Department for Business, Energy & Industrial Strategy

Maximising Non-Domestic Smart Meter Consumer Benefits

Supporting industry guidance (to be issued alongside Government response)

June 2022

Contents

Purpose

Overarching

1. This short document is intended to support industry stakeholders with delivery of the policy changes set out in "Maximising Non-Domestic Smart Meter Consumer Benefits- Government response to a consultation on improving the data offer and enabling innovation". In particular, it provides examples of the means by which energy suppliers may seek to deliver the "default data offer" for consumers. It also contains examples of communications that could be used to deliver the "awareness raising requirements".

2. The guidance has arisen out of stakeholder feedback to the consultation. It is the responsibility of energy suppliers to ensure that they are meeting legal obligations, including those relating to data privacy. Therefore, this guidance should not be interpreted as sufficient to meet such obligations, nor is it intended to be fully comprehensive or exhaustive. We hope that it is useful to industry in delivering solutions that help non-domestic consumers (i.e., smaller businesses and public sector sites) to maximise the benefits from their smart meters.

Background

3. In July 2021, the Government consulted on changes to energy supply licence conditions which would establish a baseline data offer that non-domestic smart meter customers (SMETS and AMR[1]) are entitled to receive from their energy supplier.

4. In June 2022, the Government has (alongside this document) published a response to that consultation, confirming the following policy changes:

    a. **On-request data offer- in effect from 1st December 2022.** This will enable non-domestic consumers and their nominated third parties to request free access to (up to) 12 months of their historic smart meter energy use data in a machine-readable format via the internet. Suppliers must respond to data access requests within 10 working days, either granting data access (where all legal requirements are met) or clearly outlining why the request has been rejected and next steps.

    b. **Default data offer- to be implemented by 1st October 2024.** This will require energy suppliers to provide or make available free, user-accessible energy use

---

[1] SMETS meters must comply with the Smart Metering Equipment Technical Specifications (SMETS). As of December 2018, all microbusinesses within the smart meter mandate must be offered a SMETS meter. Non-microbusinesses within the mandate can be offered a choice of SMETS or Advanced Meter Reading (AMR) meter. Larger non-domestic sites outside of the mandate already have AMR meters installed. The smart metering mandate is defined by consumption- sites in electricity profile classes 1-4 or with gas consumption below 732 MWh per annum.

information to smaller non-domestic customers with smart meters. Information must be based upon the half-hourly/hourly (electricity/gas) data from their smart meter and regular enough to give customers insights into, and help them make informed choices about, their energy consumption.

c. **Awareness raising requirements with respect to data- in effect from 1ˢᵗ December 2022.** Suppliers must regularly raise customer awareness of the routes by which they can access their smart meter energy use data for free.

Default data offer

5. Accompanying changes to Electricity and Gas Supply Standard Licence Conditions have also been published alongside the Government response. In particular, delivery of the "default data offer" will require energy suppliers to "provide or otherwise make available (in either case free of charge and in a user-accessible format) consumption information to the Non-Domestic Customer at the relevant non-domestic premises". The consumption information provided or made available must:

    a. Relate to and/or be based on Non-Domestic Consumption Data (as defined in licences).

    b. Be provided or made available to the Non-Domestic Customer at a level of detail and in a Form and frequency that is sufficient to enable the Non-Domestic Customer to:

        i. understand, assess, evaluate, and gain insights into the patterns and trends emerging over time in relation to how much energy that Non-Domestic Customer consumes at the relevant non-domestic premises; and

        ii. make informed judgments and choices as to when, and how much, energy that Non-Domestic Customer consumes, enabling them to consider ways to be more efficient and/or flexible in how and when they consume electricity.

6. We recognise that some guidance from Government alongside the supply licence changes may be helpful to industry, to support energy suppliers and third party providers to understand expectations and policy intent regarding what such data-driven information "provided or made available in a user-accessible format" could mean in practice.

Awareness raising requirements

7. As confirmed in the Government response, suppliers will also be required to raise awareness (at intervals deemed appropriate) of the means by which the supplier

provides or makes available the free consumption information to the customer, (where appropriate) the benefits to the customer of accessing that consumption information and the steps the (microbusiness) customer can take to change their data privacy choices (i.e. to receive information based on their half-hourly/hourly energy use if they are not already receiving this granularity) should they choose to do so.

8. Some stakeholders queried whether messaging around data tools and services could be considered marketing and therefore whether suppliers would only be able to send reminders to those for whom they held appropriate consent under General Data Protection Regulation (GDPR) marketing rules. Others flagged that those consumers that opt out of future messaging could miss out on relevant communications.

9. We have confirmed that we expect energy suppliers to implement the policy in ways that are compatible with other existing legislation, such as the Privacy and Electronic Communications Regulations (PECR). Factual information about the routes by which consumers can access their own energy use data and/or the benefits of accessing this data can be communicated in a way that does not constitute direct marketing. In determining whether a communication constitutes direct marketing energy suppliers should consider the nature and tone of the message, including the extent to which the message is promotional. [2]

10. We therefore include within this document some illustrative case studies to support industry with designing such communications. As above, these are intended to be examples only and not comprehensive; we recognise that suppliers will ultimately need to design an approach that aligns with their broader objectives. In addition, we expect the majority (though not all) non-domestic customers within scope of the policy to be "corporate subscribers" as per PECR definitions. PECR does not apply to electronic communications to corporate subscribers.[3] Therefore, where energy suppliers can clearly identify these customers, they may wish to adapt their communications approach accordingly.

---

[2] https://ico.org.uk/for-organisations/direct-marketing/business-to-business-marketing/
[3]See link in footnote (2)

Default data offer: provide or otherwise make available in a user-accessible format

Example "format"	Example "provide or make available"
App showing energy use information	• App is available to any non-domestic smart meter customer[4] that wants to register for it and download it.
Consumer display device (i.e., that connects to the HAN[5]) that provides access to data through an In-Home Display (IHD) or alternative channel (e.g., online portal or App)	• Customer is offered the device at the time their smart meter is installed (and the supplier pairs the device to the HAN accordingly), or it can be issued to them afterwards (with follow-up instructions on how to pair device).
Energy consultancy type service (i.e., information on energy use provided online or via telephone)	• Customer could opt into service (i.e., during installation visit or via online platform/portal) or supplier can proactively deliver, subject to PECR and UK GDPR compliance.
Online platform or portal showing energy use information	• Online platform or portal is available to any non-domestic smart meter customer that wants to register for it.
Regular correspondence (e.g., emails) that include energy use information	• Customer is automatically sent the regular information (e.g., such as within their bills or via alternative correspondence). Factual correspondence about energy use (i.e., usage graphs) is unlikely to be direct marketing in and of itself. However, linking this to the promotion of new energy products/services is likely to be so.

11. Across these examples, we appreciate that UK GDPR gives individuals the right to object to the processing of their personal data. Where personal data are processed for direct marketing purposes, the data subject has the right to object at any time to the processing of their personal data, including profiling to the extent that it is related to such direct marketing.[6]

---

[4] In scope of the default data offer, as per Government response.
[5] Home Area Network
[6] https://gdpr-text.com/read/article-21/

User-accessible functionalities and features

12. As outlined in our consultation response, the proposals are intended to take a user-centric approach, emphasising the importance of data insight (as opposed to raw data files) and requiring the outcome (i.e., that the information provided is sufficient for customers to engage with their energy use) rather than the means. The NDSEMIC evaluation reports[7] contain a wealth of insights that industry could use to support the development of consumer-centric solutions. For the purpose of this document, we have extracted some factors that proved effective for engaging consumers with data tools during the NDSEMIC pilots:

Timely and granular data was a key driver of engagement, with users most appreciating having access to live data at half hourly (or less) intervals, temperature and equipment-level monitoring.

Users that received ongoing support were more likely to continue engaging with the tools piloted. Tools that rely on proactive, ongoing effort from the user are likely to be less engaging, particularly amongst smaller sites.

Presenting data in easy-to-understand, relevant formats proved important for organisational buy-in and therefore sustained engagement. For example, presenting energy consumption in terms of money spent (as a metric of overall daily business activity) or in terms of equivalent energy (e.g. number of kettles boiled).

Features that help customers **interpret information**, such as comparisons of energy use for the present versus the previous week, and energy use displayed as £, received positive customer feedback.

New levels of detail (i.e. additional to that currently available such as through energy bills) and **regular refreshes of information** both proved important.

Differentiated access to data dashboards and tailored information for different users within an organisation drove engagement.

Tools were able to have an impact where their use became **part of routine business practice**. As such, automated controls such as smart plugs were highly effective ways of ensuring equipment was turned on / off appropriately; and energy monitoring reports (i.e. that could be downloaded) within tools were sometimes integrated into standard monitoring or meetings.

A **display screen** presenting energy data in schools kept energy front-of-mind for pupils and staff.

---

[7] https://www.gov.uk/government/publications/non-domestic-smart-energy-management-innovation-competition-ndsemic-evaluation-findings

Gamification and competition engaged school pupils with data, and holds potential in other sectors.

Customers appreciated **benchmarks and comparisons** to other organisations only where this was with organisations of a similar size and operation.

The **induction or onboarding process** was a crucial point of engagement. Customers were more likely to engage with tools if the induction process was straightforward, with clear guidance materials or demonstrations provided.

Accessibility considerations

13. We note that energy suppliers have wider obligations regarding accessibility, including a duty to comply with the Equalities Act 2010, and with Electricity and Gas Supply Licence Condition 0A which requires them to treat microbusiness consumers fairly. Energy suppliers will need to consider these wider obligations when deciding how to adapt policies to meet the accessibility needs of their non-domestic customers.

14. As outlined in the Impact Assessment published alongside the consultation response we will use existing forums to support industry to consider accessibility requirements in the development of non-domestic data tools and services.

Awareness raising requirements: case studies

15. As outlined in the Background section, we include below examples of communications that could be used to raise awareness amongst non-domestic customers of their available means for freely accessing their smart meter data.

Hypothetical example 1

The UK Government now requires us to make businesses with smart meters in Great Britain, like yours, aware of how you can access the energy use data from your smart meter, free of charge. This is because of Government evidence that monitoring and understanding your energy use can put businesses in control, helping you make decisions about when, and how much, energy use is right for your business.

You can access your smart meter energy use information for free by:

- Downloading our App for business smart meter customers- found [here]. This analyses your smart meter data for you and includes information about your energy use.

- Contacting us [here] to request up to 12 months of your half-hourly energy use data files, that you can analyse yourself.

- Nominating a third party of your choice to access your half-hourly data on your behalf to support you with energy management. They would need to follow the relevant processes (including evidencing consent from you) [here].

Microbusinesses as per appropriate. Evidence published by the UK Government suggests that half-hourly energy use information is more relevant and timely for businesses. You may currently only be able to see your monthly energy use data in the App because of previous decisions you have made about data privacy. If you would like to change this, and receive information about your half-hourly energy use instead, please contact us [here].

Hypothetical example 2

The UK Government now requires us to provide smaller organisations with smart meters, like yours, with free and regular information on your energy use, based on your smart meter data. Therefore, we are now able to provide you with a [Display/Device] that displays your half-hourly electricity use information free of charge. This will be made available to you [at installation visit/via post].

This device will tell you what times of day your business uses more or less electricity. You can also see how much your electricity usage changes when you turn on and off appliances in your premises.

If your organisation would prefer to analyse the energy use data from your smart meter yourself, or nominate a third party to do this on your behalf, you can also:

- Contact us [here] to request up to 12 months of your energy use data files.

- Advise a third party of your choosing to follow the relevant process (including evidencing consent from you) [here].

If you need a version of this document in a more accessible format, please email smartmetering@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.