

Road fuel monitoring – consultation on draft guidance for information gathering powers

14 November 2024

© Crown copyright 2024

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Website: www.gov.uk/cma

Contents

Summary	4
1. About the consultation	6
Background	6
Market study findings and recommendations	6
Interim monitoring function	7
Temporary open data scheme	8
Government consultation response	8
Purpose of this consultation	9
2. Legal framework	10
Information gathering powers	10
Compliance and enforcement	10
Disclosure and transparency	11
3. The exercise of the CMA's information gathering powers for road fuel monitoring....	13
CMA monitoring reports	13
Annual update reports	13
Quarterly updates	13
Retailers' reporting requirements	14
Information requests and other monitoring sources	14
Use of section 311 Notices	15
Use of the CMA's enforcement powers	16
How information will be submitted	16
4. Questions for consideration	18
5. Consultation process	19
How to respond	19
Statement about how the CMA will use information and personal data that is supplied in consultation responses	19
Next steps	20

Summary

1. In 2023 the CMA completed a market [study](#) into the supply of road fuel in the UK. The study found that competition in the retail sector for petrol and diesel had weakened since 2019, meaning that drivers were paying more for road fuel at any given level of wholesale prices. To address this weakened competition, we made two recommendations to government, which were both accepted:
 - create a fuel monitor function within an appropriate public body; and
 - establish an open data fuel finder, on a statutory basis.
2. The government confirmed that it intended to legislate to deliver both recommendations. The Digital Markets, Competition and Consumers Act 2024 (DMCC Act) received Royal Assent and gave the CMA the powers to undertake the statutory monitoring function. The government is aiming to commence these powers by January 2025.
3. The monitoring function will act as a deterrent against businesses taking actions that may weaken competition in the road fuel market. It will hold industry to account. The monitoring function will also provide the government and the public with an ongoing assessment of competition as the UK transitions to net zero.
4. The government published its [response](#) on 30 October 2024 to the road fuels consultation which covered our market study recommendations. The response sets out, in relation to the monitoring function, that:
 - The CMA will publish an annual report, along with three shorter updates throughout the year.
 - The annual report will focus on the state of competition in the sector, and the three updates will focus on prices, costs, margins, and information on price trends across the UK and over time.
 - The CMA will consult on and publish guidance on how we will exercise our information gathering powers for the monitoring function (i.e. this consultation).
5. DESNZ's consultation response also noted that the government would be implementing the open data fuel finder scheme ('Fuel Finder'), for which the CMA will have an enforcement role for non-compliance with the scheme. We will consult on that enforcement role separately. Once it is in place, the open data scheme will increase price transparency for consumers, allowing them to easily compare prices, so retailers must compete harder for their business. It will also provide a rich source of data that will reinforce the effectiveness of the monitoring function.

6. This consultation seeks respondents' views on how we propose to approach information gathering in support of our monitoring function, to provide stakeholders with the opportunity to help shape our approach. Following this consultation, we will in due course publish guidance on how we will exercise our powers, that should support businesses to comply with our information requests and minimise the need for enforcement action.

7. The CMA encourages you to respond to this consultation in writing using the contact details provided below. The consultation will run for three weeks. Responses should be submitted by email to roadfuel.remедies@cma.gov.uk, by 5pm on 5 December 2024.

1. About the consultation

Background

1.1 This section provides a short recap of our market study findings and recommendations, our work on road fuel since we published our market study, the government response to DESNZ's consultation on our recommendations, and the purpose of this consultation.

Market study findings and recommendations

1.2 On 3 July 2023 the CMA published the findings of our market study into road fuel. We found that:

- From 2019-22, average annual supermarket fuel margins had increased by six pence per litre (PPL).
- Increased margins on diesel across all retailers had cost drivers an extra 13 PPL from January 2023 to the end of May 2023.
- With greater transparency and shopping around as effectively as possible, the driver of a typical family car could save up to £4.50 a tank within a 5-minute drive.
- Motorway service stations are charging around 20 PPL more for petrol and 15 PPL more for diesel compared to other fuel stations.

1.3 Overall, at the national level, we found that competition between retailers has weakened in recent years. The historic price leaders in the retail market, primarily Asda but also Morrisons to some extent, had been taking a less aggressive approach to pricing by significantly increasing their internal margin targets for fuel over recent years. Other retailers had maintained largely passive pricing policies, pricing by reference to local competitors rather than responding promptly to cost movements and/or trying to win market share, and had therefore followed the same trend in prices and margins.

1.4 Local factors also contribute to how much drivers pay at the pump. We saw significant price differences between local areas, with lower prices typically associated with having a supermarket retailer nearby. Where retailers are likely to have higher costs (e.g. more remote areas) prices are likely to be higher. There can be significant price differences within local areas, and the difference between the highest and lowest prices in local areas had increased as average fuel prices had risen.

1.5 Our two recommendations to the UK government from the market study were:

- The government should create a fuel monitor function within an appropriate public body, to monitor developments in the market, both nationally and locally, as we move through the net-zero transition, provide ongoing scrutiny of prices and consider whether further action may be needed to protect consumers.
- The government should create, on a statutory basis, a fuel finder open data scheme to ensure retailers provide up-to-date pricing, to be made available to drivers in an open and accessible format that can be easily used by third party apps such as satnavs or map apps, through a dedicated fuel finder app, or a combination of both.

1.6 Our recommendations were accepted by the then-government, which determined the CMA would take on the new statutory monitoring function and legislated for this in the DMCC Act 2024. The DMCC Act included the information-gathering powers necessary for the CMA to fulfil the statutory monitoring function.

1.7 The open data fuel finder scheme was not put on a statutory footing, as the Data Protection and Digital Information Bill, which would have provided its legislative basis, fell at prorogation when the July 2024 general election was called. However, the government has confirmed that the Data (Use and Access) Bill (DUA Bill) introduced to Parliament in October 2024 will provide the legislative basis to set up the scheme.

Interim monitoring function

1.8 The previous government asked that the CMA put in place a temporary interim monitoring function until the statutory function was set up. Since then, we have published four interim monitoring update reports, the latest in July this year. These reports have reviewed progress on our market study recommendations and provided updates on the market since the previous report, with the July report noting broad trends over the year since the market study. These reports have included analysis of: average pump prices, and their components including retail spread; fuel margins; and relative average pump prices between supermarket and non-supermarket retailers.

1.9 In the July update report we observed that the general picture is one of sustained higher road fuel prices compared to historic levels. Retail spreads and margins remain high compared to historic levels, as has continued to be the case since the market study. The persistence in elevated spreads and margins remains a cause for concern for the CMA regarding the intensity of competition between retailers and emphasises the importance of implementing our recommendations.

1.10 Our interim monitoring update reports do not take into account developments in operating costs, which retailers say have continued to rise. During our market

study we found that changes in operating costs were not a driver of increases in average fuel margins for large retailers. We anticipate re-assessing this as part of the first annual road fuel report that we will issue once we take on the permanent monitoring function with compulsory information-gathering powers (see below).

Temporary open data scheme

1.11 The CMA established the scheme rules for a [temporary open data scheme](#) in August 2023. This relies on the voluntary cooperation of retailers and its purpose is to deliver quickly some of the benefits of open accessible pricing information to consumers whilst awaiting legislation. It provides more recent pricing data, in an open and unencumbered manner, than was previously available. The temporary pricing data scheme now has 15 retailers participating, covering around 40% of UK forecourts and 65% of fuel sold. It is an important first step towards securing better availability of pricing data for drivers, in advance of the implementation of the full statutory scheme. However, we recognise that the interim open data scheme is limited, especially given that the data is only updated daily and that there will sometimes be a lag between the setting of forecourt prices and the prices displayed by the third-party tools.

Government consultation response

1.12 The government published its response on 30 October 2024 to the road fuels consultation which covered our market study recommendations. In the response DESNZ provided steers on the statutory monitoring function. This includes that:

- The CMA will publish an annual report, along with three shorter updates throughout the year.
- The annual report will focus on the state of competition in the petrol and diesel markets and whether the market is working for consumers. It will include coverage of price and margin trends; regional pricing variations; analysis of changes in local market concentration; commentary on the progress of Fuel Finder; and consider the intersection of the petrol and diesel markets with the development of zero carbon transport technologies and markets.
- The three updates during the rest of the year will focus on prices, costs and margins; retail and refining spreads for both petrol and diesel markets; and information on price trends across the UK and over time.
- In the short term, the CMA may be unable to cover all of the areas above until Fuel Finder is in operation.

- As part of the CMA’s ongoing assessment of competition, DESNZ expects the CMA to assess which topical issues would be appropriate to cover in our report. The CMA will continue to engage with relevant stakeholders as part of this process.
 - The CMA will consult on and publish guidance on how we will exercise our information gathering powers for the monitoring function (ie this consultation).
- 1.13 The government has also been taking forward the secondary legislation to operationalise the DMCC Act, and is aiming to commence the CMA’s information gathering powers for our statutory monitoring function by January 2025.
- 1.14 DESNZ’s consultation also announced that the CMA will be the enforcer for non-compliance with the statutory open data fuel finder scheme. The DUA Bill will provide the legislative basis to establish Fuel Finder through regulations. Through the regulations, the CMA will be given powers of investigation so we can determine what breaches of compliance may have occurred and what enforcement sanctions may be appropriate.
- 1.15 The government’s consultation response notes that, subject to parliamentary timings, its aim is to launch Fuel Finder by the end of 2025. As part of this, DESNZ intends to appoint an aggregator (a third party service provider) to operate the scheme, and will issue an Invitation to Tender accordingly in early 2025.
- 1.16 The CMA will consult on draft guidance on how we propose to exercise our functions as the enforcer for non-compliance with the open data scheme. We will do this after the aggregator – which will be a critical stakeholder – has been appointed.

Purpose of this consultation

- 1.17 This consultation focuses on the CMA’s statutory information gathering powers (contained in the DMCC Act 2024) which are relevant to our monitoring function. We are consulting about guidance relating to the exercise of these powers, including: who the CMA will request information from, how information should be provided to the CMA, and with what frequency. Following this consultation, we will publish clear guidance for retailers who are required to submit information to the CMA to facilitate our monitoring function.

2. Legal framework

Information gathering powers

- 2.1 New powers have been conferred on the CMA for the purposes of allowing us to monitor the road fuel market. These powers, contained in sections 311 to 318 of the DMCC Act, allow the CMA to require the provision of information in connection with road (“motor”) fuel, and to impose financial penalties where businesses do not comply.¹
- 2.2 For the avoidance of doubt, the CMA will not be regulating the motor fuel market, nor have any role in setting or approving retailers’ fuel prices.
- 2.3 Section 311 of the DMCC Act sets out that the CMA may require an undertaking to give specified information to us for the purposes of: assessing competition or publishing information about competition in connection with the retail of motor fuel; making proposals or giving information or advice to the Secretary of State about action that could be taken to increase competition or benefit motor fuel customers; and assessing the effectiveness of such action. The power to require specified information includes the power to require undertakings to obtain or generate information, and to collect or retain information they would not otherwise collect or retain.
- 2.4 Section 311 states that the CMA’s power to require specified information should be exercised by giving the undertaking in question an information notice (a ‘section 311 Notice’). A section 311 Notice must include, amongst other things, the time and/or frequency of submission of the information requested. All the relevant information required will be clearly stated in each individual notice issued by the CMA.

Compliance and enforcement

- 2.5 We anticipate that retailers will seek to comply with our section 311 Notices, especially given the history of co-operation we have received from retailers with voluntary information requests throughout our interim monitoring function.
- 2.6 However, where there is non-compliance, section 312 grants the CMA power to impose financial penalties on undertakings that, without reasonable excuse, fail to comply, destroy or conceal information, or give false or misleading information.² Such penalties may include a fixed penalty of up to 1% of the undertaking’s turnover both inside and outside the United Kingdom, a daily amount of 5% of the

¹ These powers are time limited to five years from commencement under section 318.

² Destruction, falsification or concealment of information, or the provision of false or misleading information, in response to an information notice may also be a criminal offence under section 315.

undertaking's turnover, or both. Turnover for these purposes will be determined in accordance with the DMCC Act and the Consumer Rights Act 2015 (Turnover and Control) Regulations 2024.

- 2.7 The CMA is required under section 314 of the DMCC Act to consult on and publish a statement of policy on the exercise of our powers to impose financial penalties. Since the procedure for imposing and appealing against penalties under section 312 is the same as for administrative penalties levied in the CMA's other tools, we fulfilled our duty to consult as part of our broader consultation on administrative penalties (as set out in *Administrative Penalties: Statement of Policy on the CMA's Approach (CMA4)*)³. The CMA4 consultation closed for comment in August 2024. We are analysing feedback and anticipate publishing our response and final statement of policy in late 2024 or early 2025, following approval by the Secretary of State for Business and Trade.

Disclosure and transparency

- 2.8 Our road fuel monitoring will rely upon information provided to us by relevant parties. The CMA is committed to being open and transparent about the work we do and how we engage with those directly involved in or affected by our work, while seeking to give appropriate protection to the confidentiality of information we obtain in the exercise of our functions.
- 2.9 Information that the CMA obtains through the use of our DMCC Act motor fuels powers will be subject to the restrictions on disclosure in Part 9 of the Enterprise Act 2002⁴, in the same way as information obtained through our other tools. Disclosure of 'specified information' can only occur if it is permitted under Part 9. Before disclosing specified information, the CMA must have regard to several considerations. These include the need to exclude from disclosure (as far as practicable) commercial information whose disclosure might significantly harm the legitimate business interests of the business to which it relates and whether disclosure is necessary.
- 2.10 In a similar vein, the CMA's guidance on transparency and disclosure (CMA6)⁵ also applies to information that the CMA obtains through the use of our DMCC Act motor fuels powers. The CMA6 guidance is currently being updated following a consultation that closed in June 2024.⁶

³ <https://www.gov.uk/government/consultations/administrative-penalties-statement-of-policy>. Motor fuels was explicitly included in the CMA4 consultation; see para 1.2 of the draft revised CMA4.

⁴ Section 317 of the DMCC Act adds the motor fuels powers to Schedule 14 of the Enterprise Act, such that information received under those powers is 'specified information' for the purposes of section 238(1)(b) of the Enterprise Act.

⁵ *Transparency and Disclosure: Statement of the CMA's Policy and Approach* (draft CMA6 consultation).

⁶ <https://www.gov.uk/government/consultations/updated-cma-transparency-and-disclosure-statement-including-new-overseas-investigative-assistance-guidance>. Motor fuels was explicitly included in the CMA6 consultation; see para 1.4 of the draft revised CMA6.

2.11 The CMA6 guidance sets out the CMA’s policy and approach to transparency and information disclosure across its tools – including how to raise a complaint in relation to decisions about disclosure – and, as with CMA4 above, we expect the final CMA6 guidance to be in place in late 2024 or early 2025. For clarity, issues relating to the CMA4 and CMA6 consultations are not within scope of this consultation.

3. The exercise of the CMA's information gathering powers for road fuel monitoring

3.1 This section sets out a high-level overview of the approach the CMA intends to take to our information gathering powers for our road fuel monitoring function.

CMA monitoring reports

3.2 As set out in DESNZ's consultation response, the CMA will publish an annual report, along with three shorter updates throughout the year. We intend to publish these reports on a quarterly basis.

Annual update reports

3.3 As noted in the government's consultation response, the CMA's annual report will focus on the state of competition in the petrol and diesel markets and whether the market is working for consumers. It will include coverage of: price and margin trends; regional pricing variations; analysis of changes in local market concentration (eg petrol filling station (PFS) closures); commentary on the progress of the open data fuel finder scheme; and the intersection of the petrol and diesel markets with the development of zero carbon transport technologies and markets. We also intend to assess which topical issue or issues may also be appropriate to cover.

3.4 Some of the above analysis – specifically the analysis of regional pricing variations and of changes in local market concentration – will not be undertaken until the statutory open data fuel finder scheme is in operation. We anticipate the open data scheme will be a rich source of information across our monitoring reports.

3.5 We anticipate section 311 Notices for annual reporting purposes to be issued as and when the information is needed and, unlike for quarterly updates, be non-recurring, although that does not preclude the same or similar information being requested in consecutive years.

Quarterly updates

3.6 In line with DESNZ's consultation response, we expect the shorter quarterly update reports will be similar in their coverage to our existing interim monitoring reports, at least in the near term. The update reports will focus on: prices, costs and retail margins; retail and refining spreads for petrol and diesel markets; and (once data becomes available from the statutory open data scheme) information on price trends across the UK and over time.

Retailers' reporting requirements

- 3.7 During our interim monitoring function, the CMA has relied upon the goodwill of retailers to voluntarily share information with us for our update reports. We have been very grateful for the cooperation of all retailers from whom we have requested information.
- 3.8 The CMA will require similar information from retailers on an ongoing basis for our statutory monitoring function. To support the higher frequency of reporting and the formal setting up of the function we intend to require information to be provided on a consistent basis across retailers, and will issue formal section 311 Notices for these purposes. These will replace the voluntary requests for information, where appropriate, and will be issued shortly after we receive these powers.
- 3.9 As we will be completing four reports each year, we propose four quarterly submissions from relevant retailers each year. This is less frequent than the monthly submissions we currently request. While monthly submissions ensure information at our disposal is the most recent available, it is not anticipated that quarterly submissions would have a substantive detrimental impact on our monitoring function, but could reduce administrative burdens.
- 3.10 The CMA currently receives motor fuel information approximately 4-6 weeks after the end of the relevant period. We propose to allow approximately 6 weeks between the end of the relevant period and submitting information to the CMA – and specifically, to require that the relevant information is provided to the CMA no later than close of business on the 15th day of the second month following the end of the period to which it refers. Therefore, for a quarterly reporting frequency, data for the financial period closing 31 December would need to be provided no later than 15 February, for the period closing 31 March should be provided by no later than 15 May, and so on. Where the data falls due on a weekend or bank holiday it should be provided no later than the next working day.

Information requests and other monitoring sources

- 3.11 The CMA will require certain information on an ongoing basis to undertake our analysis of certain key metrics relevant to market monitoring, such as retailer margins. The CMA will request this information from supermarket retailers, which have been the historic price leaders in the market, motorway retailers and other non-supermarket retailers. However, we do not intend to require every retailer to supply this information to us.
- 3.12 For our market study, we relied upon a sample of retailers rather than entire market coverage (the Petrol Retailers Association's Market Review 2024⁷ notes

⁷ <https://www.ukpra.co.uk/assets/documents/market-review-pra-2024.pdf>

there are 8,353 open PFS sites) and propose to take a similar approach using our new statutory information gathering powers. We propose to direct our ongoing information requests to: (i) supermarkets; (ii) motorway retailers with five or more sites; and (iii) other retailers who have 80 or more sites across their group. This will allow the CMA to ensure we are capturing a significant proportion of retail sites across the UK, ensuring our analysis is robust, while being proportionate about our information gathering.

- 3.13 The CMA will keep our approach under review and may make changes should it be necessary to do so. This may mean that, for example, the CMA may from time-to-time request information from a broader set of retailers, suppliers and/or distributors. While it would be helpful if a retailer notifies the CMA in the event that it expands to 80 or more PFS sites, we are not seeking to create an obligation on retailers to do so, and anticipate being able to gather this information as part of our ongoing monitoring of the market.
- 3.14 As part of our monitoring and reporting, we may also utilise other sources of information, such as industry-level pricing data published by DESNZ, published reports and the media. We also intend to engage regularly with key stakeholders, in particular retailers, trade associations, and motoring / consumer groups. This is to maintain and enhance our understanding of key issues and ensure our monitoring function provides as much value as possible, as well as ensuring key stakeholders are kept well informed of our work. We also anticipate having a dedicated Road Fuel email where information or road fuel related complaints can be shared with the CMA, which may also identify potential concerns.
- 3.15 The CMA's general approach to gathering information is set out in CMA6, which as noted above is currently being updated following a public consultation.

Use of section 311 Notices

- 3.16 In line with our general approach to information-gathering the CMA will strive to avoid imposing unnecessary burdens on the recipients of section 311 Notices, while also considering the need to gather the necessary information to carry out our monitoring and reporting functions efficiently and effectively.
- 3.17 The CMA's section 311 Notices will set out their purpose, specify or describe the documents and/or information that the CMA requires, give details of where and when they must be produced, and set out the consequences that may apply if the recipient does not comply.
- 3.18 The CMA will set a deadline for responding to all section 311 Notices. The deadline specified in the section 311 Notice will depend on the nature and the amount of information that the CMA has requested. Where the request for

information relates to an ongoing request, such as the provision of management accounts, the CMA will include the relevant frequency of submissions.

- 3.19 Addressees should make known any potential difficulties in responding (such as administrative, resourcing, financial, logistical and practical issues) as early as possible. Addressees should also raise with the CMA any matters they do not understand as soon as possible after receiving a section 311 Notice.
- 3.20 The CMA will, in particular, take into consideration any concerns raised by notice addressees about their ability to provide the information required – including given the nature and the type of the information requested.
- 3.21 The CMA may send out more than one section 311 Notice to the same addressee during our consideration of the issues. For example, the CMA may ask for additional information after considering material submitted in response to an earlier request.

Use of the CMA's enforcement powers

- 3.22 Given the importance of accurate data and other information to the CMA's road fuel monitoring and reporting function, there are a number of adverse consequences if an addressee fails to comply with a section 311 Notice. If information is delayed, incomplete or unreliable this will impact on the quality of the CMA's reports and therefore the considerations based on these outputs, with potential implications for competition within the UK road fuel market and for the addressees.
- 3.23 The CMA will expect recipients to comply fully with any section 311 Notice within the given deadline; any extension requests will be considered based on the merits. The CMA will seek to set a reasonable deadline for all information requests and where draft formal requests have been issued the final request will have considered any representations on the proposed deadline.

How information will be submitted

- 3.24 The CMA will detail the type of information required, and how to submit it, in formal section 311 Notices that will be issued to the relevant party.
- 3.25 The CMA will work to ensure responding to a section 311 Notice is made as simple as possible.
- 3.26 We note that in response to the DESNZ consultation some respondents suggested that the CMA should provide an interface through which retailers could respond to information requests. This could improve on the current method for retailers to provide data to the CMA, via email using attachments, which can be inefficient.

- 3.27 An online portal could potentially be used to submit information in response to ongoing requests for financial information as used in our regular updates, and for ad hoc requests, such as those to support the CMA's assessment of a topical issue as part of our annual report. Benefits of an online portal could include ensuring consistency of the information provided and helping to minimise manual errors in submitting information.
- 3.28 Note that if an online portal were developed, we may still issue ad hoc section 311 Notices that require the submission of information by other means. Should the CMA progress with an online portal, we will engage further with retailers on its format, and aim to bring it online as soon as is feasible, although this may not be before the statutory monitoring function begins.

4. Questions for consideration

4.1 In responding to the consultation questions set out below, please give your reasons and any relevant supporting information or evidence.

1. Do respondents agree with our proposed approach that ongoing information requests should cover: (i) supermarkets; (ii) motorway retailers with five or more sites; and (iii) other retailers with 80 or more PFS sites across their group? If not, who do you believe we should be requesting information from?
2. Do respondents agree with our proposal for retailers to submit monitoring information to us on a quarterly basis rather than more frequently? If not, please detail your preferred reporting frequency and why.
3. Do respondents agree that data required for a specific month or quarter should be provided by the 15th day of the second month following that period? If not, please explain your preferred timing of submissions and why.
4. Are there any other issues or information the CMA should include in the guidance we will publish on exercising our information gathering powers for our motor fuel monitoring function?
5. Do respondents agree that an online portal should be set up and used as a way for retailers to submit data for the road fuel monitoring function? If so, are there any particular features you would like the CMA to consider, if it is developed?

5. Consultation process

How to respond

- 5.1 The CMA is publishing this consultation on the CMA webpages and drawing it to the attention of a range of stakeholders to invite comments on the questions set out in the previous chapter.
- 5.2 The CMA encourages you to respond to the consultation in writing by email to roadfuel.remedies@cma.gov.uk. Please provide supporting evidence or examples for your views where possible. The deadline for submitting responses is 5pm on 5 December 2024.
- 5.3 When responding to this consultation, please state whether you are responding as an individual or are representing the views of a group or organisation. If the latter, please make clear who you are representing and their role or interest.
- 5.4 In accordance with the CMA's policy of openness and transparency, the CMA will publish non-confidential versions of responses on our webpages. If your response contains any information that you regard as sensitive and that you would not wish to be published, please provide at the same time a non-confidential version for publication on the CMA's webpages which omits that material and which explains why you regard it as sensitive.

Statement about how the CMA will use information and personal data that is supplied in consultation responses

- 5.5 Any personal data that you supply in responding to this consultation will be processed by the CMA, as controller, in line with data protection legislation. This legislation is the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. 'Personal data' is information which relates to a living individual who may be identifiable from it.
- 5.6 The CMA is processing this personal data for the purposes of our work. This processing is necessary for the performance of our functions and is carried out in the public interest, in order to take consultation responses into account. For more information about how the CMA processes personal data, your rights in relation to that personal data, how to contact us, details of the CMA's Data Protection Officer, and how long the CMA retains personal data, see the [CMA's Privacy Notice](#).
- 5.7 The CMA may wish to refer to comments received in response to this consultation in future publications. Where we do so, we will take into account the disclosure and transparency considerations set out at paragraphs 2.8 to 2.11. If you consider that your response contains confidential information, please identify the relevant

information, mark it as 'confidential' and explain why you consider that it is confidential.

- 5.8 Please note that information and personal data provided in response to this consultation may be the subject of requests by members of the public under the Freedom of Information Act 2000. In responding to such requests, if you have made any representations about the confidentiality of any information contained in your response, the CMA will take such representations into consideration. The CMA will also be mindful of our responsibilities under the data protection legislation referred to above and under Part 9 of the Enterprise Act 2002.
- 5.9 If you are replying by email, this statement overrides any standard confidentiality disclaimer that may be generated by your organisation's IT system.

Next steps

- 5.10 After the consultation has closed and consideration of the responses received has taken place, the CMA will prepare final information gathering powers guidance for our road fuel monitoring. We will also progress development of an online portal for the submission of retailer information, if appropriate.
- 5.11 The CMA will publish the final guidance on our webpages at <http://www.gov.uk/cma>. The CMA will also publish non-confidential versions of the responses received during the consultation.