

**63rd. Technical Panel Meeting
Approved Minute**

Present

David Sigsworth (DS) – CMA (TP Chair)
Neil Cohen (NC) – CMA (TP Secretary)
Jeremy Atkinson (JA) - CMA
Andrea Mancini (AM) – Commission
Belinda Oldfield (BO) – Scottish Water
Duncan Innes (DI) – Business Stream
Peter Strain (PS) – Castle
Mike Brindle (MB) – Water Plus Ltd
Ian Grundy (IG) – Pure Utilities
Tony March – AWBN
Fraser Gourlay (FG) – Earlsgate Water

Apologies

Amanda Hancock (AH) - CMA
Tom May (TMV) – Veolia
Paul Connelly (PC) – Blue Business Water
Lynda McKay (LMCK) – Three Sixty Water Services

1. Introductions and Minute

NC confirmed that no comments had been received on the minute. There were no further comments in the meeting and the minute was approved by the meeting.

2. Actions and Administrative Update

JA provided an update on the action log, noting that all outstanding actions had now been closed off.

JA noted that no proposals had been withdrawn or rejected since the last meeting.

JA noted that M CCP215, M CCP219 and M CCP220 had been implemented with the February Release and that O CCP056 had been approved.

JA noted that Commission Changes M CCP214 – CC and M CCP222 - CC had been implemented with the February Release and that M CCP227 – CC had been identified as a place-holder, to deliver any Market Code changes associated with the Disconnections and Temporary Transfer arrangements, currently being consulted on.

There were two new Bulletins issued since the last TP Meeting; BU122 for the February Release and BU123 for the 2016/17 RF dates. No Guidance Notes had been issued, and there were no changes to the TP meeting dates.

3. Change Proposals in Progress

DS noted that there were no change proposals in progress at this time.

4. New Change Proposals

MCCP221 GDPR

NC presented this MCCP and noted that AH had provided an outline of the process that had been adopted for this change proposal to the October MPF; namely that the drafting for changes to the documentation in the English market arrangements had been taken as a starting point for the Market Code drafting for GDPR and that, following the presentation to the December MPF of initial drafting, a workshop had been held in January 2018 with market participants. This proposal was now being presented to the TP for approval, following amendments arising from legal advice and from comments from the workshop. NC also noted that these comments, along with CMA responses had been issued to TP Members and workshop attendees.

NC provided a summary of the proposed drafting. The Market Code itself would be amended to include additional clauses, obliging Code Parties to comply with a new Schedule 25, which encapsulated the provisions for compliance with data protection legislation, as updated by the GDPR. NC noted that the scope of the proposal had been limited to data and data management that pertained directly to the proper operation of the Market code, noting that SW were bringing an outline proposal for Operational Code changes to the February 2018 MPF and that individual Code Parties may need to make their own provisions for any other data handling activities that they might be responsible for. NC also noted that the drafting identified Code Parties as Data Controllers, both joint and individual and that one of the Market Code clauses required Code Parties to ensure that any Data Processors that they may utilise for that purpose should be bound by these obligations. Finally, NC noted that the drafting had also identified specifically which data items might be relevant and these had been listed in the update to the Additional Services Schedule and in the MCCP itself.

NC also summarised the new Schedule 25. The key elements were; nominated contact points would be provided by the Delegated Authorities already identified for user interfaces, privacy impact assessments would be identified within the existing Impact Assessment pro-formas, the CMA would provide a Market Privacy Notice which would act as a template for any individual Privacy Notices that participants may need to provide and Data Subject rights would be respected via pro-formas and processes that should be initiated by the relevant LP, making use of existing administrative arrangements where practical. For report requests, provision from the CMA would be covered by an Additional Service, for corrections to data, the existing ERRA arrangements would be used and for any change to processing, including erasure, the change process arrangements would be used. NC also noted

that the Schedule included statements as to the required data security standards that were required and the breach notification processes.

DI asked how Market Personal Data could be distinguished from an individual Party's data. NC noted that Market Personal Data had been defined in the drafting and had also been explicitly identified in the Additional Services Schedule.

TM asked how a Data Subject request could be progressed if such request was put to an LP with no association with the Data Subject. NC noted that comments at the workshop had identified this issue and the associated issue of a Data Subject putting a request to, say, the CMA or SW. NC explained that the drafting had identified the formal and appropriate point of contact for a Data Subject, but that pragmatically, other Parties might sensibly facilitate the formal processes, as necessary. DS emphasised this point, noting that the arrangements needed a degree of pragmatism to support the formal position. MB suggested that the arrangements might be subject to a review in 6 month's time. This was accepted by the TP.

IG noted that erasure of a Data Subject's data was unlikely to be a practical proposition. NC agreed, but considered that the CP process would allow such a request to be considered and that partial acceptance of such a request might also be considered. NC explained that one of the underlying concepts for these arrangements was a balance between the legitimate interests of the market participants and those of the Data Subject and this would be the basis for any Data Subject request.

BO raised a number of potential drafting changes for the new Schedule, one set of which related to the timescales for the various Data Subject and notification processes and some associated with the wording of certain clauses. MB and FG expressed concern with the clause amendments, as these may inadvertently change the sense or scope of the obligations and they suggested that these proposed amendments could be brought forward at the 6 month review. TP Members were content that the timescale changes could be incorporated now and BO agreed to provide these to NC. NC also noted that in some instances the term 'Parties' appeared in the Schedule and this should be changed to 'Code Parties' as the MC defined term.

JA summarised the position as being that the TP were content to approve the proposal, subject to the timescale and defined term changes and that a review should be undertaken in 6 month's time, notwithstanding that any participant could put forward a change proposal to the April TP. DS asked for approval on this basis and approval was given unanimously.

AP449 BO to provide timescale updates for MCCP 221 Annex 1 (New Schedule 25 drafting).

- AP450** **NC to modify MCCC221 drafting with changes to timescales and from 'Parties' to 'Code Parties', where applicable and submit a Final Report to the WICS.**
- AP451** **NC to schedule a review of the GDPR arrangements for the August MPF.**

MCCC225 Landlord SPIDs

This proposal was presented by DI who talked the meeting through the proposal, noting that an associated Market Enhancement Project would be subject to funding approval from the CMA Board, on the basis that all LPs would benefit proportionately from the work. So far as the MCCC225 was concerned, DI noted that the details of the proposal were mainly encapsulated within the Indicative user requirements, allowing for both the creation and update of a Landlord SPID reference against a tenant SPID. DI drew the meeting's attention to two issues identified following the issue of the proposal to the TP. Firstly, the requirements had been further amended to allow for a default value of False to the flag identifying the need for a Landlord SPID reference, for new SPIDs. Secondly, the Market Code included a clause limiting the multi-occupancy arrangements to premises occupied at Go-Live. However, these arrangements continue to be used and such a limitation appeared to be inappropriate. DI agreed to bring forward a further change in April to correct this. DI also noted that, if this further change were approved in April, it could be incorporated into the delivery of MCCC225, anticipated to be in September 2018. On this basis the meeting approved the updated MCCC225.

- AP452** **NC to submit a Final Report for MCCC225 to the WICS.**
- AP453** **DI to bring forward a further change regarding Landlord SPIDs to the April 2018 TP.**

MCCC227 - CC SPID Suspension

NC noted that the title for this place-holder Commission Change would be revised, following initial discussions with the WICS and would forthwith be entitled; SPID Temporary Transfers.

AM explained that the WICS were currently consulting on the two interlinked issues of modifications to the disconnections process and arrangements at vacant premises and responses were due by 2018-02-28.

AM described the revisions to the disconnections process, which were intended to be more customer friendly and also to enable the processes involved to be moved into the Ops Code. The changes would also remove some of the limitations on

disconnection requests, enabling LPs to submit requests for temporary disconnection on the basis of non-payment and there were also changes to timescales and the scale of the associated finances.

AM also noted that the changes recognised that some services could not be disconnected and that once an LP had exhausted all steps to settle liabilities at a premises, if the premises were identified as vacant, a temporary transfer to SW could be undertaken. This would then give SW the right to take legal steps to seek settlement of outstanding liabilities and would give SW the rights to any new liabilities arising. For this to take place, the LP would need to provide evidence that all reasonable steps had first been taken, such as making contact with any responsible customer or landlord and having taken out a suitable legal inhibition against the customer or landlord, following a request for disconnection. AM also explained that the consultation described the pre-requisites for SW returning Temporarily Transferred SPIDs to the market and that the process would allow for customer choice, in particular that the Gaps Site allocation process would be utilised.

JA noted that the CMA had also issued a note presenting the CMA interpretation of how the Temporary Transfer process might take place and this had been illustrated via 4 scenarios. JA stressed that this note did not form part of the WICs consultation, however. JA went on to suggest that a workshop might be useful, once the note had been reviewed by participants. This was agreed.

JA asked when the Commission Change might come forward to the TP and DI asked when system changes would be delivered. AM anticipated that the Commission Change would come to the April TP and JA confirmed that system changes would be delivered in the September 2018 Release. AM also noted that, given this, any Temporary Transfers prior to system deployment might need to be back-dated to 2018-04-01 and thereafter could be on the date of a Temporary Transfer notification by SW. DI asked if this approach would be capable of dealing with a Temporary Transfer that was subsequently ended, all being prior to system deployment. BO noted that, typically, these arrangements would relate to long term vacant premises.

MB suggested that an assessment might be prudent, to ensure that these complicated changes were worthwhile and of net benefit. AM considered that, even without this particular initiative, changes would in any event be required.

AP454

NC to schedule a workshop to discuss the practical processes associated with Temporary Transfer, once details were understood.

5. Forward Planning Report

JA explained that the originally scheduled content for the September 2018 Release had now been moved to future timeslots and the September 2018 Release now comprised of the Temporary Transfer changes, along with Trading Party changes and the cost of the Release was estimated at the full budget allowance for a Release of some £250k.

6. Draft CMA Budget

JA reminded the TP that the CMA Board had approved the issue of this draft budget for TP review and that the board, at its next meeting (in March) would give due consideration to any TP observations, as part of the budget approval process. JA also noted that the budget remained similar to last year, since the CMA continued to require the capability for 2 Releases and one hot-fix for the year.

DS confirmed that comments should be provided to the CMA by 15th March 2018.

AP455 ALL to provide any comments to the CMA on the draft CMA Budget by 2018-03-15.

7. Any Other Business

New Licensed Providers

JA advised that ADSM had now received their License, but were not yet CMA Members, or active on the Central Systems.

Action Summary

Action	Subject	Update
<i>From the minute of the 62nd Meeting (14th December 2017)</i>		
AP444	AH to prepare final report and forward MCP215 to WIC for consultation.	Complete
AP445	AH to prepare final report and forward MCP219 to WIC for consultation.	Complete
AP446	AH to prepare final report and forward MCP223 to WIC for consultation.	Complete
AP447	AH to prepare final report and forward OCCP056 to WIC for consultation.	Complete
AP448	NH to draft an email with list of requirements for the CMA to issue. AH to collate responses and circulate to SW.	Complete
<i>From the minute of the 63rd. Meeting (15th February 2018)</i>		
AP449	BO to provide timescale updates for M CCP 221 Annex 1 (New Schedule 25 drafting).	

Action	Subject	Update
AP450	NC to modify M CCP221 drafting with changes to timescales and from 'Parties' to 'Code Parties', where applicable and submit a Final Report to the WICS.	
AP451	NC to schedule a review of the GDPR arrangements for the August MPF.	
AP452	NC to submit a Final Report for M CCP225 to the WICS.	
AP453	DI to bring forward a further change regarding Landlord SPIDs to the April 2018 TP.	
AP454	NC to schedule a workshop to discuss the practical processes associated with Temporary Transfer, once details were understood.	
AP455	ALL to provide any comments to the CMA on the draft CMA Budget by 2018-03-15.	