



midata

2012 review and consultation

#midata

#opendata

Contents

Contents	2
How to respond	4
Confidentiality and Data Protection	5
Foreword	6
By Norman Lamb, Minister for Employment Relations, Consumer and Postal Affairs ...	6
Executive Summary	8
Consultation on legislating to give consumers access to data in an electronic, machine readable form	10
Introduction.....	10
Form of legislative action.....	12
Which businesses are covered?.....	12
Who can request data?	13
Form and categories of data covered.....	14
Cost and timings.....	15
Enforcement	16
Other	17
Devolution	17
Review of midata	18
Background	18
International comparison and developments.....	19
Progress so far	21
Figure 1: TACT principles agreed by midata project boards	21

midata principles	21
Personal Data Inventory	22
Illustrative examples	22
Research	22
Business case	23
Release of data	23
London Green Hackathon	24
Next steps	24
Conclusions	25
Summary of consultation questions	26

How to respond

When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form.

For your ease, you can reply to this consultation online at:

<https://www.surveymonkey.com/s/midata>

Alternatively a copy of the consultation response form is available online at:

<http://www.bis.gov.uk/assets/biscore/consumer-issues/docs/m/12-943rf-midata-2012-review-and-consultation-form>.

If you decide to respond this way, the form can be submitted by letter, fax or preferably by email to:

craig.belsham@bis.gov.uk or midata@bis.gsi.gov.uk

Craig Belsham,
Head of Consumer Empowerment,
Department for Business, Innovation and Skills,
1 Victoria Street,
London,
SW1H 0ET

Tel: 020 7215 5884

Fax: 020 7215 2234

The consultation closes on 10 September 2012.

You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from:

BIS Publications Orderline, ADMAIL 528, London, SW1W 8YT

Tel: 0845-015 0010

Fax: 0845-015 0020

Minicom: 0845-015 0030

www.bis.gov.uk/publications

Confidentiality and Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Foreword



The Government launched the consumer empowerment strategy, *Better Choices Better Deals: Consumers Powering Growth*, in April 2011. The strategy set out ways for Government and others to help give consumers more power in a rapidly changing and complex economy. A key project in the strategy is 'midata' which aims to give consumers more control and access to their personal data. This is one important way of giving power back to consumers so they are better able to get the best deals for themselves, individually and collectively.

In these difficult economic times, providing people with the means to make the very most of their income is more important than ever. So a major part of the strategy's focus is on unlocking sources of information and making it easier for consumers to use it. As a means of achieving this, the midata programme has been one of the strategy's flagship initiatives.

Just over one year on from the publication of the strategy, I am pleased to be publishing an update on progress on midata and consulting on proposals to provide it with a statutory underpinning.

Technology has allowed businesses to understand their customers' needs and buying patterns to an unprecedented degree. At the moment consumers are at a disadvantage because the vast majority of them do not have the ability to use that same data to help their own decisions. The midata programme aims to redress this imbalance.

Under Professor Shadbolt's Chairmanship progress has been made, with businesses, consumer groups, regulators and Government agreeing core principles about data release, commissioning research into customer attitudes and beginning work on important questions about privacy and security. The energy sector has been leading the way, beginning to give customers access to their transaction data in a portable, machine-readable form.


Giving people access to their own data in this way has the potential to open up a wealth of opportunities for consumers and the whole UK economy. Consumers who make decisions based on better information reward the most efficient and productive parts of the economy. Competition and consumer choice drive businesses to produce more efficiently and to innovate. midata can encourage sustainable economic growth by facilitating a 'race to the top' by companies in terms of value and service. midata will also drive growth in the UK by stimulating the innovation of new

infrastructure, software, tools, services and businesses that help individuals gather, store, manage, use and share their own information. These are growing international opportunities that UK businesses should exploit.

Throughout the world a shift is already occurring towards a different approach to personal data, which recognises the value of data to the consumer as well as to business. New models and applications are appearing all the time. As the Government's complementary work on transparency and opening up of public data shows, if a truly useful dataset is made available, there is no shortage of innovators able to devise new uses for it or people eager to make use of new applications.

There is evidence of encouraging progress, but there is much more to do. The Government wants to unlock the huge potential that the midata programme has revealed and give the UK the chance to be at the forefront of this emerging market. We have therefore decided to consult on taking powers to give consumers the right to access their data in portable, machine-readable form. In the digital age this will provide the foundation for applications and services that will benefit business and consumers alike.

I would encourage interested businesses, consumer groups, regulators and members of the public to help shape the midata work by responding to this consultation.

A handwritten signature in black ink, appearing to read 'Norman Lamb', with a horizontal line underneath.

Norman Lamb

Minister for Employment Relations, Consumer and Postal Affairs

Executive Summary

1. We are living in the Information Age. Every day more and more data is being generated which contains information about the choices that we make. Businesses use this data to develop new products and services, but so far consumers have not been able to access it or use it easily. midata helps give power back to consumers. Giving consumers access to data about their previous consumption/transactions, and thus their purchasing and consumption behaviour, can help them make better decisions in the future. The midata programme is an important part of the Government's work to unlock the power of information.
2. Giving people access to their own data in this way has the potential to open up a wealth of opportunities for consumers and will benefit the whole UK economy:
 - Giving individuals information about their own transactions enables them to utilise the growing number of applications that can use or analyse this data to find a better deal, make savings, find services better suited to their needs or tell them useful things about their spending habits.
 - midata also creates opportunities for new markets to develop where businesses help consumers use their data to make better consumption decisions and lifestyle choices. Services to help consumers use their data are emerging as a business sector in its own right, creating a direct source of new jobs and tax revenues. Access to data in a usable format will ensure that the UK is well placed to take advantage of what is a strong potential growth market.
3. Consumers are keen to get better value by switching providers for a range of products but at the moment the difficulties created by complex processes dissuades many from doing so. For example, the Big Switch run by Which? and 38 Degrees attracted almost 290,000 people to sign up but the number who provided extra data needed to complete a switch was lower. Just over 165,000 people inputted their tariff and consumption information. The final number of people switching was over 37,000. midata would have given the rest all the information they needed at their fingertips, and could have significantly reduced the number of people who dropped out.

4. Increased data transparency and greater consumer choice will help promote innovation and competition and could also have a deregulatory effect. By giving people access to their data in a format which is machine readable it may be possible to avoid the need for some types of regulation, for example, specifying product characteristics.
5. Since the launch of *Better Choices Better Deals: Consumers Powering Growth* the midata programme has proceeded on a voluntary basis. The midata programme has shown how consumer empowerment through data release can operate. Progress has been made on establishing a vision and principles. We understand better the current consumer and business perceptions and the need for safeguards when consumers use their data. And we have started to see data made available.
6. This initial promise has convinced the Government that more should be done to unlock the benefits of this data revolution. That is why we are consulting on the possibility of taking an order making power. If utilised, this will compel suppliers of services and goods to provide to their customers, upon request, historic transaction data in a machine readable format. The requirement would only apply to businesses that already hold individuals data electronically.³
7. The rest of this document is structured as follows:
 - Section 1 contains the consultation on the option of taking an order making power
 - Section 2 sets out an update on the progress of the midata programme during the past year.
 - The Annex provides a table of the consultation questions

³ The Government is minded to include micro-businesses in the definition of individual consumers as defined by European Commission Recommendation 2003/361/EC, as a business with less than 10 employees

Consultation on legislating to give consumers access to data in an electronic, machine readable form

Introduction

1.1. The Coalition set out in its programme for Government:

"We need to promote more responsible corporate and consumer behaviour through greater transparency and by harnessing the insights from behavioural economics and social psychology."

1.2. The Government believes the midata programme has the potential to help both consumers and businesses in a number of ways:

- Consumers will be better able to exercise choice. With access to their transaction data, consumers will be able to make better informed decisions and choose those products which offer them the best value. This in turn will reward firms offering the best value in particular markets, allowing them to win more customers and so drive competition.
- Businesses will be given a platform for innovation. With the increasing availability of data, new mobile applications are being developed which promise to help consumers by providing them with targeted information to help them make better decisions. midata promises to further boost innovation as new ways are developed to use the data that will become available.
- midata will create opportunities for new markets to develop. Businesses that help consumers use their data to make better consumption decisions and manage their lifestyle choices will emerge. Access to data in a usable format will ensure that the UK is well placed to take advantage of what is a strong potential growth market. Indeed, evidence from other countries, including the US' "Smart Disclosure" programme and the World Economic Forum's work on personal data, shows that genuine opportunities exist for insight and innovation as a result of opening up data.
- Increased data transparency could also have a deregulatory effect by facilitating greater consumer choice. Giving people access to their consumption data in a format which is machine readable may make it possible to avoid the need for some types of market interventions by regulators, for example specifying product characteristics. This would mean that the midata initiative could have an overall deregulatory impact.

- 1.3.** In the last year progress towards these goals has been made using the voluntary approach to the midata programme, but the Government is keen to move more quickly to open up the opportunities for growth and innovation. As such, we are consulting on granting an order-making power to enable us to require certain consumption data to be released electronically at the consumer's request.
- 1.4.** The power would grant the Secretary of State the power to compel suppliers of goods/services to supply, at a consumer's request, personal transaction data relating to their purchase/ consumption of products and services from that supplier in a machine readable format.
- 1.5.** Individuals are already able to request access to personal information that a business holds about them under the Data Protection Act 1998 (DPA). However, whereas the DPA simply requires them to communicate it in "an intelligible form", with discretion about precisely what form that is the new requirement would be to provide it in a machine readable commonly used open standard format.
- 1.6.** This proposed new requirement will be much more targeted approach than the DPA currently mandates. Our view is that the requirement:
- would only relate to transaction data relating to a consumer's purchase/ consumption of products and services from that supplier;
 - would only cover factual information, for example what a consumer bought, where they bought it, how much they paid for it etc.;
 - would not cover any subsequent analysis that the data holder has undertaken on the information;
 - would only apply to businesses that already hold this information electronically and it will only have to be released if requested by consumers. Businesses would not be required to collect any new information.
- 1.7.** As part of its work to introduce Smart Meters⁴ that will provide greater accuracy and energy consumption detail, the Department of Energy and Climate Change (DECC) is considering issues relating to privacy and data access. The Government will ensure that any regulatory provisions that are put in place affecting the energy sector will be fully compatible with those regulatory provisions created for the roll-out of Smart Metering.

⁴ http://www.decc.gov.uk/en/content/cms/tackling/smart_meters/smart_meters.aspx

- 1.8.** We are seeking input in a number of areas on the proposal in order to help get the details right and enable an implementation that will be as future proof as possible.
- 1.9.** We should be grateful for your views on the questions below by 10 **September 2012**.

Form of legislative action

- 1.10.** The Government is not seeking to require the release of data electronically at this stage, and instead is proposing to take a power to do so. The Secretary of State would then have to make an order to give effect to the power. An order making power, if utilised, would compel suppliers of services and goods to provide to their customers, upon request, historic transaction/ consumption data in a machine readable format. The requirement would only apply to businesses that already hold this information electronically about individual consumers.
- 1.11.** Data would only have to be released electronically at the request of the consumer and would be restricted to an individual's consumption and transaction data, since in our view this can be used to better understand consumers' behaviour. It would not cover any proprietary analysis of the data, which has been done for its own purposes by the business receiving the request.

Question 1

Do you agree with the principles of midata? Have you any comments on the proposed approach?

Which businesses are covered?

- 1.12.** At the moment the Government is considering a general power that might be exercised broadly or in a more targeted way, for example, a particular sector (regulated or otherwise) or by exempting certain categories of business such as SMEs. This approach is more flexible to take account of progress made under the voluntary midata programme. The current proposal is that the requirement would only apply to those businesses that hold data electronically.
- 1.13.** It is not our intention that this legislation should apply to the public sector. This is not because the Government sees a difference in principle between private and public sector held personal data but because there is already action underway in this area, as explained by the recent publication of the Open Data White Paper.

Government departments have published “Open Data Strategies”⁵ which set out programmes for providing access to both aggregate and personal data. We will be working with the Transparency Team in the Cabinet Office to ensure complementary paths are followed for the private and public sector.

Question 2

Do you have a view on whether particular sectors or types of business should or should not be covered?

Who can request data?

- 1.14.** The Government is minded to give consumers the right to request their personal transaction data in electronic format; the Government also intends to allow certain categories of small business to request the same information in electronic format. Where supply of a good or service is provided to a household, the Government intends that individuals named on the account could seek that information in full in electronic format. All parties will continue to be subject to the existing requirements and principles of the Data Protection Act 1998 when handling this data.
- 1.15.** The midata programme has been considering issues of privacy and consent in relation to data sharing. Research shows these are areas of consumer concern and that information security important to both business and consumers. The Government is working with the midata participants to address these issues.

Question 3

What is your view on the likely impact of the proposed approach on privacy, consent and information security and the implication for data protection?

Question 4

What is your view on who should have the right to request data?

Question 5

Some consumers already shop around, though may not always switch to the best deal for them. What additional proportion of consumers is likely to be empowered

⁵ <http://www.cabinetoffice.gov.uk/content/open-data-white-paper-and-departmental-open-data-strategies>

by this data?

Question 6

What types of new services might be offered by intermediaries (such as price comparison websites) and what could be the value of this new market?

Question 7

Should a consumer be able to require the business to supply the data in electronic format directly to a specified third party?

Question 8

Should a third party, who is duly authorised by the consumer, be able to seek the consumer's data in electronic format directly from the supplier?

Question 9

What, if any, requirements should be placed on the secondary users of such data, albeit under the direction of consumers e.g. switching and advice sites?

Form and categories of data covered

- 1.16.** The midata vision sets out a number of principles; it focuses on "...information or data that may be actionable and useful in making a decision or in the course of a specific activity" and expects that data that is released will be "...in reusable, machine readable form in an open standard format". The aim is to ensure the data is disclosed in a commonly used machine readable format in ways that fully protect consumer privacy. This will mean that it is easy for intermediaries to develop services and products which help consumers by analysing their data for them. The Government sees this as an area for potential growth and innovation.
- 1.17.** Some other information that might not be considered personal to an individual consumer may be needed to make an effective comparison and/or choose a product or service; for example, terms and conditions and warranties. The Government believes there may be a case for also making this information readily accessible and machine readable, as it would reduce the costs of providing effective comparison and would aid transparency more generally.

Question 10

The Government is minded to require businesses to give their customers access to transaction and consumption data, in order to help them better understand their behaviour.

a) *What types of data would be most helpful?*

b) *Over what period should the data refer to?*

Question 11

Should other types of information, such as warranties or terms and conditions, be included?

Question 12

Should the Government specify a particular electronic format beyond a machine readable open standard format in which the data has to be supplied?

Cost and timings

- 1.18.** For midata to work well the data needs be made available to the consumer in electronic format as quickly as possible following a request (maybe immediately) and as inexpensively as possible. This will minimise friction and ensure that consumers are able to access meaningful data at the point it is most useful to them. This requirement will only cover data that is already held electronically at the time of the request so we expect that the time needed to respond to a consumer's request will be short – in many cases instant.
- 1.19.** The Government believes that while there are likely to be initial set up costs the marginal cost of complying with requests for data should be low because the requirement will only apply to data already held electronically. For this reason our preference would be that data is supplied at no cost. We are collecting evidence on the costs to business of compliance with such an order, given that the data to be covered will already be held in an electronic format.

Question 13

Should data be made available immediately (e.g. at the click of a button) or should the Government specify a period within which data must be released electronically following a consumer's request? If the latter what would be a reasonable period within which data must be released?

Question 14

Please provide information about costs:

- Where your business already collects the relevant data, please estimate:

a) *additional one- off costs of making the data available in an open standard*

format (such as, purchasing new IT, hiring IT staff)

b) additional ongoing costs (such as, of additional staff)

c) If not already stated, please state here the approximate number of customer accounts that these costs are estimated for, for example, number of UK accounts.

Question 15

Should businesses be permitted to charge a consumer for providing them with the data in electronic format?

Question 16

Should any such charges be constrained by legislation? If so, do you have a view on how a maximum charge should be set or adjusted?

Enforcement

- 1.20.** There are a number of different enforcement bodies that might be involved in enforcing midata. Data protection is enforced by the Information Commissioner's Office (ICO), whilst the Office of Fair Trading (OFT), Trading Standards and sector regulators currently enforce consumer protection law.
- 1.21.** The Government is considering who would be best placed to enforce the proposed new requirement. The Government does not feel it is necessary to create a new body for this purpose, nor to impose new criminal sanctions for a breach of the duty but it does believe a body will need to have responsibility for enforcement of the duty. Without this there may not be sufficient incentive for firms to comply with the requirement and it may also deter consumers from requesting their data in the first place, if they believe they will have no effective recourse if their request is not answered.
- 1.22.** The Government is seeking views on which bodies should be able to enforce, including which, if any, body should be the lead authority, and on how the duty should be enforced. Options include the ICO, consumer protection bodies and sector regulators.

Question 17

Which body/bodies is/are best placed to perform the enforcement role for this right?

Question 18

Should the Government specify a lead enforcement body?

Question 19

How should the right be enforced by any such body? Will they need any new powers to enable them to enforce it?

Question 20

What examples of existing regulatory actions could be reduced, or removed, if the power being consulted on was exercised?

Question 21

Should a consumer be able to launch independent action (and, if so, what sort of action) in relation to non-compliance with the duty?

Other

- 1.23.** The Government has issued this consultation to check that it has identified the key issues and risks that might arise as a result of exercising a power to require certain data to be released electronically. As such:

Question 22

Do you foresee any risks or undesirable consequences from exercising a power to require certain data to be released electronically?

Devolution

- 1.24.** The Government would wish the power to be able to be exercised in relation to the whole of the United Kingdom. The Government is continuing to discuss the proposals with the Devolved Administrations.

Review of midata

Background

- 2.1.** In April 2011 the Government announced the consumer empowerment strategy, *Better Choices: Better Deals; Consumers Powering Growth*, and midata was part of that strategy. The aim of the midata programme is to give consumers access to their transaction data in a way that is electronic, portable and safe.
- 2.2.** midata recognises and supports the principle of individuals using their own customer information to gain an insight into their own behaviour, make more informed choices and better decisions, to manage their affairs more efficiently, and to obtain the products and services that best meet their needs.
- 2.3.** During the past year midata has been a voluntary partnership between the UK Government, businesses, consumer groups, regulators and trade bodies.
- 2.4.** midata is part of the Government's growth agenda; it will help achieve economic growth by improving information sharing between organisations and their customers, sharpening incentives for businesses to compete keenly on price, service and quality, building trust and facilitating the creation of a new market for personal information services that empower individuals to use their own data for their own purposes.
- 2.5.** The Government expects that the data released will help stimulate new markets offering personal data management services. These are likely to include:
 - Services that help individuals understand their own consumption behaviours and patterns and help them change them for the better.
 - Services that use an individual's data to help them make more informed purchasing decisions.
 - Services that combine personal and other data from a range of different sources for use by the individual and by organisations to offer new goods and services. Mavia is an example of a company that provides this sort of service as it allows users to connect their car to online or mobile accounts and then

monitor their usage – this ranges from checking where their car is parked to assessing whether maintenance is needed to tracking its performance when it is being driven.⁶

- 2.6. The market for services based on data is predicted to be worth multiple billions of pounds in the future. There is an opportunity for the UK to be at the forefront in this field, giving UK-based companies a key advantage in these rapidly growing markets that have huge global potential.
- 2.7. The Government is leading the way by opening up data sets for its citizens. The *Open Data White Paper: Unleashing the Potential*⁷ was published on 28 June 2012 and sets out the Government's strategy for putting data and transparency at the heart of government and public services. The Government is making it easier to access public data; easier for data publishers to release data in standardised, open formats; and engraining a 'presumption to publish' unless specific reasons (such as privacy or national security) can be clearly articulated.
- 2.8. midata can be viewed as the private sector equivalent to these exciting developments in the public sector. Opportunities to bring the two programmes together are being considered, for example, through the selection of projects for support by the Open Data Institute.⁸

International comparison and developments

- 2.9. The midata programme has attracted considerable international interest and has influenced other international programmes. This is important and recognises that the potential uses and benefits of increased access to personal data already cross international boundaries and are likely to do so even more in the future.
- 2.10. In the US, a programme known as 'Smart Disclosure' is driving the release of public data in a standard, machine readable format.⁹ The programme also aims to release private sector data, the best example of this is in the energy sector with the Green Button initiative.
- 2.11. The chair of midata, Professor Shadbolt made a presentation on midata at a US White House summit on Smart Disclosure and also made a presentation in Brussels alongside Commissioner Neelie Kroes, meeting with her again when she headed an EU delegation visit to the UK which was focused on how to support growth and enterprise.

⁶ <http://www.mavizon.com>

⁷ http://www.cabinetoffice.gov.uk/sites/default/files/resources/CM8353_acc.pdf

⁸ The Open Data institute will be formally launched in autumn 2012. It will promote innovation and help develop skills to drive business opportunities that use open data.

⁹ <http://www.whitehouse.gov/blog/2012/03/30/informing-consumers-through-smart-disclosure>

- 2.12.** The programme has therefore helped other countries recognise the potential benefits of increased access to personal data: the US government, the European Commission, the World Economic Forum, French organisations and the business ministry in Denmark are all thinking about the opportunities offered by programmes similar to midata.
- 2.13.** The World Economic Forum has issued two reports¹⁰ on the subject of data release and has encouraged detailed thinking in the area through international “Tiger Teams” that focus on the business, legal and technical requirements for a personal data ecosystem to develop.

Green Button

Green Button is an industry-led initiative and part of the White House’s Smart Disclosure Programme. Green Button allows customers to download their personal energy data in a standard, electronic and portable format, simply by going to the Green Button website and clicking the download button. With this data, consumers can use digital services, some of which are available on the website to help them manage their energy consumption, and ultimately lower their bills.

30 million customers are expected to have access to their energy data, via Green Button, by the end of 2012. The programme is running ‘Apps for Energy’ challenges to help realise the potential of the data, for both consumers and the economy.

- 2.14.** In January 2012 the European Commission brought forward a proposed update to the data protection rules in the EU Data Protection Regulation.¹¹ This envisages the release of data in electronic format and includes the concept of “data portability” enabling individuals to move their electronic records to a new service provider.
- 2.15.** In France the FING think tank has created the ‘Mesinfos’ group to look at developments in personal data and is hoping to run a pilot whereby a range of different datasets from the private sector are available to explore the opportunities for new applications and services.

¹⁰ *Personal Data: The Emergence of a New Asset Class* (January 2011) (http://www3.weforum.org/docs/WEF_ITTC_PersonalDataNewAsset_Report_2011.pdf) and *Rethinking Personal Data: Strengthening Trust* (May 2012)

(http://www3.weforum.org/docs/WEF_IT_RethinkingPersonalData_Report_2012.pdf)

¹¹ http://ec.europa.eu/justice/newsroom/data-protection/news/120125_en.htm

Progress so far

- 2.16. We started by defining the midata vision. During the past year the midata programme has been established and chaired by Professor Nigel Shadbolt and has largely focused on three key sectors – energy, telecoms and finance. Initial discussions have also been held with the retail sector. Progress has been made in a number of key areas.
- 2.17. A number of goals were established around the key enabling concepts of transparency, security, access and innovation. The programme defined the initial vision and principles and adopted “TACT” (Transparency, Access, Control and Transfer) as key stages in the sharing of data.

Transparency	Access	Control	Transfer
Providers are open and transparent about what customer data they hold	Providers enable individual customers to have secure, personal access to data held about them.	Providers give consumers the ability to correct, update, change settings, preferences, permissions etc.	Data is released back to the individual for re-use. Data can be analysed and consumers can take action.

Figure 1: TACT principles agreed by midata project boards

midata principles

- 2.18. In November 2011 the Government vision for midata was published and 26 organisations signed up to work with the Government to help achieve that vision. The vision has at its heart 9 core principles:
 1. Data that is released to customers will be in reusable, machine-readable form in an open standard format.
 2. Consumers should be able to access, retrieve and store their data securely.
 3. Consumers should be able to analyse, manipulate, integrate and share their data as they see fit - including participating in collaborative or group purchasing.
 4. Standardisation of terminology, format and data sharing processes will be pursued as far as possible across sectors.
 5. Once requested, data will be made available to customers as quickly as possible.

6. The focus will be to provide information or data that may be actionable and useful in making a decision or in the course of a specific activity.
7. Organisations should not place any restrictions on or otherwise hinder the retention or reuse of data.
8. Organisations will work to increase awareness amongst consumers of the opportunities and responsibilities that arise from consumer data empowerment.
9. Organisations will provide customers with clear explanations of how the data was collected and what it represents, and who to consult if problems arise.

Personal Data Inventory

- 2.19.** A 'Personal Data Inventory' has been proposed, with the aim of giving consumers clear information about the types of data which organisations hold about them. This work is still in development by the midata programme participants, but broadly the proposal is that to gain access to their Personal Data Inventory, the customer would have to log-in to a secure website where the Personal Data Inventory would contain a simple explanation of each category of data and if, and how, the data can be accessed by the consumer. The Personal Data Inventory is likely to contain data such as address and contact details, existing tariffs/contracts, payment methods, items purchased, when, value, amount spent per year, usage data.

Illustrative examples

- 2.20.** A set of illustrative examples of possible uses for midata was devised to help bring the concept to life – recognising that there are a huge number of possible uses that we cannot predict. A full set is available on the midata webpages.¹²

Research

- 2.21.** The midata strategy board funded research into potential consumer demand for the midata concept and the services it would enable. The research identified an interest in new services that can help people manage their lives and budgets, as well as some public concern over the handling of personal data.

¹² <http://www.bis.gov.uk/midata>

- 2.22.** It is clear that there is genuine concern about how data is re-used after it is released to the consumer. There are existing protections in place through data protection, but as part of its work the midata programme has been considering whether additional systems or protocols are needed to provide protection and confidence in using the new services that midata makes possible.
- 2.23.** The midata participants have been considering new approaches to ensuring that consumers do not inadvertently give consent for their data to be used in ways they are not happy with. This is particularly relevant when they choose to share personal data with third parties providing a service. Work has begun on standard 'Information Sharing Agreements'.
- 2.24.** In addition, consumer and privacy groups, the Information Commissioner's Office, regulators and business representatives have worked together to look at hypothetical scenarios that could occur as a result of midata data being released from organisations to individuals in order to identify possible risks to consumers and how to address them.
- 2.25.** There is further work to do in this area and the midata programme is working with other Government projects (including DECC's Smart Metering Implementation Programme) to learn from their experience.

Business case

- 2.26.** An outline business case for midata has been developed by the participants in the programme, setting out the generic business benefits of a midata approach across different business functions.
- 2.27.** The business case work identified three categories of benefits:
- building trust via a reputation for honesty and openness and improved relationships with customers.
 - creating new opportunities to improve data quality and cut costs.
 - opportunities to create value through service enhancement and innovation. By helping individuals aggregate information about their lives and enabling them to share this information with chosen service providers, midata generates new insights into customer requirements and makes new information services possible. This helps to improve customer retention and acquisition.

Release of data

- 2.28.** Energy retailers have made the most progress in making data available: Scottish Power, Edf and First Utility now give their customers electronic access to their

transaction data and Npower, British Gas and Scottish & Southern Electricity will soon do the same. Many banks also have the facility for customers to download their bank statements in portable electronic form.

2.29. As well as making data available the energy sector has been leading developments:

- Energy retailers supported and participated in the London Green Hackathon in January 2012, where new applications were created in the field of energy saving
- A technical pilot by Scottish Power enabling electronic comparison and switching using midata principles
- Working with DECC, and Ofgem, to maximise the correlation and benefits from midata and smart metering
- Investigating scope for using QR (Quick Response) codes on statements as an instrument for data capture

Scottish Power

Scottish Power has launched its new service for online account holders. Neil Clitheroe, CEO of Scottish Power Retail and Generation, said: “We want to be open and transparent with consumer data, and build greater trust between ScottishPower and our customers. The midata concept is designed to empower customers when making decisions about their account, and we are pleased to have delivered on the commitment we made to customers at the Energy Summit last year.”

2.30. Recent innovations in the energy market such as collective purchasing have highlighted the importance of readily available data to make switching easier.

London Green Hackathon

2.31. To identify further the potential that data release unleashes and to seek examples of new services, the Government supported the London Green Hackathon. This was a weekend event that brought together a wide variety of data sets, developers and individuals with ideas for problems to be addressed.

Next steps

- 2.32.** These are encouraging developments and we will continue to push forward midata on a voluntary basis. But the Government thinks more can be achieved and, as we have set out above, there are important advantages for consumers and the wider economy from making faster progress. This is why we are exploring the option of taking an order making power that would enable us to compel suppliers of goods and services to provide their customers' transaction/ consumption data in a machine readable format.

Conclusions

- 2.33.** As this review shows, there has been progress in moving midata from a concept towards reality. Defining the vision and principles was a vital first step. Understanding current consumer perceptions was another important building block. Ensuring that appropriate safeguards are in place so that consumers are properly protected when they start to make use of their data will also be crucial.
- 2.34.** The midata programme has forged links with and learned lessons from wider Government work on transparency, open public data, ID assurance and the complementary public sector 'my data' programme.
- 2.35.** There are now practical, real-world examples of data being made available to customers. As data becomes increasingly available, more work is needed to catalyse the development of services that can transform this raw data into really useful tool for consumers.
- 2.36.** The Government is convinced that midata has real potential to help consumers, business and the UK economy. For this reason, the Government would like to see even faster progress over the coming year and has therefore decided to seek views on providing a legislative underpinning for the midata's vision. The first section of this document set out a proposal and series of questions on conferring a new power on the Secretary of State to give consumers the right to access their transactional and consumption data in a portable, machine-readable form. For convenience the questions are repeated in the following Annex.
- 2.37.** The Government welcomes responses from business, consumer groups, regulators and members of the public by 10 **September 2012**.
- 2.38.** The midata project team in the Department for Business, Innovation & Skills will also be hosting a series of consultation events before that date to give stakeholders additional opportunities to make their views known.
- 2.39.** For further information please contact midata@bis.gsi.gov.uk

Summary of consultation questions

Question 1: Do you agree with the principles of midata? Have you any comments on the proposed approach?

Question 2: Do you have a view on whether particular sectors or types of business should or should not be covered?

Question 3: What is your view on the likely impact of the proposed approach on privacy, consent and information security and the implication for data protection?

Question 4: What is your view on who should have the right to request data?

Question 5: Some consumers already shop around, though may not always switch to the best deal for them. What additional proportion of consumers is likely to become empowered by this data?

Question 6: What types of new services might be offered by intermediaries (such as, price comparison websites) and what could be the value of this new market?

Question 7: Should a consumer be able to require the business to supply the data in electronic format directly to a specified third party?

Question 8: Should a third party who is duly authorised by the consumer be able to seek the consumer's data in electronic format directly from the supplier?

Question 9: What, if any, requirements should be placed on the secondary users of such data, albeit under the direction of consumers e.g. switching and advice sites?

Question 10: The Government is minded to require businesses to give their customers access to transaction and consumption data, in order to help them better understand their behaviour.

a) What types of data would be most helpful?

b) Over what period should the data refer to?

Question 11: Should other types of information, such as warranties or terms and conditions, be included?

Question 12: Should the Government specify a particular electronic format beyond a machine readable open standard format in which the data has to be supplied?

Question 13: Should data be made available immediately (e.g. at the click of a button) or should the Government specify a period within which data must be released electronically following a consumer's request? If the latter what would be a reasonable period within which data must be released?

Question 14: Please provide information about cost:

- where your business already collects the relevant data, please estimate:

- a) additional one- off costs of making the data available in an open standard format (such as, purchasing new IT, hiring IT staff); and
- b) additional ongoing costs (such as of additional staff)
- c) if not already stated, please state here the approximate number of customer accounts that these costs are estimated for. For example, number of UK accounts

Question 15: Should businesses be permitted to charge a consumer for providing them with the data in electronic format?

Question 16: Should any such charges be constrained by the legislation? If so, do you have a view on how a maximum charge should be set or adjusted?

Question 17: Which body/bodies is/are best placed to perform the enforcement role for this right?

Question 18: Should the Government specify a lead enforcement body?

Question 19: How should the right be enforced by any such body? Will they need any new powers to enable them to enforce it?

Question 20: What examples of existing regulatory actions could be reduced or removed if the power being consulted on was exercised?

Question 21: Should a consumer be able to launch independent action (and, if so, what sort of action) in relation to non-compliance with the duty?

Question 22: Do you foresee any risks or undesirable consequences from exercising a power to require certain data to be released electronically?

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit www.nationalarchives.gov.uk/doc/open-government-licence, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication is also available on our website at www.bis.gov.uk

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@bis.gsi.gov.uk, or call 020 7215 5000.

URN 12/943