

11 October 2023

IC-259172-Z0C8

Request

What research / information has the Information Commissioner done/got in relation to Smart Meters?

What user data do Smart Meters collect?

How do they process this data?

Is this data disseminated and if so who to?

Your request, received on 21 September 2023, has been handled under the Freedom of Information Act 2000 (the FOIA).

Response

I can confirm we hold some information falling within the scope of your request, however have to confirm that locating the full extent of the information requested would breach the cost limit envisaged by section 12 of the FOIA.

I have provided some more detail about why this is the case in this instance below, along with some advice about how a refreshed request, with a more narrow scope, may elicit information which is of interest to you.

FOIA section 12

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Your request for information we have about smart meters is so broad that it would include information that could potentially be held on any case on our system. For example, any data protection or Freedom of Information

complaint about an energy company, or a data breach report involving an energy company.

We currently hold over 5,000 cases on our system in the 'utilities' sector that could potentially contain information in scope of your request. In order to establish the information that we hold and which falls within the scope of request would require a manual search at the correspondence on each of these cases.

This would clearly be well in excess of the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA.

Advice and assistance

In order to reduce the scope of your request so that it does not breach the cost limit I have provided a summary of some of the information we hold that does not include casework.

Links to information already available to you are provided below. If you are interested in any of the information we hold internally, such as policy advice, you can make a new request. However, please be aware that exemptions may apply to this information.

Smart meters are mentioned in the [Big Data, AI, and Machine Learning report](#), published in 2014 and revised in 2017.

We have responded to consultations about smart meters: in 2017 [to Ofgem](#) and [to BEIS](#); and in 2019 [to Ofgem](#) and [to BEIS](#).

We hold some internal policy advice documents about data protection and the smart meter programme. We also hold internal policy advice about whether correspondence from energy companies regarding smart meters constitutes direct marketing (this is referred to in the 2019 response to Ofgem).

The ICO contributed to the following publications on smart meters and privacy:

https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2011/wp183_en.pdf

https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2013/wp205_en.pdf

https://ec.europa.eu/justice/article-29/documentation/other-document/files/2013/20130425_letter_to_dg_energy_smart-grids-dpia_en.pdf

https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2013/wp209_en.pdf

https://ec.europa.eu/justice/article-29/documentation/other-document/files/2013/20131211_letter_dgenergy_smart_grids_dpia_en.pdf

https://www.bfdi.bund.de/SharedDocs/Downloads/EN/Berlin-Group/20110913_WP_Smart-Metering.pdf

You have also asked the following questions:

*What user data do Smart Meters collect?
How do they process this data?
Is this data disseminated and if so who to?*

This is not necessarily information that the ICO would hold. You should be able to find information about the way utility companies process personal data by looking at their privacy notices.

This concludes our response to your request.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail icoaccessinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right

of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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