



Department for
Business, Energy
& Industrial Strategy

CALL FOR EVIDENCE: IMPLEMENTING MIDATA IN THE ENERGY SECTOR



14 December 2016

CALL FOR EVIDENCE: IMPLEMENTING MIDATA IN THE ENERGY SECTOR

The call for evidence can be found online at:

<https://www.gov.uk/government/consultations/call-for-evidence-implementing-midata-in-the-energy-sector>

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Any enquiries regarding this publication should be sent to us at midata@beis.gov.uk .

Foreword

Midata is a method of electronically transferring customers' data (with their consent), from a company system to a Third Party Intermediary (TPI) using an Application Programming Interface (API). For an energy consumer, this means that they can use an application (app) or website developed by a TPI to compare energy tariffs using the actual usage/account details held by their current supplier. Midata makes comparing tariffs quicker and easier and enables more accurate comparisons. Midata also allows energy suppliers to develop customer acquisition tools, including apps, so customers can switch to a supplier without a TPI.

The Government took powers in the Enterprise and Regulatory Reform Act 2013 that would allow it to mandate third party electronic access to customers' data in regulated sectors, including energy.

The Government has developed a draft technical specification with the energy sector. There are, however, a number of practical implementation issues to consider in taking this forward. These include:

- how to derive maximise benefit for consumers;
- how to ensure the quality of customer data suppliers provide;
- who can access the data, and;
- what safeguards should be in place to protect customers' data from misuse.

We are seeking responses on these questions from domestic energy customers, customer organisations, energy supply companies, third party intermediaries, such as price comparison sites and organisations with expertise in data protection as well as other interested parties.

In addition we are seeking energy suppliers' views on the cost of making the necessary changes and the length of time it would take them to implement the requirements.

Responses to this call for evidence will be used to inform draft regulations.

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General information

Purpose of this Call for Evidence

The Government is seeking to gain further evidence to inform the implementation of Midata in the energy sector on a statutory basis.

Issued: 14 December 2016

Respond by: 10 February 2017

Enquiries to:

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London, SW1A 2AW
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Territorial extent:

England, Wales and Scotland

How to respond

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Responses should be provided in an electronic format and emailed to: midata@beis.gov.uk

Hard copy responses should be hand delivered or posted to:

Retail Energy Markets Team
Department of Business, Energy & Industrial Strategy
4th Floor Area A,
3 Whitehall Place,
London, SW1A 2AW

Additional copies:

You may make copies of this document without seeking permission. An electronic version can be found at: <https://www.gov.uk/government/consultations/call-for-evidence-implementing-midata-in-the-energy-sector>

Other versions of the document in Braille, large print or audio-cassette are available on request. This includes a Welsh version. Please contact us under the above details to request alternative versions.

Confidentiality and data protection

Information provided in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential please say so clearly in writing when you send your response to the call for evidence. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

We will summarise all responses and place this summary on the [GOV.UK website](#). This summary will include a list of names or organisations that responded but not people's personal names, addresses or other contact details.

Executive Summary

The Government has worked with the energy sector since 2011 to develop proposals designed to put customers in control of their data. We have also worked to develop appropriate safeguards so that customers' data is not misused and doesn't get into the wrong hands.

We have made much progress already putting consumers in control: Phase 1 of Midata has been implemented voluntarily by seven of the larger energy suppliers, enabling their customers the capability of downloading their data to a spreadsheet.

As part of the Midata programme in energy, we have regulated to ensure energy suppliers provide their customers with key energy data in a machine readable format on energy bills (QR codes) and worked with TPI companies developing applications to use this data.

We have also worked with stakeholders to develop a design specification for the next phase of the Midata programme, which will move beyond downloading data to a spreadsheet, to allow third parties such as TPIs to electronically access customers' data (with their consent).

Some questions remain, including determining:

- the correct balance between how easy it is for customers to gain and grant third party access to the data, and data security;
- an appropriate enforcement regime; and
- an appropriate timescale for introduction of the next phase of Midata.

Responses to this Call for Evidence will be used to inform draft regulations and impact assessment.

Background

Context

The Government is keen to grow competition where possible. Customer engagement plays a key role in driving competition in the energy market. By proactively seeking out the best available tariffs, customers put pressure on suppliers to offer the products that they want at competitive prices. If customers do not shop around, suppliers have less incentive to develop innovative products or drive down on costs. That is why the Government has been working to make switching supplier quicker and easier.

The Government has worked with industry to reduce the time it takes to switch suppliers to a maximum of 21 days. This has been enshrined as the minimum standard in the Energy Switch Guarantee, launched in June 2016, which also provides customers with a range of other protections should they encounter problems when trying to switch. Alongside this, the Government is working with Ofgem to implement a reliable next day switching solution.

The Competition and Markets Authority (CMA) in their Energy Market Investigation recommended a range of remedies to improve competition by driving innovation and customer engagement. They include:

- an Ofgem run database of inactive customers to be made available to rival suppliers;
- a programme to test prompts for customers to engage;
- greater freedom for suppliers and TPI websites to offer differentiated deals.

They also included a recommendation for Government to make participation in Midata mandatory for all suppliers and a further recommendation to make the following changes to the current specifications of Midata:

1. That the scope of Midata should be expanded to include the following data fields: meter type, Warm Home Discount Indicator, consumption data and time-of-use for those customers on Economy 7 meters or other time of use tariffs.
2. That TPIs should be given the ability to seek customer consent on the frequency with which they can access the customer's data through Midata.

The role of electronic information

The cross-sector Midata programme was launched in 2011¹ as part of the Government's Customer Empowerment Strategy. This programme was designed to enable customers to view, access and use their personal and transaction data, such as billing, tariff and usage, held by companies.² This is particularly important to enable accurate comparisons when a customer is seeking to switch.

Proposals to require energy suppliers to provide third party access to customer data, with consent, are designed to make the switching process quicker and easier by putting customers in charge of their own data.

Work So Far

The aim of the Midata programme in the energy sector is to enable customers to access the data held by their supplier to make a tariff comparison quicker and easier, usually via a TPI. At present customers must manually input their data to a TPI or app, to complete a switch, which can lead to errors, inaccuracies and difficulties in finding all the required information from a bill. The ability to access up-to-date, accurate data electronically will reduce errors and make the switching process easier for suppliers and TPIs, as well as customers.

Whilst the Midata applies to many sectors of the economy, the energy sector has led the way. Seven of the largest energy suppliers are now providing their domestic customers with secure access to their consumption and tariff data electronically, which they can download to a spreadsheet. This process however, is not straightforward and requires IT skills. Given the difficulties in accessing and uploading data this way, TPIs haven't developed functionality to upload this data to a website or app and there is little a customer can do with the data that can't already be done using the information available on a paper or online bill.

Progress with the Midata programme in energy was maintained following a voluntary agreement with the larger energy suppliers, with work exploring the potential for Quick Response (QR) Codes to help customers access their data and use this to facilitate switching. The subsequent report concluded "that adding QR codes to energy bills or statements is relatively low cost and technically highly feasible"³.

As energy suppliers failed to take forward implementation of machine readable images (QR codes) on energy bills voluntarily, proposals to mandate this were put forward in the discussion document "Ensuring a Better Deal for Customers"⁴. As a result, powers to modify supply

¹ <https://www.gov.uk/government/news/better-choices-better-deals>

² <https://www.gov.uk/government/news/the-Midata-vision-of-consumer-empowerment>

³ <https://www.gov.uk/government/publications/qr-code-use-in-energy-sector-Midata-programme-study>

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66515/6996-better-deal-energy-consumers.pdf

licences to require the use of QP codes was taken in the Energy Act 2013, which came into force on June 30th 2015.

In parallel to these developments Government has continued to work with the energy sector to develop a solution to enable the transfer of customer data electronically (with their consent), from an energy supplier's billing system to a TPI using an API. The Government has also taken a power in the Enterprise and Regulatory Reform Act 2013 to allow it to mandate Midata implementation in regulated sectors, including energy.

The Government is now seeking views on how best to implement Midata on a mandatory basis in the energy sector through this Call for Evidence, with a view to making regulations using powers conferred on the Secretary of State in the Enterprise and Regulatory Reform Act 2013.⁵

⁵ <http://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/supply-of-customer-data/enacted>

Implementation design overview

The majority of the collaborative work with industry to reach an implementation design for phase 2 of the Midata programme was undertaken in 2014. We propose to use the existing design where there was cross-industry agreement, though we welcome views on whether all of the conclusions reached remain relevant.

Here we set out the position reached in 2013-14 following a series of Government and industry working groups.

Registration and Authorisation of Third Parties

A key issue considered by the working groups was who should be allowed access to customers' data and how this data is safeguarded. We are determined to put in place a robust regime that protects customers' data, but to ensure the consumers reap the full benefits of Midata we need to stimulate a market for digital, innovation-led services. In practice this means ensuring that a wide range of market participants are able to access Midata; from digital start-ups to established TPIs.

Suppliers have responsibilities under data protection and consumer law to safeguard the data they hold, and all businesses, including TPIs, are subject to data and consumer protection laws. The power taken by Government in the Enterprise and Regulatory Reform Act 2013 to require provision of Midata only applies to the data holders (energy suppliers). In practice this means that Midata regulations designed to protect customers' data need to set out a regime which will be administered by energy suppliers individually or collectively. Part of this regime will need to provide detail on the registration or authorisation of third parties to receive customer data. These options might include registration or authorisation:

- By individual supplier. This would allow each supplier to decide upon the necessary level of checks and verification required, which could include checks of the security of a third party's IT system, before granting third party access to the relevant data.
- By an independent cross-industry body. This would require third parties to register with one independent organisation for access to customer data from all suppliers.

The option agreed was that each energy supplier should maintain individual responsibility for providing access to third parties, including deciding upon and maintaining appropriate security checks.

It was further agreed that this should be undertaken on an 'access by default' basis, not subject to any commercial agreement (so suppliers couldn't charge customers, TPIs or other suppliers to access data). As part of this process a supplier could only suspend access to a TPI if it had grounds to suspect data protection laws had been broken and/ or if the information Commissioners Office were investigating a third party for breaching Data Protection rules.

For clarity and consistency it was also suggested that a template third party registration agreement be drawn up between suppliers and third parties, though use of this agreement would not be mandatory.

The Government has powers in the Enterprise and Regulatory Reform Act 2013 to specify conditions on who can access data, which can be prescriptive or broad.

The Government believes the position agreed by the energy industry working group strikes the right balance between supply companies taking responsibility for the data they hold on customers and ensuring customers can grant permission to access data to legitimate third parties, without cost or complexity. The Government is minded to set out conditions for authorising access in broad terms, to give energy suppliers some flexibility about how to apply them. We are however seeking views on whether this provides adequate safeguards or whether an alternative option should be considered.

Question 1: Do you agree that API access for TPIs should be available on an 'access by default' basis? Do you have any evidence that such an approach could cause customer detriment? If so, please provide details.

Question 2: Do you agree that Government should provide energy suppliers some flexibility about how to apply conditions on authorising access to customer's data? If you do not agree, please give reasons and suggest an alternative proposal.

Consent

It is important to provide appropriate safeguards and consent mechanisms so that customers are adequately protected when authorising a third party to access their data. This should be balanced with the need to provide customers with a quick and simple switching process.

The recommendation made by the working group was that a customer would provide a third party with a one-off consent for a single, time-limited access window (for example lasting 30 minutes). The CMA subsequently recommended, in its final decision on remedies, that customers should instead be able to choose the frequency of third party access to energy data when giving their consent, and this would be:

- Annual or ongoing (subject to opt out) access to Midata, or;
- Access for a specified frequency.

If a customer can grant a TPI access to their data on an annual or ongoing basis, this will enable third parties to regularly check the market for new tariffs, using the most up to date customer data to alert a customer. This is likely to have a greater response rate than one-time access only.

Following the output of the working group and the CMA's final decision document, Government is minded to follow the CMA's recommendation and provide customers with the ability to choose between options for providing their consent for Midata access.

Question 3: Do you agree that customers should have the choice between providing consent to a third party to access their Midata on a one off, time-limited basis and annual or ongoing basis?

Question 4: Do you agree that for one off access 30 minutes is an appropriate consent period? Please provide details.

Question 5: Do you think that longer access periods should be for one year or ongoing subject to customers opting out? Please provide details.

Customer verification

Verifying that customers have actually made a data request is vital to prevent access being granted to persons other than the customer, for example to those looking to use customer data illegally.

One way of verifying a customer is making the data request is to require them to register an online account. Not all customers prefer, or are able to manage their accounts online however, and the registration process can be time consuming.

Opinion in the Midata industry working groups was divided on whether a customer needed to have an online account to access their data, with some energy companies in favour of restricting access to online account customers only.

The aim of these proposals however, is to provide all customers with access to their data quickly and easily and restricting access to online account holders is not consistent with this approach. The Government is minded to allow all customers to grant third party access to Midata, whether or not they have an online account.

Question 6: Do you agree that all customers, including those without an online account, should be able to grant Third party access to their data?

While the Government is not minded to require customers to register an online account to grant access to Midata, it is important to have an easy and yet robust mechanism to verify customer's details before data can be exchanged. There are several data fields that can be used singly or in combination, to verify customers are legitimate, including account number, postcode and customer name. Some or all of these data fields will be needed to ensure that the data being provided matches with the customer record held by the supplier.

Question 7: Is there a minimum number and/or combination of data fields needed to safely verify a customer is legitimate and if so, which data fields would be appropriate for this function?

API Specification (Data fields)

It is important to identify the right data fields that can be accessed through Midata as these must be sufficient to provide TPIs with the relevant information to conduct a tariff comparison⁶ on a customer's behalf. This needs to be consistent with data protection principles, so that personal data not essential for this purpose is not disclosed. A draft specification, detailed below, was agreed:

Field Name	Description
Post Code	Postcode of the customer's property where the energy is provided
Current Provider	Name of the current energy supplier
Current Electricity Tariff	Name of the current electricity tariff the customer is on
Current Gas Tariff	Name of the current gas tariff the customer is on
Current Electricity Payment Method	Current method of electricity bill payment
Current Gas Payment Method	Current method of gas bill payment
Meter Point Admin No. (MPAN)	MPAN of the electricity meter
Meter Point Reference No. (MPRN)	MPRN of the gas meter
Annual electricity usage	Historical electricity usage in kWh over the previous 12 months of data creation date. Note: Only available after a customer has been with the current energy supplier for over 12 months. Empty otherwise
Annual gas usage	Historical gas usage in kWh over the previous 12 months of data creation date.

⁶ Note that Ofgem published a consultation document on 3 August 2016 outlining potential changes to tariff comparability rules:
https://www.ofgem.gov.uk/system/files/docs/2016/08/proposed_changes_to_rmr_clearer_and_sales_and_marketing_licence_conditions_august_2016.pdf

	Note: Only available after a customer has been with the current energy supplier for over 12 months. Empty otherwise
Start Date	State date of the 12 month annual usage calculation
Payload Creation Date	Date when the payload was created
Last Updated Date	Date the data was last updated
Estimated Annual Consumption	Future looking estimate of projected annual consumption in kWh for the Customers [based upon previous annual consumption] Note: Where a customer has been with the current energy supplier for less than 12 months, this field will be an estimate.
Estimated Annual Cost	Future looking estimate of projected annual cost to the customers including VAT. Note: Where a customer has been with the current energy supplier for less than 12 months, this field will be an estimate.
Contract End Date	Date the current contract is coming to an end

In its final report, the CMA recommended that the final specification should include some additional data fields, namely: meter type, a Warm Home Discount Indicator⁷, consumption data by time of use (for those customers on Economy 7 or other time-of use tariff). We agree with the CMA that including these data fields will be beneficial and enable a more tailored tariff comparison for customers with non-standard tariffs or for customers in receipt of Warm Home Discount. The Government therefore proposes to add these data fields to the API specification.

Industry has worked to agree the data fields listed in the specification above to ensure these are clearly defined and relate to the data held by suppliers in their electronic billing systems. The additional data fields suggested by the CMA have not been subject to the same scrutiny as yet and there is a risk that introducing these requirements without detailed analysis risks different approaches to formatting and definition being taken by energy suppliers, which would risk confusion for TPIs and customers. So while the Government would want customers to benefit from this additional data as soon as possible, we are minded to phase these in over time.

⁷ This indicator flags whether a customer is eligible for a Warm Home Discount rebate on their electricity bill.

Question 8: Do you agree that the following data fields should be added to the API specification: meter type, Warm Home Discount Indicator, consumption data by time of use for those customers on Economy 7 or other time-of use tariff?

Question 9: Should additional data fields be introduced from the start of the mandatory Midata implementation or phased in over time? If you think they should be phased in, how and when should this be done?

The energy retail markets are fast changing and dynamic. Smart meter rollout and the introduction of more complex time-of-use tariffs coupled with the potential for bundled products and digital services will all lead to changes in how customers view their energy usage. It would seem sensible therefore to regularly review the required data fields, to ensure customers continue to maximise the benefits of Midata. Regulations will need to set out the data fields that should be disclosed to Third Parties with customer's consent and will need to be formally amended if required. In reaching the current specification, Government engaged with stakeholders and technical experts. If the specification needs changing once implemented, Government would be interested in the views of stakeholders on whether a similar process should be followed.

Question 10: Should Government follow a collaborative process with stakeholders if changes to the technical specification need to be made?

Monitoring and compliance

A key aspect of Midata usage in the energy sector will be in ensuring that customers' data is handled with the appropriate discretion by TPIs, and that energy suppliers provide Midata whenever it is requested by a customer. In order to achieve this, we expect it will be necessary to implement a monitoring and compliance regime.

Handling customers' data with discretion

It is important to ensure that customers' data is only used for the purposes for which they have given express permission. This would typically be to provide a third party with the data necessary to inform a tariff comparison. There is a risk that Third Parties could use customers' data in order to offer them other products and services, for example car insurance.

The Information Commissioner's Office has a role in ensuring that organisations handle personal data correctly and that it is used for the purposes for which a customer has consented, and that individuals are able to access their personal data on request. The Information Commissioner has enforcement powers against organisations which breach the Data Protection Act and can issue enforcement notices and monetary penalty notices. We do not currently have evidence to suggest that new processes would be necessary for data misuse specifically for Midata in the energy sector.

We will also need to ensure that the arrangements for Midata remain up to date after the introduction of the General Data Protection Regulation, due to come into force on 25 May 2018, particularly in light of the provision on data portability.

Question 11: Do you agree that existing data protection legislation is sufficient to deal with misuse of customers' energy Midata? If not, please provide evidence and a proposal for how additional protections could work.

Ensuring that energy suppliers provide Midata

For customers to realise the power of their own data they must be able to grant access to a Third Party with the expectation that energy suppliers will provide their data whenever it is requested. In order to ensure this, an organisation should be responsible for monitoring energy suppliers' compliance with Midata request fulfilment.

Section 90 of the Enterprise and Regulatory Reform Act provides the Secretary of State with power to specify an appropriate body to enforce Regulations introduced by the Act. There are two bodies that would seem the most appropriate to fulfil this function; the Information Commissioner has a role in ensuring customers have access to their data on request and Ofgem as the energy Regulator has a role in enforcing licence conditions, (including, for example, the provision of information to customers in certain circumstances).

Government is minded to appoint Ofgem as the body responsible for monitoring this activity, as this would be consistent with their existing audit compliance functions in the energy sector. If Ofgem are the appropriate body to enforce compliance with Midata Regulations requiring energy suppliers to provide third parties with customer data on request, we would need to agree with them on an appropriate enforcement regime. This could be similar, or the same as their current enforcement regime for Licence conditions.

Question 12: Do you agree that Ofgem is the most appropriate organisation to carry out monitoring and enforcement of fulfilment of Midata requests? If not, which organisation would be preferable and why?

Question 13: Do you agree an enforcement regime overseen by Ofgem would be the most appropriate way to deal with breaches of Regulations requiring suppliers to provide customer data? If not, can you propose an alternative and say why this would be more appropriate.

Quality assurance of Midata provided

In order to realise the benefits of Midata, it is essential that customer data is accurate.

We have seen a number of TPIs develop applications to read and use the data in machine readable images (QR codes), which were introduced on energy bills from June 2015. QR codes are designed to allow customers to scan and upload key energy data embedded in a machine readable image on a paper or online bill using applications developed by TPIs. However, issues with the quality and comparability of the data in the QR code resulted in

additional costs for TPIs through development work and a sub optimal customer experience which has reduced customer take up and usage so far.

It may be necessary therefore to appoint an organisation to monitor the quality of Midata and make recommendations to industry where data quality improvements may be needed. If desirable, we expect this would only need to be an interim monitoring solution as energy industry data quality is expected to improve through the Ofgem-led switching programme and the Government's Smart Metering Implementation Programme.

It is essential that any proposed monitoring solution is simple and easy to update and maintain otherwise it will very quickly fall into disuse and/ or become overly burdensome and costly.

Question 14: Do you think that quality assurance of Midata needs to be undertaken? If so, how would this be best achieved?

Midata in other regulated sectors

While this call for evidence is solely concerned with taking forward proposals to implement phase 2 Midata in the energy sector, the Midata programme is being taken forward across a number of regulated sectors, in particular in banking⁸. It is important therefore that the lessons learnt from early adoption of Midata by the energy sector are fed into the wider Midata programme. In addition, we would want to ensure that any opportunities there may be for Midata to work across sectors, including common data fields and technical specifications, are taken into account when developing regulations for the energy sector. For example, it may be that by having some common fields in all Midata requirements, regardless of sector, some basic validation of customers' identity can be made, reducing the need for separate or lengthy additional verification.

Question 15: Are there aspects of the wider Midata programme that we should take into account when developing Regulations in the energy sector to maximise the benefits of the wider programme for customers?

Midata in other countries

The Government looked at the evidence of similar initiatives in the Impact Assessment for Midata, prepared for the Primary Legislation⁹. At this time there didn't appear to be any relevant international comparators that might give an indication of the likely benefits. As this was prepared in 2012 it is appropriate to seek stakeholders views on whether this has changed.

Question 16: Are you aware of any evidence available from other countries that have implemented similar proposals? If so, can you provide details on customer benefits?

⁸ <https://www.gov.uk/cma-cases/review-of-banking-for-small-and-medium-sized-businesses-smes-in-the-uk>

⁹ P12: http://www.legislation.gov.uk/ukia/2013/1048/pdfs/ukia_20131048_en.pdf

Specific Evidence Request

Threshold for participating energy supply companies

The Government believes that a significant and sufficient proportion of the intended benefits of this policy can be achieved without including small and micro businesses within the scope of the regulation. In recognition of the proportionately higher cost impacts on small and micro business suppliers in implementing this policy the Government therefore proposes to exempt energy suppliers with fewer than 50,000 customers for a given fuel from this regulation. This exemption is in accordance with guidance in the Better Regulation Manual¹⁰.

Question 17: Do you agree that energy suppliers with fewer than 50,000 customers for a given fuel should be exempt from this regulation?

Timings

The Government has worked with the energy sector to implement Phase 2 of Midata for a number of years and we have been clear that we intend for consumers to benefit from these proposals as soon as possible. The CMA also consulted on this as part of its investigation into retail energy markets and recommended that Government bring forward proposals to mandate Phase 2 Midata in the energy sector and supported its introduction as soon as possible¹¹.

Question 18: In view of the work already undertaken and the recommendation of the CMA, are there any further issues to consider with regard to when these proposals should be implemented?

Implementation Costs

While we learnt much about the impact on energy suppliers in terms of development and costs from the implementation of machine readable images regulations, we do not have specific evidence on the expected costs that suppliers will incur in implementing Midata. These will include system changes or upgrades to facilitate interactivity with TPI systems. As we are also interested in facilitating development of Third Party applications to use and interpret this data on customer's behalf, we would also like to have accurate information about any costs that TPis may incur in developing these for Midata and how different approaches to regulation may impact on these costs. It is important for Government to ensure that the final implementation design is proportionate and does not result in disproportionate costs having to be borne by either suppliers or TPis.

¹⁰ Section 1.6.9 of the Better Regulation Manual, available online at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211981/bis-13-1038-better-regulation-framework-manual-guidance-for-officials.pdf

¹¹ 13.368 and 15.89 <https://assets.publishing.service.gov.uk/media/5773de34e5274a0da3000113/final-report-energy-market-investigation.pdf>

Registration and Authorisation of Third Parties

Question 19: Do you have an estimate of the cost that will be incurred by suppliers for maintaining individual responsibility for monitoring and providing third party access to their customer's data? Please provide evidence to justify this cost estimate.

Question 20: The preferred option for registering and authorising third parties access to customer's data is by individual supplier. However, the other option was to establish an independent cross-industry third party registration process. If this option was followed, do you have an estimate of the cost that would be incurred by suppliers?

Consent

Question 21: Do you have any evidence to suggest that providing third parties with one off, time-limited access (30 minutes) will be less burdensome than providing them with access on a longer basis (a year). If so, can you provide a cost estimate for these two options?

Verification

Question 22: Some energy companies were in favour of restricting Midata access to online account customers only. Do you have an estimate of the cost that will be incurred by suppliers for having to provide those customers without an online account access to their data?

Question 23: Can you please provide any evidence of the costs likely to be incurred by suppliers for providing customer data to third parties for those without an online account?

Question 24: Do you have any evidence to suggest that adding additional information such as meter type, Warm Home Discount Indicator, consumption data by time of use for those customers on Economy 7 or other time-of use tariff to the API specification will have a material cost involved for suppliers? If so, can you provide a cost estimate for adding this additional information to the API specification?

Question 25: Do you have an estimate of the cost that will be incurred by suppliers for introducing these additional data fields in time for the start of implementation and the cost if they were phased in over time?

Monitoring and compliance

Question 26: Question 11 asked if the existing rules for dealing with the misuse of customers' energy Midata was sufficient. If you do not believe they are sufficient, and further protections are required, do you have a cost estimate for these additional protections. Please provide evidence to justify this cost estimate.

Question 27: Question 12 asked for your opinion on whether Ofgem is the most appropriate organisation to carry out monitoring and enforcement of fulfilment of Midata requests. If you do not believe Ofgem is the most appropriate organisation, do you have a cost estimate for

another organisation taking on this responsibility? Please provide evidence to justify this cost estimate.

Question 28: Question 14 asked if it would be necessary to appoint an organisation to monitor the quality of Midata. Do you have an estimate of the cost that will be incurred if an organisation is appointed to carry out this activity?

Concluding questions

Question 29: Can you please provide any evidence of any other costs likely to be incurred by suppliers in implementing Midata that have not already been covered in the above questions?

Question 30: Can you please provide any evidence of costs likely to be incurred by TPIs in developing applications to use Midata?

Question 31: Finally, do you have any evidence and estimates of the benefits that might accrue to consumers from these proposals?

Catalogue of call for evidence questions

Questions

1	Do you agree that API access for TPIs should be available on an 'access by default' basis? Do you have any evidence that such an approach could cause customer detriment? If so, please provide details.
2	Do you agree that Government should provide energy suppliers some flexibility about how to apply conditions on authorising access to customer's data? If not, give reasons and suggest an alternative proposal.
3	Do you agree that customers should have the choice between providing consent to a third party to access their Midata on a one off, time-limited basis and annual or ongoing access?
4	Do you agree that for one off access 30 minutes is an appropriate consent period? Please provide details.
5	Do you think that longer access should be for one year or ongoing subject to customers opting out? Please provide details.
6	Do you agree that all customers, including those without an online account, should be able to grant Third party access to their data?
7	Is there a minimum number and/or combination of data fields needed to safely verify a customer is legitimate and if so, which data fields would be appropriate for this function?
8	Do you agree that the following data fields should be added to the API specification: meter type, Warm Home Discount Indicator, consumption data by time of use for those customers on Economy 7 or other time-of use tariff?
9	Should additional data fields be introduced from the start of the mandatory Midata implementation or phased in over time? If you think they should be phased in, how and when should this be done?
10	Should Government follow a collaborative process with stakeholders if changes to the technical specification need to be made?
11	Do you agree that existing data protection legislation is sufficient to deal with misuse of customers' energy Midata? If not, please provide evidence and a proposal for how additional protections could work.

12	Do you agree that Ofgem is the most appropriate organisation to carry out monitoring and enforcement of fulfilment of Midata requests? If not, which organisation would be preferable and why?
13	Do you agree an enforcement regime overseen by Ofgem would be the most appropriate way to deal with breaches of Regulations requiring suppliers provide customer data? If not, can you propose an alternative and say why this would be more appropriate.
14	Do you think that quality assurance of Midata needs to be undertaken? If so, how would this best be achieved?
15	Are there aspects of the wider Midata programme that we should take into account when developing Regulations in the energy sector to maximise the benefits of the wider programme for customers?
16	Are you aware of any evidence available from other countries that have implemented similar proposals? If so, can you provide details on customer benefits?
17	Do you agree that energy suppliers with fewer than 50,000 customers for a given fuel should be exempt from this regulation?
18	In view of the work already undertaken and the recommendation of the CMA, are there any further issues to consider with regard to when these proposals should be implemented?
19	Do you have an estimate of the cost that will be incurred by suppliers for maintaining individual responsibility for monitoring and providing third party access to their customer's data? Please provide evidence to justify this cost estimate.
20	The preferred option for registering and authorising third parties access to customers' data is by individual supplier. However, the other option was to establish an independent cross-industry third party registration process. If this option was followed, do you have an estimate of the cost that would be incurred by suppliers?
21	Do you have any evidence to suggest that providing third parties with one off, time-limited access (30 minutes) will be more burdensome than providing them with access on a longer basis (a year). If so, can you provide a cost estimate for these two options?
22	Some energy companies were in favour of restricting Midata access to online account customers only. Do you have an estimate of the cost that will be incurred by suppliers for having to provide those customers without an online account access to their data?

23	Can you please provide any evidence of the costs likely to be incurred by suppliers for providing customer data to third parties for those without an online account?
24	Do you have any evidence to suggest that adding additional information such as meter type, Warm Home Discount Indicator, consumption data by time of use for those customers on Economy 7 or other time-of use tariff to the API specification will have a material cost involved for suppliers? If so, can you provide a cost estimate for adding this additional information to the API specification?
25	Do you have an estimate of the cost that will be incurred by suppliers for introducing these additional data fields in time for the start of implementation and the cost if they were phased in over time?
26	Question 11 asked if the existing rules for dealing with the misuse of customers' energy Midata was sufficient. If you do not believe they are sufficient, and further protections are required, do you have a cost estimate for these additional protections. Please provide evidence to justify this cost estimate.
27	Question 12 asked for your opinion on whether Ofgem is the most appropriate organisation to carry out monitoring and enforcement of fulfilment of Midata requests. If you do not believe Ofgem is the most appropriate organisation, do you have a cost estimate for another organisation taking on this responsibility? Please provide evidence to justify this cost estimate.
28	Question 14 asked if it would be necessary to appoint an organisation to monitor the quality of Midata. Do you have an estimate of the cost that will be incurred if an organisation is appointed to carry out this activity?
29	Can you please provide any evidence of any other costs likely to be incurred by suppliers in implementing Midata that have not already been covered in the above questions?
30	Can you please provide any evidence of costs likely to be incurred by TPIs in developing applications to use Midata?
31	Finally, do you have any evidence and estimates of the benefits that might accrue to consumers from these proposals?



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Department of Business, Energy & Industrial Strategy