

| | | | |
|------------------------|---|----------------------|--------------|
| Modification proposal: | Balancing and Settlement Code (BSC) P398: Increasing access to BSC data (P398) | | |
| Decision: | The Authority ¹ directs that this modification be made ² | | |
| Target audience: | National Grid Electricity System Operator (NGESO), Parties to the BSC, the BSC Panel and other interested parties | | |
| Date of publication: | 3 February 2021 | Implementation date: | 24 June 2021 |

Background

In June 2019 the Energy Data Task Force published its recommendations for how the energy sector can make better use of data³, one of the headline recommendations was for energy data to be treated as "presumed open" for all to have access to it. And that this must include an accompanying data triage process to provide robust governance with respect to potential sensitivities (for example privacy, and security).

The P398 code modification is contributing to the delivery of that recommendation. It will improve access to Balancing and Settlement Code (BSC) data, ensuring it is available unless there is a specific reason for it not to be. The proposal is closely aligned with Ofgem's own work to deliver the Energy Data Task Force recommendations, particularly relevant is our Data Best Practice guidance, which is currently available in draft form⁴.

The Modification requires changes to BSC Section H which form part of the European Electricity Balancing Guidelines (EBGL) terms and conditions⁵; therefore, P398 is submitted to Ofgem for approval.

¹ References to the "Authority", "Ofgem", "we" and "our" are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work. This decision is made by or on behalf of GEMA.

² This document is notice of the reasons for this decision as required by section 49A of the Electricity Act 1989.

³ Energy Data Task Force report '[A Strategy for a Modern Digitalised Energy System](#)'

⁴ [Data Best Practice Guidance](#)

⁵ EBGL document: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2017.312.01.0006.01.ENG&toc=OJ.L:2017:312:TOC#d1e1745-6-1

The modification proposal

The modification proposal (“the modification”) will improve access to BSC data by adopting the approach that all data should be made available unless there is a specific reason for it not to be. This is a change to the current arrangements where BSC data is assumed not to be accessible.

To facilitate this change the modification proposes a triage process for data requests whereby they can be checked against the following criteria: consumer privacy, negative consumer impact, security or commercial impact.

Once triage has taken place the data requested will be classified into one of the following categories:

- Open – Available for all to use, modify and distribute with no restrictions;
- Public – Publicly available but with some restrictions on usage;
- Shared – Available to a limited group possibly with some restrictions on usage; or
- Closed – Only available within a single organisation

In order to make data accessible, Elexon, who manage the BSC, will apply mitigating actions to the data so that it can be released. Mitigation methods include, but are not limited to; redaction, anonymization, aggregation, limitation, noise, delay, differential privacy, shift/rotate, randomisation and normalisation.

Before deciding whether requested data should be released Elexon will issue a consultation to industry for a maximum of 15 working days. If an organisation does not respond it is deemed as approval. An appeals process is also proposed for the decisions made after the triage is completed. Appeals can be made by any BSC or non-BSC parties and are raised via Elexon. A periodic review of the arrangements to release data will be conducted at least once every 24 months. Classifications and mitigations of data will also be reviewed at BMRS (Balancing Mechanism Reporting Service) Change Board or the Panel’s discretion.

There is no fee associated with the service given that data is made freely available to all once released.

BSC Panel⁶ recommendation

Elxon recommended to the BSC Panel (the Panel), at its meeting on 12 December 2019, that the Modification should be made in order to increase access to BSC data. The Panel agreed to raise the Modification Proposal in accordance with Section F2.1.1(d)(I)⁷. The Panel consulted on the modification on 24 August 2020 and received 9 responses that broadly supported it.

The Panel considered the modification and consultation responses at its meeting on 10 December 2020. The Panel published its Final Modification Report⁸ (“the FMR”) on 17 December 2020. The FMR sets out the Panel’s reasons for its decision in full.

The BSC Panel agreed unanimously that the modification will better facilitate Applicable BSC Objective (c) compared to the current baseline. The FMR says that if information asymmetry (perceived or otherwise) is removed and data is made available, it will lead to a level playing field, and therefore greater competition. The Panel therefore recommends that the modification is approved.

The Panel unanimously agreed that the modification will impact on the EBGL Article 18 terms and conditions⁹. The FMR says that these changes are consistent with the EBGL objectives as it fosters competition and ensures transparency.

Our decision

We have considered the issues raised by the modification and the FMR. We agree with the Panel’s recommendation and the reasons provided for it in the FMR. We have also considered and taken into account the responses to the industry consultation(s) which are attached to the FMR¹⁰. We have concluded that:

⁶ The BSC Panel is established and constituted pursuant to and in accordance with Section B of the BSC and [Standard Special Licence Condition C3 of the Electricity Transmission Licence](#) available.

⁷ [P398 ‘Increasing access to BSC data’](#)

⁸ P398 Final Modification [Report](#)

⁹ EBGL document: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2017.312.01.0006.01.ENG&toc=OJ:L:2017:312:TOC#d1e1745-6-1

¹⁰ BSC modification proposals, modification reports and representations can be viewed on the [Elxon website](#).

- implementation of the modification proposal will better facilitate the achievement of BSC objectives (b) and (c);¹¹ and
- implementation of the modification proposal is consistent with the EBGL objectives;¹² and
- directing that the modification be made is consistent with our principal objective and statutory duties.¹³

Reasons for our decision

We consider this modification proposal will better facilitate BSC objectives (b) and (c) and has a neutral impact on the other objectives.

(b) the efficient, economic and co-ordinated operation of the national electricity transmission system

We consider that the modification will have a positive impact on objective (b). That conclusion was not shared by the majority of the Panel who decided that it would have a neutral impact. We agree, however, with the view expressed by the minority of Panel members that access to more open data will lead to greater innovation and opportunities for the Energy market. That is because we expect greater availability of data to improve transparency and accountability and therefore efficiency.

(c) promoting effective competition in the generation and supply of electricity, and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity

We agree with the Panel that P398 would be positive in relation to Applicable BSC objective (c) and the reasoning it provided in the FMR for that conclusion. We agree that the removal of information asymmetry (perceived or otherwise) to make data available will lead to a level playing field and therefore greater competition.

¹¹ As set out in [Standard Condition C3\(3\) of the Electricity Transmission Licence](#).

¹² EBGL document: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2017.312.01.0006.01.ENG&toc=OJ:L:2017:312:TOC#d1e1745-6-1

¹³ The Authority's statutory duties are wider than matters which the Panel must take into consideration and are detailed mainly in the Electricity Act 1989.

We note that the proposed legal text amendments include changes which affects the terms and conditions¹⁴ related to balancing required under Article 18 of the EBGL¹⁵. We feel that the modification P398 is consistent with these terms and conditions by providing improved transparency as per as per EBGL Art 3 (2)(b) 'ensure transparency'. This is in agreement with the Panel.

Decision notice

In accordance with Standard Condition C3 of the Transmission Licence, the Authority hereby directs that modification proposal BSC P398: 'Increasing access to BSC data' be made.

Helen Crooks
Chief Data Officer

Signed on behalf of the Authority and authorised for that purpose

¹⁴ Mapping of EBGL Article 18 National Terms and Conditions requirements to the existing GB Electricity Market frameworks can be found at:
<https://www.nationalgrideso.com/document/146936/download>

¹⁵ EBGL [documentation](#)