing) domestic Energy Performance Certificates (EPCs) for England and Wales alone. The same registers exist for Scotland and Northern Ireland. The underlying data contains the predicted running costs of the property (heating, hot water and lighting) and CO2 emissions; but also vitally it contains all the applicable improvement measures e.g. cavity wall insulation, loft insulation, boiler replacements etc that would make it cheaper to run and warmer. If a home doesn't yet have an

EPC (of which the numbers must be small) then the alternative data sources may suffice, but as time progresses those properties without an EPC are diminishing.

If we are serious about ending fuel poverty – surely a cash hand out is a sticking plaster to the problem. The data in these national databases needs to be used to link to the other policies of DECC (and any other government departments) to identify how to better spend the money in terms of making people's homes warmer for next year and the year after!

If the data is only being linked to DECC and VOA as is indicated in the paper, then we at Elmhurst believe that Government is fundamentally starting in the wrong place and what is deemed to be a cold home will not be based on the most up to date and fit for purpose information available to Government.

We see in point 55 that in addition, the information made will also be available to the utility companies, so that they can use it to give funding through other DECC polices – which is welcomed in general. But again, the data given will be based on the wrong foundation. The Government must use the DCLG data. It was created for the sale, rental and creation of homes (EPBD regulations), time has come that this data is used to help those most needy in our country and bring our homes up to better standards. If this is used well, the handouts on fuel poverty will diminish; we will all use less energy as a country and live in warmer homes. A win, win situation!

Access to civil registration information to improve public service delivery

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

..... no comment

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.....

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- Agree
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- Disagree
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Please explain your reasons:

..... no comment

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Combating fraud against the public sector through faster and simpler access to data

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

- Yes
- No

Please explain your reasons:

..... no comment.....

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..... no comment.....

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b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics

..... no comment.....

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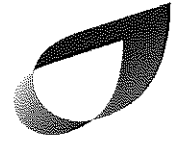
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Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?

..... no comment.....

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British Gas

Looking after your world

British Gas response to the Cabinet Office consultation paper – ‘Better Use of Data in Government’

April 2016

Executive summary

British Gas welcomes the Government's proposals to improve the use of data, in both public services and the provision of assistance to households living in fuel poverty.

We supply energy to around 11m household customers, and recognise that providing support to vulnerable customers should be the shared responsibility of energy suppliers and the Government.

We have two dedicated units to support vulnerable customers, and do more than any other energy supplier to help those struggling with their energy bills. In 2015, we spent over £220m helping 1.9 million households with discounts, free insulation and benefits advice.

In Winter 2015/16, we fully met our *Warm Home Discount* (WHD) obligation, and spent over £13 million more than we were required to by the Government – over 650,000 of our customers benefited from the £140 discount in the year. We were also the only energy supplier to give low-income customers using little or no gas a £95 rebate on their standing charge, helping 23,000 households.

We support the Government's ambition to improve the energy efficiency of homes and businesses in Britain, and agree that this is an important way to reduce energy bills, cut carbon emissions and tackle fuel poverty. The Government should ensure that future energy efficiency schemes are designed to be cost-effective and good value for money.

Since the introduction of the *Energy Company Obligation* (ECO) in 2013, we have spent over £1 billion to improve the energy efficiency of homes in Britain – including support for over 250,000 vulnerable households, and the installation of around 600,000 insulation measures and energy-efficient boilers.

The cost of identifying eligible households is a significant contributor to the cost of ECO, with the fuel-poor being the most expensive to find. The Government announced last year that ECO will be replaced in 2017 by a new scheme, which we understand will have a greater focus on fuel poverty, and so risks having higher search costs when compared to ECO.

We support the data sharing proposals in this consultation paper, which will be essential to help keep the cost of providing support to fuel-poor households as low as possible.

British Gas response

Providing assistance to citizens living in fuel poverty

Question 5: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

1. British Gas believes that the Government should share information with non-public sector organisations – including energy suppliers – for the purpose of providing assistance to households living in fuel poverty, and to better support vulnerable customers who would benefit from additional help.
2. Any organisation that is obligated to deliver a social policy outcome on behalf of the Government should be aided by any data which can allow them to deliver the outcome in an accurate and cost-effective manner.
3. For example, energy suppliers maintain a Priority Services Register (PSR) of older and disabled customers, in order to provide them with additional help and support. However, our information is not complete. Nationally, around three million households claim Disability Living Allowance, which would suggest that around one million British Gas customers are disabled, yet we have only 135,000 identified on our PSR. Data sharing arrangements could help suppliers to provide extra assistance to more of their customers, beyond just the areas indicated in the consultation paper.
4. Social and environmental policies, such as the *Warm Home Discount* (WHD) and *Energy Company Obligation* (ECO) are paid for directly by customers' energy bills, and in 2015, policies like these added £117 to the average British Gas dual fuel household energy bill. It is right that data sharing arrangements are introduced, wherever they can help to ensure that these policies are good value for money.
5. The Government has a legal obligation to reduce fuel poverty and the official definition of fuel poverty has been modified to better reflect the relationship between a household's income, energy bill, and the energy efficiency of their property.

6. Fuel poverty is very often a symptom of wider poverty issues related to low-income and underemployment. While improving the targeting of fuel poverty schemes will help tackle the issue, it will not solve it entirely.
7. The *Low Income High Cost* (LIHC) definition, officially adopted for England in 2014, considers a household to be in fuel poverty if the household's required fuel costs are above the national median, and the household's residual income would be left below the official poverty line, were they to spend that amount.
8. Given the complexity of the LIHC fuel poverty definition, and the ambitious fuel poverty targets in place, it is vital that data is made available to ensure that energy suppliers can identify those households most in need. Precisely which data are provided, and their accuracy, will enable suppliers to determine what support can be provided, or potentially prioritise those households most in need.

Warm Home Discount

9. The current WHD data matching process has a success rate of more than 80%, and last year, this data matching allowed energy suppliers to automatically provide support to 1.36 million 'Core Group' low-income pensioners. The energy industry has a five-year track record of using this data responsibly to tackle fuel poverty.
10. Extending the range of data available will improve the targeting of assistance to current 'Broader Group' households, such as low-income families. These households are eligible for support but the legal powers do not yet exist to permit a data matching arrangement. This would reduce administrative costs and the risk of fraud, and would increase the proportion of eligible households in this Group that receive support.
11. The current WHD Regulations require that energy suppliers obtain documentary evidence from a proportion of Broader Group applicants to verify that they are eligible for the scheme. In 2014/15 – the most recent year for which data is available – 23% of the applications sampled failed to pass the eligibility check¹.

¹ Ofgem (2015) Warm Home Discount Annual Report 2014-15

12. While Ofgem is satisfied that suppliers are making reasonable efforts to reduce fraud and abuse of the scheme, a proportion of the circa 750,000 WHD payments made each year could be going to ineligible households. The improved data sharing arrangements proposed should allow energy suppliers to more effectively target WHD payments to those households in genuine need of financial support.
13. The introduction of wider data sharing arrangements could significantly reduce the overall administrative cost of the WHD, but may increase the overall spend, as a greater proportion of the Broader Group would receive their rebate automatically. This will need to be carefully considered in the context of the scheme's annual spending limit. If any changes are made to eligibility for the scheme, this must be effectively communicated by the Government to any households affected.
14. The expected reduction in administrative burden should be considered by DECC when it reviews whether to remove, or reduce the threshold below which suppliers are not required to provide WHD to their customers.
15. Smaller energy suppliers are currently not required to participate in the WHD scheme, and while they may choose to participate on a voluntary basis, none have done so to date.
16. Reducing or removing the small supplier threshold would remove a potential barrier to switching supplier for those customers who might be concerned about losing their eligibility for a WHD rebate, and would extend the potential availability of WHD to hundreds of thousands more households.

Energy efficiency obligations

17. We also support the introduction of greater data sharing arrangements to assist with the identification of households eligible for assistance through energy efficiency schemes, such as ECO. Without effective data sharing arrangements, administrative costs could drive up the cost to consumers, or divert money away from delivery.
18. The cost of identifying eligible households, and arranging for their consent to have energy efficiency measures installed, are significant contributors to the cost of ECO. Fuel poor households are the most expensive to find. It currently costs around £130

to find and survey a non-fuel-poor household eligible for insulation measures and up to £375 for a low-income household needing a new boiler.

19. Without comprehensive and effective data sharing arrangements, these costs could rise sharply in a new scheme focused on insulating fuel-poor homes. The complexity of the LHC definition means that it will be difficult for households to establish themselves whether they are fuel poor. Without effective data sharing arrangements, these search costs could rise to as much as £1,500 per property by 2022.
20. The consultation proposes that an 'eligibility flag' would be provided to obligated energy suppliers, however identification of an eligible household is only the first step. In most cases, an on-site technical survey will still be required before any energy efficiency improvements can be carried out.
21. Any data sharing arrangements which provide energy suppliers with an 'eligibility flag' for their customers should ensure that this flag is provided to both the household's electricity supplier and their gas supplier (where the property receives its supplies from separate suppliers).
22. The Government should also make provision to allow data shared with energy suppliers to also be shared with any members of the energy suppliers' supply chain that may be working on its behalf to discharge any energy efficiency obligations.
23. The consultation does not propose to share the detailed property data used to calculate the eligibility flag with energy suppliers. We believe that this should be further explored. The property data that is currently available to suppliers is often incomplete, of variable quality and out-of-date. Sharing additional data would improve suppliers targeting, and help them deliver their obligations in a cost-effective manner.
24. Data sharing arrangements will be essential to help keep costs down in a new energy efficiency obligation. While the current proposals are no 'silver bullet', they should help to better identify those households in fuel poverty, and reduce the risk of disproportionately high search costs in a future energy efficiency obligation.

Question 6: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

25. We agree that the provision of energy bill rebates and energy efficiency support are both appropriate forms of assistance to fuel poor households.
26. Low income is one of the main drivers of fuel poverty, and this can be compounded where households live in poorly-insulated homes with inefficient heating systems. As such, both financial support in the form of energy bill rebates, and energy efficiency support are appropriate forms of assistance to households in fuel poverty.
27. The current WHD scheme provides this financial assistance through rebates to two groups - a 'Core Group' made up of low-income pensioners in receipt of the *Guarantee Credit* element of *Pension Credit*, and a 'Broader Group' made up of low-income households, and those deemed to be vulnerable by their energy supplier.
28. The data-matching arrangements that currently exist for the Core Group provide for a cost-effective and reliable way of identifying those customers who are eligible for support, and we believe that extending them would allow for assistance to be provided to more households in fuel poverty.
29. Finally, the question - as currently worded - could be taken to suggest that when providing energy bill rebates, suppliers should also be required to provide information about energy efficiency support. We believe that this is a policy question for DECC. While both financial assistance and energy efficiency measures can help citizens in fuel poverty, we would expect any proposal to combine them to be accompanied by a comprehensive impact assessment to determine the overall cost and benefit of such an approach.

Question 7: Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

30. The proposed power should be worded in such a way as to ensure that it can be used for any other current or future schemes designed to reduce fuel poverty.

31. For example, energy efficiency programmes such as ECO, and the scheme that will succeed it from 2017, obligate energy suppliers to install insulation and heating measures to improve households' energy efficiency. We understand that these schemes are likely to have an increasing focus on fuel poverty in the future. Any data sharing power should therefore ensure that suppliers have access to data on property characteristics and households' eligibility for assistance, to ensure that delivery costs are kept as low as possible.

32. We also believe that energy suppliers should be able to use their customers' eligibility for support through the WHD to provide further well-targeted assistance to address fuel poverty. For example, British Gas offered low-income customers using little or no gas a £95 rebate on their standing charge last year. We were the only supplier to do this, and helped 23,000 households.

33. If suppliers were able to use the output of any data matching arrangements more widely than just for WHD, they would be able to choose to direct assistance – such as financial support and debt advice – toward their most vulnerable customers.



Data Sharing Policy Team
Floor 6, Aviation House,
London
WC2B 6NH

Email to: data-sharing@cabinetoffice.gov.uk

22 April 2016

Better Use of Data

EDF Energy is one of the UK's largest energy companies with activities throughout the energy chain. Our interests include nuclear, coal and gas-fired electricity generation, renewables, and energy supply to end users. We have over five million electricity and gas customer accounts in the UK, including residential and business users.

EDF Energy fully supports proposals to enhance data sharing to ensure those in fuel poverty are provided with appropriate support. This includes through access to the Warm Home Discount (WHD) rebates and also via energy efficiency services.

The two additional areas the consultation considers (tackling fraud and debt and allowing use of data for research purposes and for official statistics) require further review as explained in more detail below. We do not answer the detailed questions for these groups (Sections 3 and 4) but provide our high level views in the summary section. Our answers to the questions relating to fuel poverty (Questions 5-7) are set out in the attachment to this letter.

Summary

EDF Energy believes that there will be some cases where, non-public sector bodies that fulfil a public service function to a public authority can be included in the scope of the public service delivery power. This would be to achieve the purpose of improving outcomes for citizens and result in the offer of a service, for example energy suppliers providing rebates as obligated through the Warm Home Discount scheme.

EDF Energy seeks greater clarity on the proposals regarding imposing criminal sanctions if confidentiality restrictions placed on the information are breached, and any potential impact on commercial companies.

Combating fraud against the public sector through faster and simpler access to data

As utility companies provide consumers with required services it is vital that consumers trust and are happy to share information so that they can benefit from this level of service. These proposals raise a number of serious issues around consumer trust and buy-in. It is

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Victoria, London SW1X 7EN

not appropriate for suppliers to be involved in processes specific to combating fraud against the public sector, through faster and simpler access to data. There are already provisions within the existing legislative framework for accessing data on individuals who are suspected of fraudulent activity (for example the Social Security Fraud Act 2001; section 29 of the Data Protection Act). It is not the role of suppliers to be directly involved in sharing consumer data for the speculative purpose of detecting fraud. It is not clear that consumers would have expected, nor have given permission to or be fully informed of sharing their data for this reason.

Management of data sharing

EDF Energy's view is that any data sharing proposals would need to be clearly defined and agreed, including detailing the extent of co-sharing and the benefits gained for all stakeholders. At present there is a lack of clarity on the detail of the sharing, the requirements and the benefits for all involved.

Should the energy industry be involved, an industry common approach will be essential to ensure effective management of the consumer relationship. This will ensure consumers are aware and receive a consistent position in relation to any use of their data which is not expressly for the purposes they would expect i.e. the management of their account for the sale of gas and/or electricity. Consumers should be fully informed and reassured to minimise any mistrust with the industry.

If it has not already been considered, we suggest it may be of value contacting Citizens Advice to ensure the consumer perspective is fully considered. Their viewpoint would help to understand the potential impacts on the consumer relationship.

Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

It would be beneficial if the sharing of data across government and public authorities leads to greater use of more robust sets of evidence to inform and shape effective policy. However, as previously explained the data sharing processes and data sets must be robustly managed and protected.

In relation to the proposals of the broadening of powers for the Statistics Authority (SA), detailed in paragraph 122, EDF Energy requires further clarity and detail on what these may involve, the impacts and the resulting benefits for both parties.

The consultation indicates that the SA would be provided with the power to ask any business to disclose any specified information or data that the authority chooses, for example requesting suppliers' information in relation to the energy industry. This may in principle be reasonable, however it should be understood that organisations, such as the energy regulator, Ofgem, are already provided with considerable amounts of data from suppliers. The powers should be clearly defined so that the SA only seeks data where it is

confident that data does not already exist with another authority to avoid unnecessary duplication of effort and work.

Should you wish to discuss any of the issues raised in our response or have any queries, please contact Suzanne Jespersen on [REDACTED], or myself.

I confirm that this letter and its attachment may be published on Cabinet Office's website.

Yours sincerely,



Paul Delamare
Head of Customers Policy and Regulation

Attachment

Better Use of Data

EDF Energy's response to your questions

Providing assistance to citizens living in fuel poverty

Q5. Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

Yes, we agree with the proposal that Government share information with non-public sector organisations for the purpose of providing assistance to citizens living in fuel poverty. The Government's assistance will enable opportunities for suppliers to support those living in fuel poverty in the most effective way.

The experience of delivering WHD rebates has already demonstrated the benefits of data sharing. We support extending more efficient and targeted data sharing with the aim of achieving reduced levels of fuel poverty.

We also support sharing for the benefit of offering holistic support to assist those in fuel poverty and to mitigate their circumstances, for example benefit entitlement checks, fuel debt support and energy efficiency services.

EDF Energy supports sharing in circumstances where key consumer benefits can be achieved, for example through Government obligations such as the Warm Home Discount and Energy Companies Obligation.

Q6. Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

Yes, EDF Energy agrees with the provision of energy bill rebates, alongside information about energy efficiency support as appropriate forms of assistance.

However, the practicalities of managing a number of data sets effectively and successfully with the reliance on IT solutions and systems should be considered at the early stages of the data sharing proposals and closely managed. Issues arose in the early years of the WHD data sharing project and these experiences should provide useful learning for future projects and help avoid a repeat of the challenges experienced.

For example, this year difficulties may be experienced as we cannot pro-actively communicate with our customers on the changes occurring to WHD as we are not permitted to use the stored data. Customers in receipt of rebates do not differentiate

between the Department of Work and Pensions and their energy company regarding any issues that may arise and therefore will contact us with questions. A solution to manage the customer experience and minimise customer confusion where appropriate should be considered for future data sharing projects.

Q7. Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

Providing Energy Bill rebates is an appropriate form of assistance for people living in fuel poverty. EDF Energy proposes there may be some additional forms of assistance available to support those in fuel poverty and vulnerable as outlined below.

For example those customers that are living in fuel poverty or are vulnerable can access our enhanced customer services to make use of a range of services to reduce levels of fuel poverty. Services available alongside the industry wide Priority Services Register include; energy efficiency services and advice, benefit entitlement checks, advice on managing and reducing not only fuel debt but also an advice helpline provided through our partnership with Plymouth Citizens Advice. This delivers advice on reducing debt and reviewing appropriate lifestyle changes to improve the situation most effectively. Citizens Advice delivers this award winning helpline to our customers on our behalf, providing independent support and advice to those most in need and living in fuel poverty. If data sharing can be enabled to ensure these consumers can be reached and supported effectively through such services, then this approach should also be considered for inclusion.

In terms of supporting an effective fuel poverty strategy, clearly energy efficiency services would be of value and therefore the data sharing powers should involve supporting the delivery of ECO. Importantly, this would improve the efficiency of the scheme and value for money, a key issue considering that both the WHD and ECO are funded through the bills of energy customers.

Currently suppliers use resources to identify customers eligible for ECO. With improved data sharing and more effective targeting, then these costs would be expected to reduce and enable improved access to ECO measures to all eligible customers. This is because suppliers can offer ECO measures to anyone in or at risk of fuel poverty, not just their own.

EDF Energy
April 2016

Better Use of Data

The Children's Society response

The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across the country with the most disadvantaged children through our specialist services. Our direct work with vulnerable groups including children in poverty, disabled children, children in or leaving care, refugee, migrant and trafficked children, means that we place the voices of children at the centre of our work.

In 2015 The Children's Society launched the 'Show Some Warmth'¹ report that found that in the previous winter two million families – with 3.8 million children – struggled to pay their energy bills. Our research found that nearly one in five families (1.3 million families, with 2.2 million children) have been in energy debt at some point. Since the launch of this report, The Children's Society has been working with energy companies to seek to improve their support for families and children living in energy debt.

Our response to this consultation draws on this quantitative research, our qualitative research with families, our experience of supporting families and children in fuel poverty and our engagement with energy companies to date. We have also run a pilot programme on seeking to help families in fuel poverty across our children's centres in Bradford, funded by Northern Gas Network. The findings from this project can be found in our Warm & Informed summary report² that explores the experiences of families living in fuel poverty and the impact of home energy efficiency measures on their lives.

- **Question six:** Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

The Children's Society believes that the provision of energy bill rebates such as the Warm Home Discount (WHD) provides a vital form of support for families struggling with their energy bills.

One family who received the discount told The Children's Society:

"The Warm Home Discount was a lifeline for me and my family. It meant my quarterly winter bill was under £300, instead of over £400. I had more to buy food for my family and I could keep the heating on for longer."

However, many eligible families miss out³, due to a combination of a lack of awareness of the scheme, and difficulty in applying, especially for those with English as a second language. This was reinforced by evidence gathered through our Warm and Informed⁴ project in Bradford,

¹ The Children's Society, Show Some Warmth, 2015 http://www.childrenssociety.org.uk/sites/default/files/Show_some_warmth_full_report_1.pdf

² http://www.childrenssociety.org.uk/sites/default/files/Warm%20and%20Informed%20-%20full%20report_0.pdf

³ The Children's Society, Behind Cold Doors, 2013 http://www.childrenssociety.org.uk/sites/default/files/tcs/behind_cold_doors_-_final.pdf

⁴ The Children's Society, Warm and Informed, 2016 http://www.childrenssociety.org.uk/sites/default/files/Warm%20and%20Informed%20-%20full%20report_0.pdf

which provided fuel poverty assistance across two of our children's centres. Knowledge of the Warm Home Discount in families local to the Children's Centres was very low, which resulted in them missing out on this vital support.

Accessibility of the Warm Home Discount is a key issue for many families and therefore we welcome the government's decision to create standard eligibility criteria for suppliers⁵. Until recently, the WHD had very complex eligibility criteria, which were hard for customers to understand, especially as each supplier set different eligibility criteria for their 'Broader Group' (i.e. those who have to apply for the discount rather than getting it automatically). In January 2015, the Government introduced a set of standard criteria for all participating suppliers (though they can have additional criteria, subject to Ofgem approval) and this standardisation was acknowledged as a positive step⁶ in helping families understand if they were eligible for the rebate. At the same time, they ensured that the scheme had to be available to low income working families in receipt of in-work benefits with either a child under five or a disabled child.

However, energy customers in the Broader Group still need to apply to their supplier, while low-income pensioners in the scheme's Core Group automatically get the rebate credited to their bill, due to a data sharing agreement between Department for Work and Pensions, HMRC and energy companies under provisions in the Pensions Act 2008. The lack of automatic eligibility and payment to the broader group means that many of the most disadvantaged families continue to miss out on this vital support.

As such, we strongly support the suggestion of effective data matching to help ensure families in fuel poverty don't miss out on the support that they're entitled to. **We recommend that low income families living with children under 18 are added into the core group eligibility criteria for the Warm Home Discount to ensure that they get help automatically, rather than having to apply for the scheme through broader group eligibility as it currently stands.** This will make the rebate considerably cheaper to administer and ensure that it is better targeted at families who are likely to be in fuel poverty.

- **Question seven:** Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

Issues faced by vulnerable customers trying to switch energy company

There are a wide range of tariffs available to the market, offering a series of options that are tailored to suit as broad a set of requirements as possible and support those customers that change providers to secure a better deal with their energy. However, there are barriers to accessing these deals – particularly for the most vulnerable customers, including those on pre-payment meters - that need to be addressed in order to make sure the process is as equal as possible.

Before switching it is critical that customers be made aware that their new choice could limit or stop them receiving wider benefits from their incumbent supplier, for instance missing out on

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398545/Warm_Home_Discount_Consultation_Response_-_Extension_to_2015-16_-_FINAL.pdf

⁶ <https://www.gov.uk/government/news/2-million-families-and-pensioners-to-get-money-off-energy-bills>

being eligible for the Warm Home Discount, which is currently a risk when switching to a smaller supplier.

Consequently, **we recommend that all suppliers have to deliver the core group rebate in any forthcoming revision of the scheme.**

Targeting Smart Meter roll out at fuel poor families

Smart Meter roll out is often proposed as being a remedy to the discrepancy in prices paid between pre-payment and direct debit customers as it can mean that energy companies are in a position to offer more tailored solutions to meet customers needs. This is welcomed as customers with pre-payment meters or paying by standard credit still pay around £80 each year more than direct debit customers⁷.

Currently, energy suppliers can deliver the roll out in whatever way suits their customers and business best, as long as they meet the Government's overall timescale and targets. However, there are ways that this can be improved to ensure that the most vulnerable customers benefit from this as soon as possible. For instance, we would recommend that the available data on fuel poor households be utilised so that Smart Meters are targeted at fuel poor and indebted households in the first instance to help to alleviate the impact of living in fuel poverty and energy debt.

We recommend that Smart Meter roll out should prioritise fuel poor and indebted households in the first.

Recommendations

- Low income families with children should be moved to the 'Core' eligibility group so that they receive the Discount automatically instead of having to apply for it
- All suppliers – including smaller suppliers – should be obliged to deliver the core group rebate in any revision on of the scheme from 2016/17. This would ensure customers are aware of their entitlement across all providers and help increase transparency in the scheme.
- We recommend that Smart Meter roll out should prioritise fuel poor and indebted households in the first instance to help alleviate the additional costs associated for the most vulnerable families when they are placed on pre-payment meters.

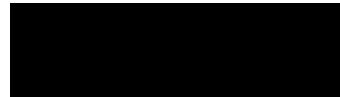
For more information please contact David Aure on
[REDACTED]

⁷ <https://www.ofgem.gov.uk/press-releases/ofgem-publishes-analysis-price-differences-between-payment-methods>



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Aviation House,
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WC2B 6NH

SSE plc
Warwick House,
25 Buckingham Palace Road,
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22 April 2016

Dear Sir/Madam,

Better Use of Data: Consultation Paper

SSE is a UK-listed utility and the broadest-based energy company in the UK. Our core purpose is to provide the energy people need in a reliable and sustainable way. We are fully committed to playing an active role in delivering the UK's fuel poverty and energy efficiency objectives and continue to work hard to deliver measures which work in the best interest of consumers. As a supplier obligated to deliver both the Warm Home Discount (WHD) and Energy Company Obligation (ECO), we are interested in the aspects of the consultation pertaining to the Department of Energy and Climate Change (DECC's) proposal for data sharing to provide direct assistance to citizens living in fuel poverty.

We welcome the opportunity to provide comments on the consultation. Improved data sharing within the WHD and ECO schemes is something that we have advocated for many years. It is important that assistance is effectively and efficiently targeted towards those most in need and the proposals outlined in the consultation move toward this objective. It is essential, however, that this data sharing exercise complies with the relevant data protection legislation.

Improved data matching is critical to the future of several policies currently being considered by DECC. It is crucial that consultations on WHD and any future energy efficiency supplier obligation are undertaken as expeditiously as possible. A delayed timeline for consultation on either of these schemes would create significant delivery risks, bring further uncertainty to an already vulnerable supply chain and inevitably increase the cost of the obligation. It would also undermine suppliers' ability to comply with their obligation and to deliver them cost-effectively. A joined-up approach across government departments on these consultation timelines could go some way to mitigating these risks.

Further details about the future energy efficiency supplier obligation and the WHD will be elaborated on in our respective consultation responses during the year; this response focuses instead on the higher-level principles raised in the consultation, acknowledging that they are to

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have practical application in the energy sector. This consultation on improved data sharing is a key stepping stone on the way to improving the current schemes and ensuring that the finite support available for vulnerable energy customers is put to the best possible use.

If you have any questions regarding the information provided within SSE's response, then please do not hesitate to get in touch.

Kind Regards

Mathew Quinn

Retail Policy Manager, Corporate Affairs

SSE plc

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www.sse.com



Questions

5. Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

We strongly support this proposal and welcome the introduction of a new measure that would allow a wider group of citizens living in fuel poverty to benefit from automatic energy bill rebates through expanded data matching, provided it complies with relevant data protection requirements. There are three reasons for our support for this proposal: it would improve the cost effectiveness of the WHD; it would reduce the number of customers living in fuel poverty who miss out on receiving assistance; and it would enable smaller suppliers to deliver the scheme as it removes a justification for a smaller supplier exemption.

Relying on citizens to step forward and apply, as is currently the case for the Broader Group in the WHD, always results in some people missing out, and unfortunately this can be the most vulnerable in society. The way to overcome this is for government to share with energy suppliers "eligibility flags" along with customers' names and addresses (or equivalent unique identifiers).

Furthermore there is a dramatic difference between the administrative costs for delivering the WHD to the Core Group, which is automatic, and the Broader Group, where the onus is on suppliers to identify eligible customers. The administrative cost to SSE of delivering the Broader Group in 2013 was £1.3m, whereas for the Core Group it was just short of £50k. The Broader Group necessitates additional costs in relation to staffing, issuing application forms and corresponding with applicants and a more protracted verification process. Additionally, the verification process means that some customers who qualify will inevitably not receive the payment because of varying issues in providing proof of their benefits.

Unfortunately this additional cost is reflected on bills and will ultimately be borne by customers. As we stated in our response to the consultation on extending the WHD to 2015/16, this large variance in delivery cost between the two groups highlights clearly the benefits of data sharing.

Another issue with the current scheme which results in some eligible customers missing out on the WHD is the exemption for small suppliers. These exemptions create distortions in the competitive market and are unfair to customers who will not receive the rebate from certain suppliers. With the administrative costs of the scheme significantly reduced as a result of the proposed change, the requirement to administer the scheme would no longer constitute a barrier to entry and the exemption can no longer be justified.

We recently engaged Frontier Economic to undertake an in-depth study of the customer survey commissioned by the Competition and Markets Authority (CMA) as part of its energy market inquiry. This revealed that being in receipt of the Warm Home Discount rebate correlated directly with a customer's propensity to switch. Customers in receipt of WHD were 7 – 10 percentage points less likely to switch supplier, but were no less likely to feel confident about their ability to make the right choice. The lower switching rate is therefore likely to be related to the fact that not

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all energy suppliers offer the WHD rebate, since suppliers with fewer than 250,000 customers are exempted from the scheme.¹ This means it is more difficult for these customers to assess the true savings they could make by switching supplier since the potential loss of WHD rebate may outweigh any potential savings.

While we have found the Core Group more straightforward to deliver and welcome moving to a more automated system, one of the advantages of the Broader Group was that it allowed suppliers some flexibility in delivery. Moving to full data matching might therefore mean that some customers currently in receipt of the rebate are no longer eligible and efforts should therefore be made to understand and, as far as possible, mitigate this impact.

6. Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

We strongly believe that policies aimed at tackling fuel poverty should be funded through means-tested taxation. Funding social policies such as the WHD through energy bills is socially regressive and can mean the most vulnerable consumers pay proportionately more than others and is particularly harmful for those customers who narrowly miss out on the eligibility criteria.

Nevertheless the WHD scheme has been a successful scheme and has provided much needed assistance to those customers who require it most, importantly targeting this assistance directly towards energy consumption. Additionally, improving the energy efficiency of customers' homes has also been significant in reducing levels of fuel poverty. Therefore we do agree with the assertion that the provision of energy bill rebates, alongside information about energy efficiency support, are appropriate forms of assistance to citizens living in fuel poverty – though we continue to argue that progressive funding through tax receipts would be a fairer and more effective approach.

7. Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

We would, in principle, support the use of the eligibility information outlined in the consultation for identifying customers eligible for assistance under the ECO provided that this is done in a way which complies with relevant data protection requirements. We look forward to discussing the proposal in greater detail in the forthcoming consultation on the future supplier obligation scheme.

¹ <http://utilityweek.co.uk/news/why-don%E2%80%99t-energy-customers-switch/1178843#.VwJouvrK70>

NK/CMcA/9861

22 April 2016

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WC2B 6NH



Suite 4a
Ingram House
227 Ingram Street
Glasgow G1 1DA

Dear Sirs

Better Use of Data – Consultation

Introduction - Energy Action Scotland

Energy Action Scotland (EAS) is the Scottish charity with the remit of ending fuel poverty. EAS has been working with this remit since its inception in 1983 and has campaigned on the issue of fuel poverty and delivered many practical and research projects to tackle the problems of cold, damp homes.

EAS welcomes the opportunity to make comment on the Better Use of Data consultation. However much of the consultation is out with our area of operation and as such EAS limits its response to the section on Improving Public Services and Providing Assistance to Citizens Living in Fuel Poverty.

We note that the proposed main clauses would seek to allow public agencies to share personal data with other public agencies in specific contexts in order to improve the welfare of the individual in question. If this could be assured then EAS would be broadly in support of this, however the definition of "public agencies" must be tightly controlled to ensure that spurious agencies or parts of agencies do not use the information for simply making marketing approaches to vulnerable householders. EAS would agree that allowing public authorities access to civil registration data to prevent sending letters to people who have deceased and to make it easier for citizens to interact with public services is on the whole a worthwhile achievement.

Our particular comments relate to the following questions around the section "Providing assistance to citizens living in fuel poverty"

Q 5 Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

This would need to be managed with extreme care; non-public organisations could be fuel utilities that could simply make the case of advertising alternative tariffs claiming that these would address fuel poverty for that household without any understanding of their personal circumstances. There is the issue of fuel poverty definition, with the definition being used in England currently different to that used in Scotland and other parts of the United Kingdom. The question then is how do agencies understand who is fuel poor without a very large data gathering exercise which would undoubtedly centre on welfare benefit data.

It is hard to see what can realistically be achieved by non-public sector agencies by giving them access to restricted data i.e. a family or individual just on benefit without knowing their housing provider, rented or owned, their level of fuel consumption high or low and their ability to switch fuels i.e. from electricity for heating to gas.

Q 6 Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

Energy bill rebates alone will not solve fuel poverty over the longer term they are a short stop measure that does little to change the individuals circumstances. Nonetheless they are important and should be continued. There is a discussion to be had about the level of rebate and whether or not this should be flat rate or take into account the geography of the UK with a higher level of rebate given to those living further north, however that is not for this response.

The data sharing exercise currently undertaken between the DWP and fuel utilities has shown a positive intervention for many fuel poor households and could be built upon to take into account other groups who may be considered to be fuel poor by using certain benefits as a proxy. The current system splits into two groups a core group and a broader group with the core group being automatically eligible for support. What additional data would be useful is hard to understand as EAS believes that the data is already used effectively if there is any fault or downside it is the limit on numbers placed on the broader group, no additional data collection would change this.

The question of providing information about energy efficiency support will hinge around what actual levels and types of support there actually are for fuel poor households and again this will be very dependent on where people live as each Government or Assembly has a different response to the provision of help, for example the Scottish Government currently have their Home Energy Efficiency Scheme for Scotland which gives grant to home owners, EAS is aware that this level of support is not available to vulnerable or fuel poor households in England and the question would be what level of information could realistically be given and how would any action taken by the householder from that information be recorded.

Q 7 Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

In terms of data collection and sharing fuel utilities already know a great deal about each consumer, their payment method, their fuel usage, their tariff and their level of debt. They also know what different payment methods and tariffs would provide a better deal and lower payments to that individual consumer. They should use that data to achieve a more positive outcome not just for fuel poor consumers but for all consumers.

What fuel suppliers do not know is if any individual consumer is fuel poor, they have no access to levels of income and they should not. This may prejudice a particular offering from the supplier i.e. not offering direct debit if the consumer is seen as having a low income and it is believed they may be in danger of defaulting on a payment plan.

Fuel poor citizens require three things, an energy efficient home, a level of income that means they pay (under the Scottish definition) less than 10% of that income for the fuel needed to provide a warm healthy home environment and fuel at an affordable cost. If via existing communication channels information can be gathered to realistically make an assessment of the risk of fuel poverty for any individual then that should be done. But unless that information gathered can then

provide assistance to truly address fuel poverty then we act simply to create an ever growing data base of information on the individual with no real use in addressing fuel poverty.

In conclusion EAS believes that it is not the need to gather even more data that is required to address fuel poverty but a more and better use of the data we already hold. For example a consumer with both gas and electricity within their home and also being eligible to be accepted onto a priority services register would have to register with the gas GDO, the electricity DNO, their gas supplier and their electricity supplier. No single person/organisation holds a central register and if that consumer changes supplier they will then need to notify the new supplier.

EAS believes that sharing existing data between services is more important than creating another data base or starting another data collection exercise.

Yours faithfully



Norman Kerr
Director

ofgem e-serve

Making a positive difference
for energy consumers

Gwneud gwahaniaeth gwirioneddol
i ddefnyddwyr ynni

Data Sharing Policy Team
Floor 6
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London
WC2B 6NH

[REDACTED]
Date: 22 April 2016

FAO Data Sharing Policy Team

Better Use of Data

We welcome the opportunity to respond to your consultation 'Better Use of Data' in our capacity as administrator of the Warm Home Discount (WHD) and Energy Company Obligation (ECO) schemes, both of which provide assistance to consumers living in fuel poverty.

As such, our response will focus on the section titled "Providing assistance to citizens living in fuel poverty". Please see our responses to questions 2, 3 and 5-7 below.

Question two: Are there any public authorities that you consider would not fit under this definition?

We welcome the inclusion of an amending power with respect to the schedule of public bodies. It is important that these provisions are reviewed regularly, particularly as the policy changes for both the WHD and ECO schemes from 2017-2022, signalled in the Spending Review, are developed and implemented.

Question three: Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the public service delivery power?

The Industry Initiative element of WHD includes partnerships between obligated suppliers and third parties such as charities, energy supplier trusts and third sector organisations such as Citizens Advice. Through these partnerships, non-public sector bodies provide assistance to fuel poor customers in a variety of ways including debt relief, energy saving advice and the provision of energy efficient white goods. Including these bodies within the scope of the public service delivery power may allow them to more efficiently identify those in fuel poverty, thus maximising the benefit of the Industry Initiative spend and realising greater value for money through the WHD scheme.

Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?

We believe that the Government should share information with non-public sector organisations where this would facilitate the provision of assistance to citizens living in fuel poverty.

Our principal objective as an organisation is to protect consumers.¹ In addition, Ofgem has duties to protect the interests of vulnerable and low income individuals.² Specifically, the focus of the WHD scheme is to provide rebates to vulnerable consumers' electricity accounts who are living in fuel poverty. Alongside WHD, the ECO scheme has the Home Heating Cost Reduction Obligation (HHCRO) which focuses on providing energy efficiency measures to vulnerable consumers who may struggle to heat their homes to an acceptable level.

Both WHD and the HHCRO element of ECO rely on information relating to benefits and income indicators to identify eligible consumers. For the Core Group part of WHD a data matching process automatically identifies eligible consumers as a result of Government sharing data with energy companies. However, the Broader Group part of WHD relies on consumers engaging with suppliers to identify themselves as eligible. We strongly support further data sharing that could enable the data matching process for WHD to be expanded, helping to ensure that eligible consumers are receiving the assistance they need. Often the most vulnerable people miss out on Broader Group rebates because they fail to apply.

As discussed in the consultation document, increased data matching for WHD would also help to reduce supplier administration costs associated with delivering their obligation. The cost of administering supplier obligations can add to the cost of living through increased energy bills; therefore, keeping administration costs as low as possible will help to reduce any impact on bills of supplier obligations.

In terms of ECO, we believe that increased data sharing could help to more efficiently target interventions, particularly in relation to the information on property characteristics which would help to identify the high cost element of the fuel poverty indicator. This approach would allow suitable properties to be identified without having to conduct on-site inspections, leading to lower costs of delivery.

Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

We agree that the provision of energy bill rebates and energy efficiency measures are highly appropriate forms of assistance for citizens living in fuel poverty.

We believe that the WHD and ECO schemes provide vital support to citizens living in fuel poverty, both through rebates on energy bills and the installation of energy efficiency measures in homes. Further, the Industry Initiatives element of WHD

¹ ss. 4AA(1) Gas Act 1986, (GA 1986), and 3A(1) Electricity Act 1989 (EA 1989).

² ss. 4AA(3) GA 1986 and 3A(3) EA 1989.

also provides a wide range of assistance including energy debt relief, energy saving advice and the provision of energy efficient white goods. Difficulties in evidencing eligibility can sometimes hinder delivery of assistance and also verification of outcomes. As such, where sharing information can facilitate automatic identification of the most vulnerable citizens this will help to improve the effectiveness of schemes such as ECO and WHD.

The HHCRO element of ECO1 delivered around 435,000 measures to low income and vulnerable households living in private housing. These measures resulted in total notional bill savings of £5.16 billion.³

During Scheme Year 4 in WHD (2014-2015) almost 1.5 million rebates of £140 were provided to Core Group members, almost all of which were matched automatically. Approximately 760,000 further rebates were provided to customers who qualified as part of the Broader Group. Finally, over £20 million was spent on Industry Initiatives.⁴

We strongly support the use of any information sharing to identify eligible consumers for one scheme to be able to be used to identify them as eligible for the other. The WHD rebate provides immediate relief for citizens living in or vulnerable to fuel poverty who may be making the choice between heating and eating. If those same citizens can also receive help through ECO, this will provide a longer term solution whereby the cost of their energy bills could be reduced and may even remove the need for that consumer to receive the WHD in future.

Question seven: Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?

Local delivery bodies such as local authorities, health care providers, and consumer and welfare charities are often best placed to help their most vulnerable residents and are expected to play an increasingly important role in identifying those in fuel poverty. Including local delivery bodies within the scope of the proposed power may help to facilitate effective delivery at the local level and compliment national level delivery efforts.

We refer to the proposals on making any recipients of data subject to a new restriction on disclosure.⁵ In relation to this, your attention is drawn to the following statement:

"A further, powerful disincentive would be to withhold the information from them in future. This would increase their costs of delivering the fuel poverty assistance schemes relative to their competitors. Enforcement action may also be possible under the Data Protection Act if the information is misused. Energy suppliers are also subject to regulation by Ofgem, which has a wide range of enforcement powers."⁶

³ For more information see Chapter 2 of the Ofgem Energy Companies Obligation Final Report, page 14, para 2.27.

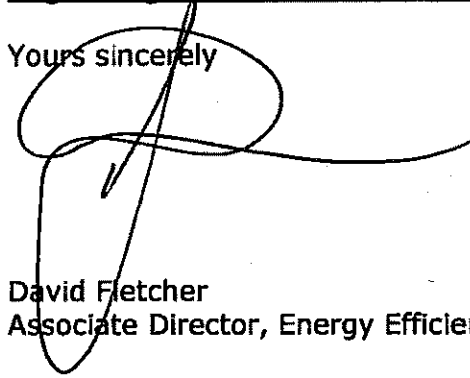
⁴ For more information see the Ofgem Warm Home Discount Annual Report 2014-15, page 4 (Executive Summary paras 4, 5 & 6).

⁵ Para 52, Cabinet Office, "Better Use of Data Consultation Paper."

⁶ Ibid, para 53.

Our position here is that the Office of the Information Commissioner (ICO) should be the primary enforcement body with respect to investigating and enforcing any breaches of the data protection regime. In our view, ensuring that the ICO's overarching remit is preserved, is inline with the current policy driver to work towards "better regulation" principles,⁷ and to avoid duplication with other bodies. Whilst there are certain energy sector compliance requirements on data protection,⁸ these are targeted on particular issues, and therefore are not designed to give Ofgem the same overall remit as the ICO.

Yours sincerely



David Fletcher
Associate Director, Energy Efficiency and Social Programmes

⁷ ss. 4AA(5A) of the Gas Act 1986, and ss. 3A(5A) of the Electricity Act 1989. See also the "Better Regulation Task Force" 2003 guidance.

⁸ Such as in the supply licence and Standard Licence Condition 47 on consumption data, provisions in industry codes which restrict the use/disclosure of data (which would be enforceable by Ofgem as a last resort) and also our powers under Part 8 of the Enterprise Act 2002 cover certain breaches of data privacy regulation. Note also the data protection proposals which are under now development: see the Competition and Markets Authority announcement dated 10 March 2016, on establishing an Ofgem-controlled database which will allow rival suppliers to contact domestic and microbusiness customers who have been stuck on their supplier's default tariff for 3 years or more with better deals.

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional): Deana Leadbeter

Position (optional): Chair

Organisation name: Health Statistics User Group

Address: Health Statistics User Group

c/o The Royal Statistical Society

12 Errol Street, London EC1Y 8LX

Email: 

Telephone (optional):

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?

Personal response

Official response

If you ticked “Official response”, please respond accordingly:

Type of responding organisation*

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

Type of representative group or interest group

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

Statistics user group (see further information below)

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

How did you find out about this consultation?

Gov.uk website

Internet search

Other

Email invitation to consultation at the Royal Statistical Society

May we contact you for further information?

Yes No

Background

The **Health Statistics User Group (HSUG)** was established to represent all users of health and health services statistics and to bring together users and producers of statistics. Our activities are aimed at maintaining and improving data quality, data access, and the use of health and health services statistics.

The group is independent, but, along with other groups representing users of statistics, we are affiliated to the Statistics User Forum, hosted by the Royal Statistical Society. Our membership includes professionals working in a wide range of organisations including NHS organisations, central and local government, universities and non-governmental organisations.

We are aware that unfortunately the proposed legislation does not apply to information about health and social care, but we are submitting a limited response for two reasons. The first is that public health research and practice needs data about factors outside the social care system which can impact on health, and secondly because we think there may be lessons to be learned from the way the mishandling of the abortive attempt to link data about primary and secondary care data for England in the care.data system has now adversely affected the integrity of any health data made available for secondary analysis outside the Health and Social Care Information Centre.

As our remit is statistics, we have not attempted to answer the questions about the provision of public services, except in the cases where they may impinge on statistics.

Questions

Improving public service delivery

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

No

Yes

If yes, please explain your reasons.

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Question two: Are there any public authorities that you consider would not fit under this definition?

No

Yes

If yes, please explain your reasons:

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.....

Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons: In the field of health and social care, outsourcing of publicly funded services to private and voluntary organisations, and the unwillingness of some of these organisations to provide information, saying that it is 'commercial in confidence' has led to major gaps in information about the use of public funds.

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Providing assistance to citizens living in fuel poverty

Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?

- Yes
- No

If yes, please explain your reasons:

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Access to civil registration information to improve public service delivery

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

It is not unknown for the people most in need to have the greatest difficulties in accessing their entitlement. Making the information available electronically without the need to chase pieces of paper should assist in this.

Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

This would be useful in doing surveys and also for data linkage

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Combating fraud against the public sector through faster and simpler access to data

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

Yes

No

Please explain your reasons:

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Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?

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Improving access to data to enable better management of debt owed to the public sector

Question twelve: Which organisations should government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtor who owe multiple debts?

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Question thirteen: How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?

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Question fourteen: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed??

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Access to data which must be linked and de-identified using defined processes for research purposes

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

Yes

No

It is reasonable to charge a fee to cover the costs of processing as the lack of recompense would act as a deterrent to making data available. The fees should reflect the amount and complexity of the work to be done. Having the fees monitored by the UK Statistics Authority should ensure that the fee is set at a level which fairly reimburses the work and avoids the possibility that the data are being 'sold' for profit

Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

Yes No

In the case of health data, there is a precedent for this in the publication of the minutes of the Health and Social Care Information Centre's Data Access Advisory Group on its web site. This means that the reasons are in the public domain,

although unfortunately, not formally monitored by the UK Statistics Authority. It would be an advantage to include monitoring and publication of reasons by the UKSA to try to ensure consistency.

Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

This will vary according to context. In our field, it should include research, in its widest sense which will inform improvements to services, to health or to information of wider benefit to the project, for example on environmental matters.

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Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

- Yes
- No

This will vary according to context and to whether it is an initial request for new data for which preparation will be needed or a regular request, which can be streamlined after request and then provided in a much more timely fashion. Two years is too long for most research projects as many are undertaken on fixed term funding for periods which are often much shorter.

Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:

a) the administration burden experienced and the costs incurred in completing the survey

Not applicable

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b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who

provide data to the ONS for the purposes of producing National and other official statistics

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Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?

The Statistics Authority should ensure that:

1. Any changes to collections will have a public benefit in terms of factors such as better understanding of the social and economic situation in the UK and that proposal will also set out the implications of not collecting the data.
2. The data are feasible to collect and have been through a piloting process.
3. The costs of any additional collection are justified by the benefits.
4. Current and new collections will be reviewed regularly to ensure they remain necessary
5. Any confidential data so collected will be held securely and treated according to best Information Governance practice
6. Advice and assistance is provided to those collecting new data and those requesting it set out clearly why they are important.
7. How the above has been achieved is made public.

Further comments not covered by questions

1. It appears to be assumed that the means of providing linked data to researchers is the 'trusted third party' approach. This appears to assume perfect linkage and may cause problems in cases where some records do not link and checks have to be made. Other approaches to linkage in conditions of privacy are being developed and the legislation should enable these to be used after proper assessment.
2. An alternative approach is for researchers to analyse data in a secure environment, such as ONS' Virtual Microdata Laboratory (VML) or the Safe Pods being developed by the ESRC. The legislation should allow for these

and other approaches. In the case of the VML, additional capacity is needed to allow for larger datasets.

3. It is important to learn lessons from the problems experienced in health and social care, both in problems of data access and the 'knock on' effects of the mishandling of the failed care.data project. In the latter case the opt out procedure did not allow for patients to distinguish between the purposes for which the data might be available outside the Health and Social Care Information Centre, although it is known that the level of public support for making data available varies considerably depending on the use to which the data are being put. Early statements from NHS England and subsequent statements from civil society groups implied the data might be sold to private companies, so people feared the worst. This has created non random gaps in the data made available for health research, which actually enjoys considerable public support. Data released in April 2016 show that the opt out rate varies from only 0.17% in NHS Bradford to 13.35% in NHS Oldham.
<http://www.hscic.gov.uk/catalogue/PUB20527>
4. As stated above, we are concerned that the proposed legislation does not cover health and social care data. There is considerable scope for linking health and care data with data from other departments for statistical and research purposes, especially in relation to public health. Having this covered by separate legislation will add further to the problems in accessing health and social care data, especially for public health staff who are no longer employed by the NHS.

Better Use of Data in Government

Response to consultation by CeLSIUS:
www.ucl.ac.uk/celsius

Background information

Introduction: the respondent to this consultation

- a. CeLSIUS (Centre for Longitudinal Study Information and User Support) is a service hosted at UCL and funded by the Economic and Social Research Council to assist researchers wishing to use a large research dataset: the Office for National Statistics Longitudinal Study (ONS LS). CeLSIUS also publicises it as a research resource.
- b. The ONS LS is a record-linkage dataset at individual level. Census returns for individuals from 1971 onwards are linked together to form a record over time, and details of civil registrations – births, deaths, births of children to mothers, cancer registrations and the deaths of spouses – are added to the record. The geographic area covered is England and Wales, but there are equivalent studies for Scotland and for Northern Ireland. The sample is selected by birthday: people with one of four specific birthdays, irrespective of year of birth, are included in the study, making a sampling fraction of just over 1%. Entry to the sample is by birth or by census enumeration; exit is by death or by deregistration from the NHS, although all records are permanently retained and re-entry is possible.
- c. The ONS LS is maintained (in anonymised form) and updated by ONS. It is available for use in research under strictly controlled conditions, to guard against any possible disclosure of information about individuals, households or institutions. Those using it must be Approved Researchers on research projects whose aims are considered to be in the public interest.

How the data linkage is performed for the ONS LS

- d. During the processing of each England and Wales census, a file is prepared containing a minimal census record (identified) for every enumerated person who has an LS birthday. These records are forwarded to the Health and Social Care Information Centre (HSCIC) and there compared with those of existing ONS LS sample members using central registers. The resulting, linked, dataset is de-identified and passed back to ONS; members successfully identified have the new census data added to their existing LS record, and the rest are added as new sample members. The same process is undertaken annually using civil registration data supplied by the General Register Office. (No health data or health service use data are added by HSCIC to the LS except variables showing whether, and when, this individual was identified by HSCIC and when the individual de-registered from the NHS, if applicable.) This process is a version of the Trusted Third Party arrangement.
- e. Each linkage having been performed, all data held by ONS are anonymised and the bulk datasets are deleted. In addition, some detailed (anonymised) data are stored separately instead of in the main database; if they are required for research, the analysis is carried out by ONS staff and the results are transformed to avoid any possibility of disclosure by comparison with other variables, before they are introduced to the dataset actually seen by the researcher. Detailed geographic information (i.e. lower than local authority level) is one example of such Restricted Data.

Responses

Comment on paragraphs 30-31

- f. As noted above, the ONS LS covers England and Wales, and there exist also a Scottish Longitudinal Study (SLS) and a Northern Ireland Longitudinal Study (NILS). However the three cannot at present be combined because each is controlled by legislation in its own country (or in England, for Wales). Each Longitudinal Study may only be accessed within very specific government-controlled safe settings in the relevant country, and there is no facility anywhere for accessing more than one study in the same setting. Moreover, researchers must make a separate application to use each study, with varying criteria for approval and different administrative arrangements for conducting their project. So far as the Longitudinal Studies are concerned, the ideals expressed in paras 30-31 are far from being realised.

Response to question 9:

- g. CeLSIUS has no view on the desirability or otherwise of this. But we should point out our experience from using (anonymised) registration data in the ONS LS, which includes death registrations being linked with census records via HSCIC. We see from the results of this that a minority of linkages are wrong; people die and later are

enumerated in a census, or a later death registration replaces an earlier one for a person who must therefore have been alive. (For example, around 25 LS members, representing roughly 2,275 people in England and Wales, were enumerated at the 2011 census having apparently been registered dead between 1971 and 2010.) Investment will be needed in the best possible linkage systems, and staff time will need to be allocated to resolving anomalies or challenges concerning false data, particularly for a multiple birth where it can be difficult to distinguish between surviving children and neonatal deaths. There will be a need to attribute responsibility for mistakes and anomalies between organisations, so that there will be a motive within organisations for spending time on them. For research a measure of error and confusion is acceptable provided the proportion is small; but for service delivery this is not acceptable.

Comments on paras 94-100

- h. In Scotland and Northern Ireland, the law allows linkage to Longitudinal Study (i.e. SLS and NILS) records of a wide range of other data, including school census returns, prescription records, data from the land registry and much more. Many of these linkages are made especially for particular research projects, and the datasets resulting are not retained in perpetuity, in order to guard against possible disclosure of individual data. The research opportunities thus created are extremely valuable.
- i. Such linkages are not currently judged to be legal for the ONS LS, but availability of extra administrative data to ONS would offer new opportunities. They would be a great enhancement of the ONS LS and would mean that public money spent housing and maintaining it would give added value. To give just one example, in Northern Ireland (where 28% of the population are in the longitudinal study sample), a recent study examines the association between conurbation and poor mental health, adjusting for a range of other social characteristics (Maguire, A. & O'Reilly, D. (2015) *Health and Place*, 34(July), 126-134); this was possible because a linkage was permitted between NILS and mental health records.
- j. As the current arrangement stands (see paras d and e above), the administrative data would have to be supplied include names and addresses (and, crucially, dates of birth) to make individual-level linkage possible; there are already precedents for regular supply of identified administrative data to ONS. Moreover the identified data would have to be supplied to HSCIC to make linkage to LS data possible. But this might be a model which could be used for the introduction of more administrative data to the ONS LS.

Response to question 15:

- k. Charging a fee would mean that richer organisations (or individuals) had more access to data than others, which would bias the research findings available in the public arena. The solution could be to charge only the applicant for whom the dataset was created, following which it could be made available without charge to other accredited researchers and projects. Thus poor analysis or biased reporting of findings could be challenged.

Comment on paras 102-103

- l. The arrangements for accreditation sound fine in theory but in practice the divide between academics, policy commentators and the commercial world is very blurred and likely to become much more so with the speeding-up of approval for university status. A project with a public interest may also offer opportunities for interested parties to exploit the public or the state. One way of dealing with this would be to make public a list of datasets that had been created via such linkages, so that everyone would have a chance to apply to use them.

Response to question 16:

- m. Speaking for the LS users supported by CeLSIUS, who are mainly academic researchers, they would be interested to see details of why applications were turned down because it would help them to predict what would be acceptable. However they would not welcome having their detailed research plans made public, especially if they had not yet found research funding; this is because a detailed research proposal can involve months of work establishing what the data might make possible, as well building on years of expertise in the subject – and a rival might amend and resubmit it the proposal before the applicant had done so. The preferred path would be to make public details of the elements of applications which had been judged unsuitable, but without disclosing more about the proposed research than was necessary to explain that decision.

Nevertheless it is obviously in the public interest to know why applications have been turned down and to be able to challenge the decision, because if a government department was unwilling to sanction a project because the findings might embarrass the government, the decision would certainly not be presented in those terms but rather in terms of the risk of disclosing data inappropriately.

Response to question 17:

- n. The public benefit of research is less about why it is carried out than about the ability of others to interpret, challenge and test it. Therefore it is important to make public the data sources and methods used. We suggest that a condition of approving a project should be that a concise description of the data extraction, such that where

feasible the same set of records could be re-extracted so that research could be replicated, should be put permanently into the public domain (at the expense of the researchers), even if no findings are announced (because they might be being used behind closed doors).

Of course some research is hard to replicate because the data source is dynamic and cannot be recreated for a particular point in time; but a re-run at a later date using the same methods will still allow the original findings to be challenged, if the results are different.

Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional): Maria Charles

Position (optional): Director of Research and Product Operations

Organisation name: National Foundation of Educational Research

Address: The Mere, Upton Park, Slough, SL1 2DQ

Email: [REDACTED]

Telephone (optional): [REDACTED]

Would you like us to treat your response as confidential?

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Is this a personal response or an official response on behalf of your organisation?

Personal response

Official response

If you ticked "Official response", please respond accordingly:

Type of responding organisation*

- Business
 - Charity
 - Local authority
 - Central government
 - Wider public sector (e.g. health bodies, schools and emergency services)
 - University or other higher education institution
 - Other representative or interest group (please answer the question below)
-

Type of representative group or interest group

- Union
 - Employer or business representative group
 - Subject association or learned society
 - Equality organisation or group
 - School, college or teacher representative group
 - Other (please state below)
-

Nation*

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: _____

Non-EU country: _____

How did you find out about this consultation?

Gov.uk website

Internet search

Other

May we contact you for further information?

Yes No

Notes to NFER's response

As a leading provider of independent educational evidence and research in the UK, we at NFER recognise and have first-hand experience about the difficulties / hurdles faced when third parties try to get access to public sector data. We agree with the consultation document that data sharing legislation does vary across public sector organisations, which causes confusion about what can be shared and leads to inconsistent practice. We support the Cabinet Office's proposal to bring forward new legislation to improve access to rich public sector data sets and to enhance the conditions for external research.

Responses to specific consultation questions

Your consultation document invited views to a number of specific questions. We are primarily interested in the section about allowing use of data for research purposes (Questions 15, 16 and 17). Our responses to these questions are set out below, but there are a number of other matters relating to research that we wish to provide feedback on, which we have included at the end, after Question 20.

Questions

Improving public service delivery

Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?

No

Yes

If yes, please explain your reasons.

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.....
.....

Question two: Are there any public authorities that you consider would not fit under this definition?

No

Yes

If yes, please explain your reasons:

.....
.....
.....

Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

.....
.....
.....

Question four: Are these the correct principles that should be set out in the Code of Practice for this power?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Providing assistance to citizens living in fuel poverty

Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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.....

Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?

Yes

No

If yes, please explain your reasons:

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Access to civil registration information to improve public service delivery

Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

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.....

Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

.....
.....
.....

Combating fraud against the public sector through faster and simpler access to data

Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?

Yes

No

Please explain your reasons:

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.....

Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?

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Improving access to data to enable better management of debt owed to the public sector

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Access to data which must be linked and de-identified using defined processes for research purposes

Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?

- () Yes
- (x) No

NFER strongly believes that third party researchers should not be charged fees by public bodies for providing data for research. Not only does this create unwelcome bureaucracy for all parties, third party research adds to or fills important gaps in the evidence base, which Ministers and their Government departments can and do access, free of charge. In addition, the charging of fees would simply increase the cost of research projects, which may mean that fewer research projects can be commissioned in future.

If the Cabinet Office proceeds with the charging of fees, we believe it would be essential for these to be capped and be monitored by the UKSA. It would also be helpful for this information to be published for transparency purposes and so researchers can factor the likely costs for data access into their research proposals.

Regardless of whether the Cabinet Office wish to pursue charging fees, they should ensure that public authorities take steps to improve the quality of documentation and metadata they make available as this is rather variable at the moment.

Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?

(x) Yes () No

We at NFER would welcome this as it may help encourage departments to comply with requests they receive, to avoid being named and shamed. However, many third party researcher organisations would regard their research proposals as being commercially sensitive. The UKSA would therefore need to take care when deciding what information to make publicly available.

To further incentivise public bodies to raise their performance in processing requests, the Cabinet Office should also consider going further, either requiring the UKSA (preferably) or the individual public bodies themselves to publish management information about the number of requests received, approved and the average time taken to process requests.

Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?

NFER agrees with the general principle that any research questions being explored should be in the public interest. We also agree with recommendations from the open policy-making group discussions that the legislation should not attempt to

define 'the public interest' as these decisions can sometimes require careful consideration, which legislation can sometimes restrict.

In terms of specific principles, there is a risk when developing these sorts of criteria that they can easily become very prescriptive and/or overly burdensome, which increases the time needed and costs faced by research organisations to comply with them. We believe that the UKSA should employ a light touch approach based around a few high level principles to establish whether there is a public interest element to the research. For example, the principles may be:

- The research should contribute to the available evidence base for a public policy (this feels more wide-ranging than 'assisting in the development/evaluation of public policy');
- The research should be ethically sound and non-disclosive (e.g. methodology and outputs should not be damaging in any way to individuals or institutions);
- The research findings/methodology should be made publicly available, ideally free of charge.

Third parties seeking access to linked data should provide information about their research to assure the UKSA on these points, which should give a good sense as to whether the research is in the public interest.

Other points regarding the public interest principles are:

- We do not think the principles should include a requirement for third party researchers to obtain a public sector policy sponsor or to secure evidence of firm interest from policy makers, stakeholders and/or commentators to demonstrate that public interest exists. This would increase costs for third party researchers, but in any case, sometimes the purpose of undertaking new research is to bring a particular issue to the attention of policy makers and the public.
- We think care needs to be taken when defining the role of the UKSA in deciding whether the research question is in the public interest. We believe the UKSA's role should be to review research proposals to satisfy themselves that they meet the high level research principles and that it is not ethically flawed. But we do not think, for example, that their remit should include tasks like examining research proposals to decide whether the methodology will deliver the proposed output/outcome or to investigate what level of public interest there is in the research question, etc.

Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research

Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?

Yes

No

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.....
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Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:

a) the administration burden experienced and the costs incurred in completing the survey

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b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics

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Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?

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Other Matters NFER Wish To Provide Feedback On

We identified several other issues in the consultation document where we would also like to provide some feedback about. These are as follows:

- (i) Accredited bodies/researchers: Paragraph 102 of the consultation document discusses the importance of researchers/bodies involved in data handling being able to meet specified criteria to show that they are fit and proper to meet their roles. We agree that this is very important and a process for accrediting research organisations and researchers would be a sensible way forward. However, care needs to be taken to ensure that the accreditation process is slick and proportionate, and does not inadvertently create barriers that would exclude respectable research organisations and researchers from being able to access the linked data for new projects (for example, requiring research organisations to have IRO status, which contains criteria that imposes barriers on researchers working outside of academia).
- (ii) Commercial research: The consultation document is unclear about the status of commercial research in the proposed arrangements. It was however discussed at a Royal Statistical Society forum to discuss the consultation document. At this event, a Cabinet Office spokesperson indicated that the view from stakeholders in the early open policy-making discussions was that commercial research should not be allowed as it would fail to meet the public interest test. We would question this view as we think it likely that a lot of commercial research could assist in the development or evaluation of public policy even though it is being done by a commercial organisation. We think that rather including generic position that all commercial research is out of scope, each case should be examined on its merits.

Linked to this, the consultation document is unclear about how research carried out by the third sector, including charities such as NFER, which is generally funded through grants or from winning competitive tenders, would be treated. Although there is a commercial element to this, this work is non-profit making so we expect that it would be in scope of what counts as research which is in the public interest. It would be helpful to ensure that the final legislation you bring forward is sufficiently clear that this is in scope and about where the boundaries lie.

- (iii) Permissive powers: The consultation document suggests that the new powers will be permissive, so that public bodies will be able to decide, based on resource requirements, etc., whether they want to share data or not. We appreciate that public bodies face funding pressures, but strongly believe that there is a mutual benefit to be gained when the rich data held by these public

bodies is made available for research and secondary analysis. This is because it enhances the evidence base / available information which public bodies and society at large can use, at relatively little cost to the public body. In order to ensure that these benefits are realised, it would be helpful if the proposed legislation went further than the consultation document currently does and includes *a presumption* that public bodies will share data when asked to do so by researchers.

- (iv) Definition of research: The consultation document aims to improve access to linked data to carry out research for the public benefit. However it does not provide a definition of what constitutes research, so it is difficult to know what would fall within its scope and what would not. For example, a potential use of linking data from different data sources together might be to develop and share this information in a non-disclosive manner through an App, which users might use for further research or for making decisions. It is not clear whether this would be allowed by the proposed legislation, but we believe that this capability could be extremely useful to organisations supplying data services to customers and it would be a missed opportunity if such activity was excluded from the proposed legislation.
- (v) Impact on other legislation: In paragraph 96 of the consultation document, it states that the proposed legislation is in addition to, and does not replace, existing data sharing arrangements. This is a little vague and there is a danger it could be interpreted in different ways by public bodies, so greater clarity about how this legislation complements other legislation would be helpful. We would not, for example, want to find out when it comes into force that it affects our ability to get access to the National Pupil dataset because it places additional criteria that are more restrictive than the Department for Education's own legislation.
- (vi) Removal of data items: In paragraph 96b of the consultation document, it notes that any information that could be used to identify, or help to identify, an individual is de-identified through the privacy-enhancing process. While we understand the rationale for this, some of the data items (e.g. gender, ethnicity, location) that could be removed because of the risk they may be disclosive are very important to researchers as they need them to investigate their research questions. This could potentially have a significant impact on the scope, and therefore, the value of the research. To manage this, we recommend the proposed legislation allows for some kind of tiered approvals approach such as the one that the Department for Education operate. This would allow accredited researchers to apply to get access to such data items, but this would be subject to their being able to demonstrate their importance to their research proposal, and could be the subject to additional clearances or safeguards.

- (vii) Secure environments / accredited access facilities: It is not clear in paragraph 98 of the consultation document what exactly is intended here and more clarification would be welcomed. For example, would access to linked data be restricted to Administrative Data Research Centres only, which are few in number and geographically dispersed, which would add time and expense to a project? Or would reputable researchers like NFER who already comply with rigorous security arrangements be allowed to store the data on their own systems? After all, if the data has already been de-identified, the security risks being managed should be significantly reduced.
- (viii) Process for linking data (step 5 of example on page 28): It is not clear from the consultation document whether the accredited indexers who will be responsible for linking datasets together will operate independently or whether the researchers / research organisations requesting the data linking work will be able to influence decisions about how the data linking is done. For example, will a researcher be able to prescribe what further action to take where some records remain unlinked after the standard linking process has been applied? Realising what an iterative process matching two datasets can be, this is very pertinent. We have sometimes gone back to the Department for Education and asked them to improve the matching they have done for us on previous randomised control trials, and they have obliged us.

Thank you for the opportunity to share our thoughts on this important matter. Please contact me if you require any clarification.

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NFER