Consultation Response

Consumer Consent Solution

Design Consultation — RECCo, February 2026

Response submitted by: Auth Energy

Response type: Non-confidential

Date: 25 March 2026

Executive Summary

We welcome the publication of this Design Consultation and recognise the significant work RECCo and Ofgem have undertaken to reach this point. As an organisation committed to lowering barriers for accessing energy data while safeguarding consumers' rights, and as a seasoned and experienced advisor on such matters for many year, we are broadly supportive of the policy objectives of the Consumer Consent Solution (CCS). The CCS has the potential to reduce fragmentation in energy data sharing, lower barriers to entry for new market participants, and strengthen consumer trust.

However, as an organisation that will be directly and materially affected by the proposed design, we have substantial concerns about several of the core proposals. These concern the technical architecture, the potential total cost and feasibility of mandatory implementation choices, ambiguities in governance and legal obligations, gaps in the user experience framework, and unresolved questions about the CCS's relationship with the broader regulatory landscape.

Our principal concerns are:

- **Unjustified scope expansion.** The proposed design significantly exceeds Ofgem's April 2025 'hybrid model' decision — without formal consultation on the expansion or a published cost-benefit analysis. We call on Ofgem to publish a formal scope baseline and on RECCo to commission a supplementary impact assessment.
- **Disregard for existing regulatory experience.** Little consideration has been given to a decade of SEC operational experience. The proposed solution diverges materially from proven approaches, often repeating avenues previously found to be suboptimal.
- **Centralised identity verification & liability.** The proposal to centralise consumer identification significantly hinders ATP innovation and creates direct ATP liability for CCS identification failures.
- **Disproportionate technical mandates.** Mandating a single API endpoint, FAPI 2.0, and mTLS for all data exchange — including bilateral ATP-to-EDP communications — introduces disproportionate cost and complexity that has not been adequately assessed or justified.
- **Ambiguous CEG status.** It is unclear whether Customer Experience Guidelines (CEGs) constitute a binding standard or indicative guidance, creating compliance uncertainty for ATPs.
- **Incomplete user group analysis.** The behavioural archetype framework omits the digitally / disengaged consumer — arguably the most prevalent and most at-risk user group. This framework also creates artificial and overly broad guidance for, potentially, specialise ATPs.
- **Unresolved legal questions in the renewal journey.** The design does not address conflicts between consent expiry and contractual service obligations, nor is the self-declaration approach to residency re-verification consistent.

- **Governance gaps in delegated access.** The framework does not adequately address ATP-on-behalf-of-ATP scenarios or how FAPI 2.0 and mTLS operate in those contexts.
- **Contradictory API-first principle.** The CCS claims an 'API-first' approach, but the consumer portal does not appear to be subject to the same discipline.

Please note the two addenda attached, which highlight major concerns arising from new information since this consultation was released.

We urge RECCo to provide greater clarity on these points before finalising the technical specification and REC drafting. Our detailed responses to individual questions are set out below.

Section 4: Scope of the CCS

Q1: Do you agree with the proposed MMP scope, including the core functional components and the inclusion of SEC Other Users and the BSC SDR?

We broadly agree with the MMP scope and the inclusion of both SEC Other Users and the BSC SDR as the initial Data Sharing Arrangements (DSAs). The phased approach is sensible and limits delivery risk. However, the excessively broad scope of the proposed solution creates both a delivery risk and a substantial barrier to adoption. *The proposed capability is highly unlikely to make the service adoptable by these organisations in anything other than a test capacity*. We also note that inclusion of the SDR is explicitly conditional on BSC Panel and Ofgem approval of Modification P494. RECCo should provide contingency plans should that approval be delayed or refused.

Q2: Do you have any comments on the assumption that SEC Other Users would not need to migrate existing consents to the CCS?

We agree that mandatory migration of existing SEC Other User or Energy Supplier consents would be disproportionate given the current proposals. However, we are concerned about the consumer experience during transition: consumers may find some consents visible in the CCS portal and others not, creating a fragmented picture that will erode trust. RECCo must address this issue urgently.

Section 5 & 6: Technical Design

Single Endpoint Architecture

Q11: Do you have any comments on the proposed overall solution architecture and the component descriptions?

We have significant concerns about the proposal to expose a single API endpoint through which all ATPs and EDPs must communicate. While a centralised trust framework and consent management function is appropriate and consistent with Ofgem's hybrid model direction, concentrating all traffic through a single RECCo endpoint creates a single point of failure with potentially significant market-wide consequences. The acknowledged target availability of 99.9% equates to approximately 8 hours of downtime per annum; the consultation does not adequately assess the cascading commercial and consumer harm a CCS outage of that duration could cause across all dependent services simultaneously.

RECCo should publish a detailed failure mode analysis for the single-endpoint architecture and set out the resilience and failover mechanisms that will be incorporated into the design. The token Time-To-Live (TTL) configuration has also not been addressed — this is a material design decision affecting how ATPs build systems, how frequently they re-authenticate, and the consumer experience during outages. It must be addressed in the technical specification.

Furthermore, the disruption and cost to existing data providers, data users and their consumers of adopting, and ultimately migrating to, the CCS service has not been considered. It is essential that whole programme costs (and benefits) and potential confusion to consumers are assessed before the programme is progressed.

FAPI 2.0 and Mandatory mTLS

Q10: Do you agree that the FAPI 2.0 standard should be adopted for the CCS, including use of mTLS for all data sharing?

We do not object to the adoption of FAPI 2.0 as the standard for CCS interactions, recognising the security and interoperability benefits of open standards. However, we have serious reservations about mandating mTLS for all data exchange within the ecosystem — including direct ATP-to-EDP data sharing — as a condition of CCS participation.

The cost implications of this requirement have not been assessed. Many ATPs currently access energy data via existing commercial API arrangements that do not use mTLS. Mandating mTLS for those bilateral channels goes significantly beyond the CCS's function as a consent management system; it constitutes a market-wide infrastructure intervention whose costs will fall disproportionately on smaller ATPs and new entrants, directly undermining the stated objective of reducing barriers to entry. We note that UK Open Banking does not mandate mTLS for all participant-to-participant data exchange, yet RECCo cites Open Banking selectively to justify availability targets while going further on infrastructure mandates.

Our position: We agree that FAPI 2.0 maybe suitable for CCS interactions. We do not agree that mTLS should be mandated for ATP-to-EDP data exchange as a condition of CCS accreditation. This requirement should be decoupled from the CCS accreditation criteria and treated as a separate, appropriately consulted proposal with a full impact assessment. We call on RECCo to commission and publish that analysis before this position is finalised.

Consent Introspection and Outage Tolerance

Q8: Do you agree that EDPs should explicitly check that active consent is in place within the CCS each time they share data with an ATP?

We support the concept of real-time consent introspection. However, the consultation acknowledges this creates a hard dependency on CCS availability for every data exchange. The proposed mitigation — that EDPs continue to share data during CCS outages for the duration of the previously granted consent period — is reasonable in principle, but the 'significant period of time' threshold has not been defined. This creates legal and operational uncertainty for both ATPs and EDPs. A defined and contractually binding outage tolerance period must be specified in the REC drafting. Given RECCo's silence on liability associated with CCS errors, breach liability will likely fall on ATPs or EDPs without adequate recourse.

Q9: Do you agree that if the CCS is unavailable, the EDP should continue to share data unless the CCS outage extends for a significant period of time?

We agree that a complete halt to data sharing during a CCS outage would be disproportionate. However, the undefined threshold of 'a significant period of time' is inadequate. We recommend the REC drafting specifies a clear, tiered outage response — for example, continued sharing for up to 24 hours on cached consent validity, with escalating obligations on RECCo to communicate and resolve the outage, and a defined cap beyond which EDPs must suspend sharing pending CCS restoration. Again, the cost-benefit of this centralised, single-point-of-failure approach has not been considered and must be. Liability for data breach in this scenario must also be considered.

Section 7: User Experience Design

Status of the CEGs: Guide or Standard?

The consultation is ambiguous about the legal and regulatory status of the Customer Experience Guidelines (CEGs). Section 7 describes them as 'binding' in one place and 'guidance' in another; Section 8 states that CEG compliance will be monitored through the REC Performance Assurance Framework. This creates genuine compliance uncertainty for ATPs designing consent journeys now, ahead of the final technical specification — and significant disruption to ATPs already in operation. Furthermore, overly prescriptive CEGs risk hindering ATPs from delivering optimised experiences for their target customer bases, noting that not all services will be energy-centric. A single generic 'all things to all consumers' experience is and has always been impossible.

ATPs need to know: are the CEGs a mandatory REC obligation, breach of which could result in enforcement action, or indicative guidance with discretion as to how the underlying consumer outcome is achieved? RECCo must resolve this ambiguity explicitly in the forthcoming REC drafting consultation.

Q16: Have we missed any important user groups?

Yes. The four behavioural archetypes presented do not include a group we consider material: the digitally / disengaged consumer — an individual largely disengaged with energy technology who will not engage unless the process is simple and clear. This archetype is historically prevalent. Failing to design for this user risks creating a consent journey that is perceived as manipulative or overbearing by the very people it needs to serve.

Consumer engagement is ultimately driven by the value proposition of the ATP. It is not possible to appropriately balance engagement with friction without a deeper understanding of the ATP proposition and, in turn, its consumer value — something RECCo, with limited operational experience of this type of service, is not positioned to define unilaterally. Creating artificially broad or constraining guidance is unlike to assist ATPs in building targeted propositions the consumers need.

Q17: Do the proposed inclusion requirements adequately address the needs of vulnerable customers?

We support the commitment to WCAG 2.2 AA compliance and the principle that assisted journeys must provide equivalent outcomes. However, the consultation does not address consumers who are digitally excluded by circumstance — for example, those in areas with poor internet connectivity or relying on shared devices. The CEGs should include explicit guidance on how the consent journey should function on low-bandwidth connections or older devices. Furthermore we believe this should be guidance only, auditing users on their consumer journeys is generally unhelpful and often counterproductive for the consumer (outside of compliance requirements).

Renewal Journey — Unresolved Legal Questions

Q19: Where should additional verification steps or friction be introduced to protect consumers?

The renewal journey as described raises two important unanswered questions. First: what happens when consent expiry or withdrawal coincides with, or would breach, a contractual obligation between the consumer and the ATP? Many ATP services involve subscription agreements or minimum service terms. If a consumer takes no action on a renewal notification and consent expires while they remain under a service contract, there is a direct conflict. The CCS design must address this scenario and RECCo should seek legal advice on how the CEGs should guide ATPs in communicating this risk.

Second, the renewal journey description implies that consumers with a CCS account will not need full re-IDV at renewal, but will instead self-declare that their address data remains valid. This approach is insufficient for half-hourly metered data, where occupancy of the premises is a material consent condition, and is not compliant with current SEC requirements. RECCo should clarify whether residency re-verification is required at each renewal and, if not, provide the risk rationale for accepting a lower assurance level at renewal than at initial consent.

Delegated Access and ATP-on-behalf-of-ATP Scenarios

Q20: Do you agree that showing consumers which organisations hold consent provides adequate visibility?

We support consumer visibility of active consents. However, the consultation does not address scenarios where one ATP acts on behalf of another — for example, where a platform aggregator holds a consent token and passes it to a downstream service provider. In this scenario the consumer portal would show the primary ATP, not the organisation actually processing the data — a transparency gap inconsistent with the stated GDPR alignment of the CCS.

RECCo has also not explained how FAPI 2.0 and mTLS operate in delegated access scenarios: how tokens are issued and introspected, and whether the delegating ATP is the token holder of record. These are fundamental questions for ATPs building multi-party service architectures and must be addressed in the API Technical Specification.

Section 8: Governance Design

API-First but Not Portal-First

Q24: Do you have any comments on the proposed REC drafting approach?

The consultation states that the CCS will use an 'API-first, modular design' to support future growth — a principle we strongly support. However, the consumer portal does not appear to be subject to the same discipline. If the portal is not natively API-first in its architecture, this will constrain ATPs who wish to embed consent management seamlessly into their own customer journeys. The REC Service Definition must specify the portal architecture clearly.

Funding Model

Q25: Do you agree with the proposed initial funding model?

We support continuing to fund the CCS through the RECCo cost recovery model in the initial post-MMP period. Imposing transactional costs on early adopters would undermine commercial viability and damage market confidence. However, the consultation does not define the initial period or the conditions that would trigger a funding model review. We recommend the REC drafting specifies a clear review trigger — for example, when accredited CCS Users or consent transaction volumes exceed defined thresholds — so that all participants can plan accordingly.

Accreditation

Q26: Do you agree with the proposed CCS Accreditation model?

We broadly support the risk-based accreditation approach and the use of existing REC qualification mechanisms, including the proposed automation of Companies House and IASME Cyber Essentials checks. However, we are concerned that requiring all ATPs to undergo a full REC data protection assessment — regardless of prior assessments under other industry codes — will create significant duplication of effort and cost. We urge RECCo to commit to a mutual recognition framework with the SEC, BSC, and DSI programmes so that a single assessment can serve multiple accreditation requirements.

Q27: Do you agree that a minimum standard should be set whereby all CCS Users should be Cyber Essentials Plus certified or ISO 27001 accredited?

Yes, we agree Cyber Essentials Plus (or ISO 27001 equivalence) is an appropriate minimum threshold. We recommend RECCo publish its approach to monitoring ongoing certification compliance, including what happens when an accredited CCS User's certification lapses. As per our response to Q26, we urge RECCo to support other industry verification models rather than introduce further barriers to competition and complexity in an emerging market, for example it is clear from the consultation that RECCo has not sufficiently reviewed the existing requirements of SEC parties.

Section 9: Product Roadmap

Q31: Do you have any comments on the approach to defining the future roadmap?

We welcome the three-horizon model and the ten product pillars as a useful structural framework. However, we are concerned that the roadmap does not address the visibility of Data Sharing Arrangements (DSAs) to ATPs and consumers in a coherent or timely way. The 'Ecosystem & Data Access Framework' improvements are placed in the 'Next' and 'Later' horizons without specifying what will be available at MMP go-live, creating uncertainty for ATPs in the immediate post-launch period. We also note that the roadmap does not include milestones or timelines for expanding the Directory beyond the initial SEC Other User and SDR arrangements. Ultimately, we believe the MMP, as currently defined, is not adoptable and therefore the roadmap becomes fundamentally important to indicate when this position might change.

Unjustified Scope Expansion

A concern running through all our responses is that RECCo's proposed design materially exceeds what Ofgem consulted on and decided. Ofgem's April 2025 Consumer Consent Decision confirmed a 'hybrid model' comprising: (i) a central consent retrieval portal; (ii) centrally governed authentication and verification; and (iii) decentralised energy data sharing and API specification between ATPs and EDPs. It explicitly did not mandate centralised infrastructure for ATP-to-EDP data exchange.

RECCo's February 2026 Design Consultation proposes a system that is substantially larger, more centralised, and more technically prescriptive than what Ofgem decided. The divergence is material:

- **Technical architecture:** Mandatory mTLS for all ATP-to-EDP data sharing, a single centralised API endpoint, and centralised IDV were not elements of Ofgem's hybrid model.
- **Governance and accreditation:** A full accreditation regime, new REC Arrangements Schedule, CEGs, dispute resolution framework, and formal ICO obligations were not consulted on by Ofgem. The statutory licence condition consultation required to give these legal force has not yet occurred.
- **Timeline:** Ofgem's consultation envisaged an MVP (MMP) by summer 2026. RECCo has replaced this with an MMP targeted for March 2027 — a nine-month delay that has not been formally consulted on.
- **Future scope:** The roadmap explicitly contemplates gas data, tariff data, PSR data, non-domestic consumers, and cross-sector interoperability under the Data Use and Access Act 2025 — none of which Ofgem mandated.

Critically, RECCo does not acknowledge in the consultation that scope has expanded. Instead it presents the expanded design as a natural consequence of Ofgem's direction, relying on elastic justifications such as 'consumer trust' and adjacency to multiple programmes. The consultation also conspicuously omits: any published cost-benefit analysis of the expanded scope; any Ofgem sign-off on the expansion; and any impact assessment of how the CCS introduction affects existing consent solutions and the consumer trust built around them.

We call on RECCo and Ofgem to take the following steps before the REC drafting consultation proceeds:

1. Ofgem should publish a formal scope baseline confirming which elements of RECCo's proposed design fall within the April 2025 decision and which represent new policy requiring separate consultation. Potentially requiring further consultation if this deviates significantly from their previous position.
2. RECCo should commission and publish a supplementary cost-benefit analysis covering the additional implementation costs introduced by the expanded scope — including mandatory mTLS, centralised IDV, the eight-component technical architecture, and the full accreditation regime.
3. RECCo should revert the mandatory mTLS requirement for ATP-to-EDP data exchange to a recommended practice, consistent with the hybrid model Ofgem confirmed, or bring a separate fully consulted proposal with a published impact assessment.
4. Ofgem should confirm whether the revised MMP timeline of March 2027 is consistent with its policy objectives and, if the original summer 2026 MVP commitment remains valid, set out what the MVP will deliver and when.
5. RECCo should publish an impact assessment of the CCS introduction to the market, including a coexistence and transition approach for existing consent solutions and mitigation of disruption to consumer trust already established by those solutions.

Conclusion

Whilst we support the policy objectives underpinning the CCS, the proposed design materially exceeds Ofgem's stated direction for a hybrid model. Mandatory mTLS for all

ecosystem data exchange, a single centralised endpoint, and centralised IDV (rather than centralised identity framework) together constitute a degree of market infrastructure intervention that was neither consulted on by Ofgem nor sanctioned in the April 2025 Consumer Consent Decision. We call on RECCo to return to the hybrid model as directed, limiting centralisation to the consent management and trust framework functions that Ofgem explicitly mandated.

It is clear from the consultation that little heed has been taken from a broad range of experienced organisations and experts in the field of energy data & consent. We strongly suggest you re-consider this material before proceeding.

The CCS has the potential to be genuinely transformative infrastructure for the energy data market, but only if it is designed in a way that is technically sound, commercially viable, and legally robust for all participants. We urge RECCo to address the concerns raised in this response — particularly on liability, proportionality, mTLS cost impact, CEG legal status, token TTL, overly prescriptive and centralised IDV, renewal journey legal risk, and impact on existing markets — before the technical specification and REC drafting are finalised.

Addendum 1: Tariff Interoperability Phase 1b

Since the publication of this Design Consultation, TIWG presentation slides published on 24 February 2026 have revealed that RECCo and DESNZ are actively considering deferring Customer Specific Tariff Information (TI Phase 1b) to await CCS delivery. This matters directly to this response because it demonstrates concretely how CCS scope expansion cascades delays into other programmes.

The proposed deferral (Option 2) would make TI Phase 1b dependent on CCS Phase 2 — a capability described in the roadmap as a 'Later' horizon item with no confirmed timeline or design. This is not a plan; it is an indefinite postponement of a capability central to personalised tariff optimisation for consumers. The CCS scope expansion is the direct cause: had RECCo delivered a leaner CCS closer to Ofgem's original summer 2026 intent, the duplication concerns that motivate Option 2 would be far less acute.

Option 2 has not been formally consulted on. If it is to be progressed, DESNZ or RECCO should consult on it explicitly with a committed and binding delivery timeline, publish a formal assessment of the consumer harm and market opportunity cost of deferral, and prioritise publication of the cross-programme governance map — alongside the TI Government Response expected in May 2026 — so that market participants can make rational investment decisions.

Addendum 2: Data, Identity and Consent in Smart Meters

Summary principle: Raw meter data is not personal data until linked to a person. It becomes personal data at the moment an occupant proves their association with the meter, and 'consented personal data' once deliberate consent is given. The progression is: raw data → identifiable data → consented personal data.

In a multi-occupant context, a second occupant cannot override the first occupant's consent: discovering another person's data relationship would itself constitute a GDPR breach, and the data is not associated with the second occupant unless they were explicitly included at the point of initial consent.

We propose a three-part consideration for managing consent visibility and lifecycle at shared properties: (1) once an occupant has verified their association with the meter, they should see a list of other active consents linked to that property (partially redacted to protect others' privacy), but not historic consents that pre-date their occupation; (2) consents created before the new occupant's residency start date should be disputable and withdrawable by them,

with a reasonable exception where consent is tied to physical infrastructure at the property; and (3) consents granted during the current occupant's residency by another person at the same property should be visible but not withdrawable by them — the appropriate route in those circumstances is direct discussion with whoever granted the consent.