
Encouraging innovative use of data to improve outcomes for consumers` in vulnerable circumstances: a joint statement from five regulators

As part of the UK Regulators Network ([UKRN\) 2021 multi-year workplan](#), the Vulnerability Network committed to focusing on 5 themes. This paper focuses on the theme of 'Encouraging the use of, and innovation in, data to improve vulnerable customer outcomes'.

Here we set out the shared position of five UKRN member regulators: the FCA, Ofcom, Ofgem, Ofwat, and Northern Ireland's Utility Regulator. These five regulators regulate sectors where companies and providers have a continuing relationship with their customers.

This paper sets out these UKRN members' shared aims for how data use can help to better support all customers, including customers in vulnerable circumstances, across all our sectors. This builds on work by individual regulators and also outlines our early thoughts on further cross-regulatory work we could undertake.

While the statement only reflects the position and commitments of these five regulators, several other UKRN member regulators have participated in its development and, where appropriate, opportunities for collaboration will be opened to all of UKRN's membership and other relevant organisations.¹

This statement sets out these regulators' high-level shared vision for the sectors we regulate and aims to promote meaningful action across our sectors.

Our shared aims

We want customers across all our sectors to be provided with the right level of support from their company or provider when they need it.

We know that consumers may not be aware that they could get help or support if they share information about their circumstances or needs with their company or provider. Whether a customer has an ongoing requirement for extra support from their company or provider – for example, because of a health issue – or a short-term problem, we expect the companies and providers we regulate to take reasonable steps to identify and/or recognise these needs and put in place actions to support them so they are treated fairly.

This means: companies and providers training staff to recognise where customers may have additional needs; or having systems, cultures and ways of engaging in place that encourage customers to disclose information about their needs; or recording these needs in a way that ensures the company or provider can identify and offer appropriate products, services or support; or minimising the need for customers to unnecessarily repeat providing this information multiple times.

¹ Members of the UKRN Vulnerability network are; FCA, Ofwat, Ofgem, Ofcom, CAA, the Utility Regulator, ICO, CMA, and RSH.

It is essential that this is all done in a fair, transparent and proportionate way that complies with data protection law.

The scope of the problem

Where this aim is not achieved, consumers may experience harm including:

- disempowerment and a lack of awareness of the choices available to them and the consequences of those choices;
- finding themselves with products or services that are unsuitable for their needs or do not meet their needs;
- not receiving the support or additional care they need because companies or providers aren't aware of this or haven't recorded the relevant information;
- difficulty engaging with products or services, or being excluded because companies or providers aren't aware of their service or communication needs;
- frustration from having to repeat providing the same information, leading to time cost and potential distress.

There is already a legislative framework in place around data use (including through the UK GDPR and Data Protection Act 2018) and there has been much research, guidance and initiatives focused on data use about customers in vulnerable circumstances (see Appendix 1 for details). However, we believe that there may be untapped opportunities to offer further support to customers through further work in this area.

Our joint approach

We will work together to:

- where relevant, develop cross-sector outcomes we want to see around customer data use overall;
- identify and communicate instances where:
 - we may be able to add value e.g. through joint organisation or consumer comms, or focused work on a defined problem;
 - we think there is action that should be taken, but where we envisage that others should take a leading role;
- continue to maintain collective dialogue and share lessons learned, via the UKRN Vulnerability Network.

This joint approach will build on previous UKRN reports, including around data sharing in the water and energy sectors,² and research into customer attitudes around data sharing³.

Where appropriate, this joint approach will involve not only the five signatory regulators but will be extended to other UKRN member regulators.

Collaborative actions and next steps across UKRN membership will be identified and actioned in 2022.

² UKRN – [Making better use of data: identifying customers in vulnerable situations](#), 2017; and UKRN – [Making better use of data to identify customers in vulnerable situations: a follow-up report](#), 2018

³ UKRN – [How can we help you? Working together to support vulnerable customers](#), 2020

Appendix 1 – List of regulator publications about making better use of customer data

UKRN

- [Making better use of data: identifying customers in vulnerable situations, 2017](#)
- [Making better use of data to identify customers in vulnerable situations: a follow-up report, 2018](#)
- [How can we help you? Working together to support vulnerable customers, 2020](#)

Information Commissioner's Office

- [Data sharing code of practice, 2021](#)
- [Draft anonymisation, pseudonymisation and privacy enhancing technologies guidance \(May 2021\)](#) (consultation closed 28 November 2021)

Ofgem

- [Consumer Vulnerability Strategy 2025](#): see theme focused on improving identification of vulnerability and smart use of data.
- [Standards of conduct for suppliers in the retail energy market](#)
- [ESC-Energy-Digitalisation-Taskforce-Report-2021-web.pdf \(esc-production-2021.s3.eu-west-2.amazonaws.com\)](#)
- [Energy Digitalisation Taskforce publishes recommendations for a digitalised Net Zero energy system - Energy Systems Catapult](#)
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Ofwat

- [Unlocking the value in customer data: a report for water companies in England and Wales](#)
- [PR19 Final Determinations: Reporting guidance – Common performance commitment for the Priority Service Register](#)

Ofcom

- [General Condition C5](#): Measures to meet the needs of vulnerable consumers and end-users with disabilities
- [Treating vulnerable customers fairly guide](#)
- [Fairness for Customers](#)

Financial Conduct Authority

- [Finalised Guidance on the fair treatment of vulnerable customers \(FG21/1\)](#) – Appendix 1 relates to data protection considerations
- [A new Consumer Duty: Feedback to CP21/13 and further consultation \(CP21/36\)](#)

Utility Regulator, Northern Ireland

- [Consumer Protection Programme – Updated plan for delivery](#)
- [Proposed Approach to Best Practice Framework](#) –