

Minutes

Meeting Name	DCP 054 Working Group	Meeting Number	033
Meeting Date	18 January 2013	Meeting Time	10:00am
Venue	Institute of Physics, 76 Portland Place, London W1B 1NT		

Attendance from 10am to 12pm

Attendee	Company
Tony Savka [TS] (Chair)	Electricity North West
Angela Mann [TS] (teleconference)	E.ON UK
Chris Harding [CH] (teleconference)	EDF Energy
Ian Main [IM]	Scottish Power
Jonathan Purdy [JP] (teleconference)	U.K. Power Networks
Claire Hynes [CLH] (Secretary)	ElectraLink Limited

Attendance from 12pm

Attendee	Company
Lynne Fallon [LF] (Chair)	British Gas
Andy Clasper [AC] (webinar)	National Grid
Angela Mann [AM] (webinar)	E.ON UK
Anne Jackson [AJ]	SSE Energy Supply
Chris Harding [CH] (webinar)	EDF Energy
David McCrone [DM] (webinar)	Scottish Power
Ian Main [IM]	Scottish Power
Jonathan Purdy [JP] (webinar)	U.K. Power Networks
Lynne Hargrave [LH] (webinar)	Northern Powergrid
Richard Vernon [RV] (webinar)	Npower
Tony Savka [TS]	Electricity North West
Trevor Clarke [TC] (webinar)	E.ON UK
Claire Hynes [CLH] (Secretary)	ElectraLink Limited
Arno Vanden Eynde (AV) (Secretary)	ElectraLink Limited

Attendance from 1pm

Attendee	Company
David Evans [DE]	Information Commissioner's officer (ICO)

1. ADMINISTRATION

- 1.1 Apologies were received from Glenn Sheern (E.ON UK) and Andrew Wallace (Ofgem).

2. MINUTES MEETING 032

- 2.1 The minutes of the previous meeting were agreed to be out of scope due to the non standard nature of the joint meeting with the ICO and the SPAA Theft of Gas Working Group. The Working Group agreed to review the minutes at the meeting of the 29 January 2013.

3. OUTSTANDING ACTIONS

- 3.1 The actions of the previous meeting were agreed to be out of scope due to the non standard nature of the joint meeting with the ICO and the SPAA Theft of Gas Working Group. The Working Group agreed to review the actions at the meeting of the 29 January 2013.

4. DCP 054 WORKING GROUP MEETING FROM 10AM TO 12PM

- 4.1 The Working Group drafted a series of questions to ask the Information Commissioner Officer (ICO) at the meeting at 1pm. Please see Appendix A for the Joint SPAA and DCP 054 questions raised to the ICO.

5. AT 12PM A JOINT DCP 054 AND SPAA DISCUSSION ON QUESTIONS TO RAISE TO THE ICO

- 5.1 The SPAA Theft of Gas Working Group provided members of the DCP 054 working group with an update on the last meeting they had with the ICO, as part of the Theft Risk Assessment Service (TRAS) discussions. They noted that for electricity, it was slightly different due to Network involvement; whilst on the gas side, they have TRAS.
- 5.2 This allows gas industry parties to send information across to other parties in regards to theft of gas. For example, a person uses these aliases which form this data pattern when stealing gas. There are probability statistics that will need to be collated as an industry to identify perpetrators.
- 5.3 The group then discussed the scenario where one Supplier notifies another Supplier that a person known to steal gas has changed suppliers to them, what does the new Supplier do with that information? The Supplier could

pro-actively check the meter when they move in and 3 months down the line for theft of gas/electricity. The Working Group noted there is a fine line between checking a meter and harassing.

- 5.4 The SPAA Secretariat noted that if the neighbour is doing something intrinsically unsafe when stealing Gas, the ICO would expect the industry party to act. The ICO confirmed they would prioritise safety over data protection issues. Parties should be able to pass accurate information, keep it up to date and hold it only for a reasonable time period; and the information needs to be relevant and factual. The Privacy Impact assessment (PIA) is designed to get the Industry thinking but it is not to act as a straight jacket.
- 5.5 An individual's reputation for stealing cannot be kept within the industry records for longer than the applicable sentence for committing the offense. If the record is out of date, and is kept longer than needed, it will have to be removed from the database. The Group noted that they will have to determine what will be a reasonable period of time to maintain this type of data. For the TRAS, AJ advised that she will try to get guidance on how long they should keep the information and speak to an exCI on how long the police keep the data for.
- 5.6 The TRAS may be passing information on an innocent person so there will need to be a risk assessment undertaken. The ICO was very specific about innocent persons being risk assessed at the last meeting. The ICO expect Parties to take measures to find the innocent people and target only the perpetrators that seem to be high risk.
- 5.7 The ICO would like to see the Industry target factor false positives so fewer innocent people are caught in the net. An example of this was 10% of nil vends on pre-payment meters would not be enough information to share the suspicion with another Supplier. The data needs to be analysed anonymously, so that there is justification on why it is being shared and the response needs to be proportionate.
- 5.8 The SPAA Working Group stated that the ICO mentioned that he would be happy to review our PIA's but they would have to publicise it due to their obligation under the Freedom of Information Act. The Working Group suggested that it could request an exemption from the publication under the prevention of fraud.

6. KEY POINTS RAISED DURING THE JOINT DISCUSSION WITH THE ICO AT 1PM

- 6.1 The Joint meeting with the SPAA and the ICO was set up to progress the PIA on areas such as what information could be shared, can sensitive information on vulnerable customers be reported to care agencies and the list of conditions under which information can be disclosed.
- 6.2 AJ provided an overview of the background on the Theft of Electricity and Theft of Gas Code of Practice (CoP) and its development to date to the ICO. Both Working Groups agreed that the CoP and PIA need to be compliant with the principles set out in the Data Protection Act (DPA).
- 6.3 The ICO recommended that a privacy notice be placed in a contract so that the individual will be aware that personal information may be shared with other parties in cases where electricity is being stolen or the meter or fuse is being abused. TS advocated placing the privacy notice in the connection agreement.
- 6.4 The Working Group should look at data on a scale of sensitivity from the general to the specific individual data. As the data scales to a more individual level then a greater number of data protection principles will apply. As a result, the ICO advocated the use of profiling and patterns of behavior that the Industry could look for whilst investigating theft. Intelligence information can be shared but you need a strong justification backed up with facts to share personal information. A flag could be raised on persons who have a strong indication of electricity theft. He advised that in order to demonstrate a relevant standard, that the group should imagine standing in a tribunal and justifying why they shared this information.
- 6.5 The ICO noted that where you have a number of organisations sharing information it can become confusing if there is no central body. The problem arises when information is being shared and persons cannot answer the following questions: where the information was sent to, for what purpose and who is responsible for it.
- 6.6 The data controller would be the Supplier/ Company and the central holder/ repository of data would be the data processor. The data processor would be on a contract containing the rules the contract holder must apply

to the processing of the information and this contract could be removed at any time; and it should stipulate that all the data would return to the data controller at the end of the contract.

- 6.7 Alternatively, a group of Companies and Users could sign a contractual obligation to comply with the rules set out in the CoP and data protection act for the sharing of information regarding the Theft of Electricity. The Working Group noted that Ofgem were currently consulting on whether a similar package such as TRAS could be applied to the electricity industry.
- 6.8 The Working Group queried what information could be provided to care agencies on vulnerable customers in cases where the property has been disconnected. The ICO advised that the provision of information would need to be on a case by case basis providing justification for doing so and only as a last resort. The data controller would need to assess the implications of disclosing the information and ensure that the response is proportionate. Industry actions need to be part of a set of procedures and policies which are reviewed overtime and clearly leads to better procedure in the future.
- 6.9 The ICO advised that the DPA states, first do it fairly and secondly, do it lawfully and thirdly, have a condition to do it lawfully. You will need a list of conditions under which you can share data. The ICO agreed to provide conditions for processing Schedule 2 and 3 of the Acts. The conditions you need to fulfil under Schedule 3 are stricter than Schedule 2. You will need to classify what data is sensitive and ensure that any actions taken do not inherently prejudice the person's data which you are holding. The Data Protection Act will not prevent anyone acting if there is reasonable, factual information and justification to act.
- 6.10 The ICO queried why there was no DPA officers in the room. The Working Group advised that they had attempted to include the DPA officers early on in the process and each officer had a different interpretation which had led to confusion. The Working Group decided to develop the CoP and Privacy Impact Assessment (PIA) and once completed to provide it to their Data Protection Officers for review and interpretation for their own organisation.
- 6.11 For a more detailed overview of the meeting with the ICO, please see Appendix A.

7. NEXT STEPS

- 7.1 The Working Group agreed a second meeting date on the 29 January 2013 to discuss the outcome and any actions of the joint DCP 054 and SPAA Working Group meeting with the ICO.

8. ANY OTHER BUSINESS

- 8.1 There were no other items of business raised at this meeting.

9. DATE OF NEXT MEETING

- 9.1 The Working Group agreed to meet again

- At 10am on 29 January 2013 to discuss the outcome and actions from the Joint meeting with the ICO.

10. APPENDIX A

- DCP 054 Working Group and SPAA Working Group Questions

Appendix B – Open Action List

Action Number	Action	Owner
033/01	To provide the group in writing some additional explanation as to what the exact requirements are under Appendix 2 and 3 of the DPA	DE