Data sharing policy relating to NIC/NIA/SIF projects

1. Background

Following revisions to the Network Innovation Allowance ("NIA") and Network Innovation Competition ("NIC") Governance documents which were published by OFGEM on 30 June 2017 (for NIC) and 19 March 2021 (for NIA), OFGEM has introduced a requirement for NESO to make available: (i) certain network and consumption data gathered by NESO in the course of a NIC-funded project; and (ii) all data gathered by NESO in the course of a NIA-funded project. The Strategic Innovation Fund ("SIF") Governance document published on 25 August 2021 also introduces a requirement for NESO to make available all data gathered or created by NESO in the course of a SIF-funded project.

The purpose of this data sharing policy is to make clear how such data can be requested by interested parties, and the terms on which such data will be made available by NESO.

2. NESO data available for sharing

This policy applies to data arising in the course of a NIC- or NIA- or SIF- funded project which is not commercially confidential or sensitive. In accordance with the dissemination requirements of the NIC/NIA/SIF governance framework, NESO already publishes much of the data arising from our NIC/NIA/SIF projects. You may wish to check our website before making an application under this policy, in case the data which you are seeking has already been published.

3. Consumer interest requirement, or specific reasons to reduce availability

Under NIA, we treat all data within NIA projects as open to all on request by default unless we determine and can demonstrate that it is not in consumers' interests to do so, or that there are other regulatory or commercial reasons not to do so.

Under SIF, all data within SIF projects is "presumed open", which means that data must be made available for all people to use, unless we provide evidence of a specific reason for needing to reduce its availability (e.g. to protect individuals' rights to privacy).

Under NIC, OFGEM requires NESO to release network and consumption data to which this policy applies only if the party requesting it can demonstrate it is in consumers' interests to do so.

Any applicant will have to explain and evidence why the release of the data would satisfy this criteria.

Assessment of the consumer interest requirement is multi-factorial. Relevant factors are likely to include (but are not limited to):

• the purpose for which the data is requested and how the data is going to be used;

• whether the outcomes of the applicant's analysis will be fully published and available without payment;

• whether such release could lead to distortion of markets; and

• whether such release could compromise the safety or security of the electricity or gas network.

Unethical, premature or opportunistic applications will not meet this criterion.

4. Data Anonymisation

In order to comply with the requirements of data protection law, NESO reserves the right to anonymise any personal data comprised in the data to which this policy applies by removing or redacting any individual identifiers such as names, addresses, telephone numbers and the like prior to releasing the data to the applicant.

5. Commercial confidentiality or sensitivity

Preserving the confidentiality of the data is of paramount importance. NESO reserves the right to redact and/or aggregate any data made available under this policy for reasons of commercial confidentiality, regulatory reasons or any other sensitivity.

NESO also reserves the right to require that the applicant enter into a non-disclosure agreement prior to release of the data.

6. Payment

NESO reserves the right to require the applicant to make a reasonable payment prior to release of the data to cover the costs associated with anonymisation, redaction or aggregation of the data.

7. No liability

All data released under this policy is provided "as is". Any applicant using data released under this policy does so entirely at its own risk.

Neither NESO nor any other members of its Group and their agents, servants or contractors makes any representation, warranty or undertaking, express or implied, in relation to the completeness and or accuracy of such data and do not accept any liability for the completeness or accuracy of the data. In particular neither NESO nor the other members of its Group, nor their directors, employees, agents, or contractors shall be liable for any error or mis-statement or opinion on which the recipient of the data relies or seeks to rely other than fraudulent statements or fraudulent misrepresentation. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law.

8. Application Process

This section describes the process that interested parties wishing to obtain access to data under this policy must follow.

8.1 Informal contact

It is recommended that the prospective data user first contacts the relevant NESO innovation manager by e-mail at innovation@uk.nationalenergyso.com to discuss informally the feasibility of the proposed data request.

8.2 Application Form

Applications for the release of data under this policy must be made using the NESO NIC/NIA/SIF Data Sharing Application Form, which can be found in the Annex to this policy.

The completed application should be sent by e-mail to the e-mail address set out above and must clearly contain the words "NIC/NIA/SIF Data Sharing Application" in the subject line. Please note that failure to send applications to the correct e-mail address with the correct subject line may result in applications not being received or the evaluation of applications being delayed. Failure to complete the application form properly may result in the application being refused. The identity of applicants may be disclosed to OFGEM.

8.3 Evaluation of the application

Applicants should allow time for the application review process. NESO will endeavour to inform the applicant of the outcome of the application within a reasonable period following submission. Where the application is refused, NESO will inform the applicant of the reasons for the refusal and in respect of NIA, identify and deliver a de-sensitised version incorporating the minimum number of changes.

NESO reserves the right to seek further information from the applicant in respect of an application.

8.4 Data Release

Data will be supplied in the format in which it is held by NESO.

Use of the data is limited to the specific purpose(s) identified in the application form. Use of the data for other purposes will require a new application.

8.5 Re-submission

Should an application be refused, the applicant is welcome to make the appropriate changes and submit a new application.

The revised application should identify how NESO's concerns have been addressed.

Annex to NIC/NIA/SIF Data Sharing Policy

NESO/NIC/NIA/SIF Data Application Form

1. APPLICANT

Applicant's name	
Name of key contact:	
Address:	
Telephone:	
Email:	

2. CO-RECIPIEENTS

Name of co-recipient	Key contact	Position in organisation	Email address

3. DATA REQUESTED

4. PREVIOUS NIC/NIA/SIF DATA APPLICATIONS

If you or any of the co-recipients have previously applied for the data specified in section 3 above from any other Network Licensee, please give details:

Main applicant:	
Application date:	
Licensee to whom application was made:	
Outcome of application:	

5. PROJECT FOR WHICH THE DATA IS REQUIRED

5.1 PROJECT TITLE

5.2 PROJECT DESCRIPTION

Please attach a full description of the purpose/s for which the data are requested (maximum 4 A4 sides), including:

• Background

• Objectives

• Planned outputs/publications arising from the use of the data

• Why is the consumer benefit requirement satisfied?

• Where the project is part of a larger programme, details of that larger programme.