
Wholesale-retail Code Change Proposal – Ref CPW034

Modification proposal	Wholesale Retail Code Change Proposal CPW034 – CSD 0301 housekeeping changes to GDPR Personal Data warnings
Decision	Ofwat has decided to accept this code modification
Publication date	18 May 2018
Implementation date	25 May 2018

Background

On 30 March 2018, CPW029 ‘GDPR Data Protection Provision Updates’ was implemented by Market Operator Services Limited (MOSL) following Ofwat’s decision. The change proposal was in response to the introduction of the General Data Protection Regulations (GDPR) by the European Union. CPW029 sought to align the market codes with GDPR and protect water customers’ data from privacy and data breaches.

CPW029 was developed as a result of the recommendation from the GDPR Issues Committee, who sought to ensure that the industry and MOSL were compliant with the revised data protection laws. However, due to a drafting error, the recommendations of the GDPR Issues Committee are not accurately reflected within Code Subsidiary Document 0301 (CSD 0301), following code modification CPW029. CPW034 is a housekeeping change which will align the market codes with the recommendations presented by the Panel via the GDPR Issue Committee.

The issue

GDPR comes into effect on 25 May 2018 and has a number of implications for data security and protection. One of the intended functions of CPW029 was to amend CSD 0301 to flag data items where there is a risk that they may contain personal data. However, following the implementation of CPW029, MOSL identified a number of discrepancies between the data items which were changed as a result of CPW029 and the list of items suggested by the GDPR Issues Committee. Some data items are flagged to show they may contain personal data when they do not, and vice versa.

The data items which are not considered by the GDPR Issues Committee to be personal data but currently flag up as personal data are:

- D3013 – Meter Manufacturer
- D3014 – Manufacturer Meter Serial Number
- D4001 – Trading Party ID
- D4011 – Retailer ID
- D4012 – Sewerage Retailer ID
- D4013 – Trading Party Name
- D4018 – Other Wholesaler ID
- D4025 – Wholesaler ID

The data items which are considered by the GDPR Issues Committee to be personal data but currently do not flag up are:

- D3008 – Meter Read
- D3009 – Meter Read Date
- D3032 – Meter Outreader Freed Descriptor

Finally, pre-existing information in the 'Further Details' field for one data item, D2070 – Landlord SPID, was incorrectly deleted.

The modification proposal¹

To rectify the above issue, The Panel recommends the:

- removal of the personal data warnings from the eight items that the GDPR Issues Committee did not recommend;
- addition of personal data warnings to the three data items which were recommended by the GDPR Issues Committee but not added by CPW029;
- amendment of the 'Further Details' field for D2070 to include text which was erroneously removed at the time CSD0301 v2.0 was implemented.

MOSL will need to update CSD 0301 and publish an updated version on its website.

Industry consultation and assessment

The Panel recommendation report highlights that there is a strict timeline for this change proposal given that the GDPR comes into effect on 25 May 2018. Although

¹ The proposal and accompanying documentation is available on the MOSL website at <https://www.mosl.co.uk/market-codes/change#scroll-track-a-change>

there has not been a consultation on CPW034, the GDPR Issues Committee conducted an industry consultation prior to submitting its recommendation of changes required to align the Market Codes to data protection legislation. There were 17 respondents to that consultation, including ten wholesalers, six retailers and the Consumer Council for Water. The details of the consultation responses are set out in Appendix 1 of [CPW029](#) and [CPM007](#).

Subsequently, The Panel recommended that Ofwat approves the recommendations of the Panel and GDPR Issues Committee and a final decision to accept this was made by Ofwat on 30 March 2018.

The present change proposal (CPW034), is to ensure that CSD 0301 is reflective of the Panel's and GDPR Issues Committee's recommendations.

Panel recommendation

On 24 April 2018, the Panel met and considered CPW034. It decided that the change proposal was needed and stressed the urgency of this change. Subsequently, the Panel recommends that the Authority approves CPW034 on the basis of improving transparency.

Our decision

We have carefully considered the issues raised by the modification proposal and the supporting documentation provided in the Panel's recommendation report. We have concluded that the implementation of CPW034 will better facilitate the principles and objectives of the Wholesale Retail Code (WRC), detailed in Schedule 1 Part 1 Objectives, Principles and Definitions and is consistent with our statutory duties.

Reasons for our decision

Below, we set out our views on which of the applicable Code Principles are better facilitated by implementing this code modification.

Simplicity, cost effectiveness and security

The proposed change means that the Codes will continue to be consistent with the recommendation of the Panel and GDPR Issue Committee whose recommendations seek to ensure the data items comply with the GDPR. Following implementation of this change proposal, the codes will be consistent with the consultation set out in CPW029 and also the forthcoming GDPR provisions.

The Panel's recommendation report indicates that this modification is costless. Also, there are no anticipated impacts on trading parties or CMOS.

Transparency

Ensuring flags are allocated to the correct data items (as recommended by the Panel and GDPR issues committee) means that trading parties are appropriately notified which items have a risk of containing personal data, therefore improving upon transparency.

Decision notice

In accordance with paragraph 7.2.8 of the Market Arrangements Code, Ofwat approves this change proposal.

Emma Kelso,
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