Intervention on GDPR & experience from Denmark

Steen Schelle Jensen
Head of Product Management
Data from smart meters is a key enabler for digitalisation
The digital (R)evolution

You cannot optimise what you do not measure!

Data for billing purposes

Improved and efficient utility operations and increased end-user engagement

Creating additional value

Basic Meter-to-Cash

Monthly

Yearly

Daily

Hourly

“Near time”

“Real time”
Value creation examples within district energy

- Reduction of peak loads
- Identification of faulty or misadjusted substations
- Enhanced user involvement
- Modelling of buildings
- Correct and accurate accounting
- Identification of heat and water loss
- Improved customer service
- Monitoring temperature levels in the distribution network
Is smart meter data really personal data?

Smart meter data is an essential part of the digitalisation process

Article 29 Working Party has concluded that smart meter data is considered personal data and is therefore covered by the GDPR

The Article 29 Working Party is an advisory board of representatives from the data protection authority of each EU Member State, the European Data Protection Supervisor and the European Commission. Its main stated missions include providing expert advice, opinions and recommendations regarding data protection to MS, the Commission and the public.
Is end-user consent necessary?

Because smart meter data is personal data, processing it raises the question of the need for individual customer consent ...

... especially when meters are read more frequently than required for billing purposes and consumer information, e.g. on hourly basis

Knowing that end-user consent is an administrative burden

Knowing that lack of consent will have a negative effect on the data-based optimisation – not just for a specific building but also for the planning and distribution
The Danish Energy Agency and Department of Justice has looked into whether legal basis for processing smart meter data can be found in Article 6 of the GDPR: **Lawfulness of processing**

In relation to smart meter data, points (e) and (f) of paragraph 1 of Article 6 are relevant.

They state that **processing of personal data is lawful to the extent** that:

(e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller;

(f) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party (...)
The Danish interpretation of Article 6 of the GDPR

In conclusion, the official Danish position states that the frequent data collection from heat meters can be done without customer consent as long as the energy supplier uses that data either in the interest of the public to save energy and minimise energy losses, or for the legitimate purpose of improving the energy efficiency of its operations.

A key point about the Danish conclusion is that although processing of personal data is allowed according to the above interpretation of Article 6, it may only take place if providers of smart metering solutions also comply with the fundamental principles set out in Article 5 on processing of personal data.
Five security principles

Five principles to ensure GDPR compliance

1. Encryption of data
2. Role-based access to data
3. Logging of activities
4. Multiple layers of security in the design
5. Contingency plan
The digitalisation of district heating should not become a question of what is more important – data privacy or energy efficiency. Inspired by the Danish interpretation, we believe that the two can co-exist.

Instead, focus should be on ensuring the right interpretation of the GDPR – the one that will enable both consumers, energy suppliers and the environment to reap its many benefits without tripping over good but conflicting intentions.

The lever will be full transparency of data processing, because ultimately, the GDPR is all about trust.
Think forward!

Steen Schelle Jensen
Head of Product Management
ssj@kamstrup.com