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Consultation Response

Which? response to the [Smart Data: multi-sector call for evidence](#)

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Summary

Which? welcomes the opportunity to respond to this call for evidence on cross-sector smart data schemes and provide a consumer perspective on use cases, scheme design, and cross-economy alignment. We see the emergence of smart data schemes, both cross-sector and sector-specific, as incredibly beneficial to consumers. If deployed well, smart data will enable consumers to share their information with businesses and organisations, creating opportunities that benefit individuals, society, and the economy. In turn, it could improve switching rates, provide more personalised experiences, and help consumers access more customised and relevant deals.

However, these benefits depend on consumer trust in smart data. Consumer adoption relies on confidence in the products, and without consumer protection principles built into all trust frameworks, consumers may be put at risk. We argue protections should include:

- **Governance:** Clear roles and responsibilities, transparent oversight, robust liability rules, the monitoring of consumer outcomes and accessible dispute resolution to maintain consumer confidence.
- **Data Management:** Uncompromising cybersecurity, strict data minimisation, and privacy standards to ensure fundamental consumer rights are never diluted.
- **Interoperability:** Inclusive-by-design requirements, standardised operational definitions, and common plain language to ensure all consumers, including vulnerable users, can safely navigate smart data services.
- **Scheme must address the needs of vulnerable consumers.**
- **BIST should take a coordinating role in the development of smart data.**

In our 2024 paper, '[Building consumer trust in Smart Data](#)', we highlighted that all schemes must include these core principles to protect consumers from key risks, namely poor quality products, lack of meaningful consent, risks to consumer safety, and the exploitation of vulnerable groups. Without addressing these risks, consumer trust will wane, limiting participation and diminishing the potential benefits of smart data across sectors.

Some key aspects of our response include:

- **Sector-specific schemes:** embedding trust framework principles across sector-specific schemes in the trade, retail, and property sectors is essential.
- **Governance and International:** consumer protection principles require consistent application across all smart data schemes, and the Department for Business, Innovation, Science and Trade (BIST) must, using the [Smart Data Guidebook](#) [pg.15] and other mechanisms, provide accountability and oversight of smart data scheme providers.
- **Smart Data Scheme in Telecoms:** we question why the telecoms sector is not included in this call for evidence, given that it is an important and essential sector for UK consumers.

Full response

Trade

Q19. What risks or challenges could arise from using Smart Data in trade, and how might these be mitigated in practice? (For example, risks relating to data accuracy, unequal access for different types of businesses, cybersecurity, unintended impacts on competition, or the readiness of existing trade systems and processes).

The use of smart data in trade will mainly focus on business-to-business applications. We do not have strong views on direct consumer benefits from smart data schemes in the context of UK international trade agreements. However, we would be concerned if any agreement resulted in UK consumers being subjected to lower data protection standards than under existing UK regulatory frameworks.

When a UK consumer buys a physical product from an overseas seller or through an international online marketplace, their personal data, shipping address, payment details, and contact information must cross borders to process the transaction and deliver the item. The same applies to products that are bought, delivered, and consumed entirely online, since they inherently rely on data exchange. In 2020, we published [Digital Trade: Opportunities and Risks in Future Trade Deals](#), in which we argued that a key challenge for trade is keeping data safe, and that it is the government's duty to uphold current data protection standards when trade occurs outside the UK. This ensures that **negotiations with potential trade partners with lower protections must not undermine the UK's ability to regulate and improve consumers' privacy and data protection** [pg. 9].¹ If data exchange is compromised and consumers' data is put at risk, trust in a smart data scheme in trade will be undermined. To effectively mitigate these risks, trade agreements and smart data frameworks must incorporate clear accountability, enable interoperability with other schemes, robust data protection and clear cybersecurity standards from the outset.

¹ Which? (2020), Digital Trade: Opportunities and Risks in Future Trade Deals. Available at: <https://www.which.co.uk/policy-and-insight/article/digital-trade-opportunities-and-risks-in-future-trade-deals-aJYee0d7sV9r>

Retail

Q25. What use cases could a Smart Data scheme enable in the retail sector, and what outcomes could these deliver? Please detail the barriers that would need to be addressed, and necessary governance structures required for these to be successful.

Interesting use cases are emerging for a smart data scheme in the retail sector that will benefit consumers. For example, [Mealia](#), a proposal pitched at the [Smart Data Challenge Prize](#) [pg.40-44], involves a system that allows consumers to share their supermarket purchase and loyalty data with third-party apps to access personalised information which could result in financial savings. Moreover, projects such as the AI-driven customer platform [Beyond Encryption's Nigel](#), which was a finalist in the Challenge Prize, demonstrate how smart data in retail can be used to provide highly personalised insights, enabling consumers to save money and get better value from their weekly shop. If retailers use data more effectively, they could help shoppers budget more efficiently and make more informed purchasing decisions, especially as food prices continue to rise.

Unlocking these benefits requires mitigating consumer risks around consent, product quality, safety, and vulnerability. Building robust governance, interoperability, and data management, and ensuring the needs of vulnerable consumers are addressed in every retail scheme will be essential to foster consumer trust and engagement.

Property

Q39. In a sector with many industries, who do you think should hold governance responsibilities for the Smart Data scheme, and what level? What role(s) should existing regulators and standard setters have in a homebuying Smart Data scheme?

Governance responsibilities for the smart data scheme should be considered at two levels. In our [2024 paper](#), we argued that the government should lead central coordination of the ecosystem, with BIST leading the standards that schemes should follow. This is important for the property sector, which has many regulators and stakeholders, and requires coordination with other sectors. We therefore see government oversight as crucial to helping consumers navigate the sector, facilitating cross-sector interoperability through cooperation on standards, and ensuring fair outcomes for consumers. Meanwhile, sector-level bodies and existing regulators should manage industry-specific implementation. Existing regulators and standard setters should play a direct role by enforcing compliance, monitoring consumer outcomes, setting technical and data standards, and establishing dispute-resolution mechanisms within the property sector. We do not have a view on who should govern at the sector level, but the government must play an active role in ensuring that suitable governance arrangements are in place across all schemes.

Accountability in the property sector must also be indisputably defined to determine responsibility for addressing risks to consumers and to help them navigate a complex industry. [Our stakeholder engagement](#) found that accountability is insufficient without legal certainty of liability; the elements of the trust framework that establish governance structures should therefore also clarify how accountability and liability will be assigned and communicated. Property sector bodies should work within existing legislation, where

applicable, to ensure legal certainty, but should also explore if secondary legislation under the Data Uses and Access Act (DUAA) is needed, working with BIST to ensure consistency with other smart data schemes.

Given the significant financial stakes in property transactions, the trust framework must additionally provide assurance of redress. A robust dispute resolution mechanism is fundamental to consumer confidence as it incentivises all parties to prevent harm by embedding consumer protections from the outset and ensuring a safety-by-design approach. Particularly given the [complexity and stress of property transactions](#), robust redress mechanisms must be established through effective governance across the sector's data ecosystem. In our response to Q. 50, we make suggestions on how redress should function across the entire smart data ecosystem.

Q40. What consumer protections should a homebuying Smart Data scheme have, and should they evolve as a scheme matures? How should a scheme ensure effective dispute resolution and redress, and what body (existing or created) could be responsible for handling this?

Beyond governance and redress (see response to Q.39), consumer adoption depends on interoperability and confidence that data is secure. Without these protections across all schemes, risks (such as poor quality products, lack of meaningful consent, consumer safety or exploitation of vulnerable users) could severely undermine trust.

In January 2026, we published an article titled '[What needs to be in place for Smart Data in the property sector to work for consumers?](#)' with contributions from experts at [Propertymark](#), [the Housing Associations' Charitable Trust \(HACT\)](#), and the [Council for Licensed Conveyancers \(CLC\)](#).² In this article, all contributors attested that providing clear, accessible information to consumers and communicating with them, including through non-digital channels, is challenging. But adopting a common language across smart data enables information to be presented to consumers and businesses. Common language should also be straightforward and user-friendly, making the consumer journey as accessible as possible and ensuring that participants do not exclude certain groups of consumers. A common language also benefits the businesses involved by standardising information and ensuring accessibility for property professionals with varying digital skills.

Aligned data management protections look to protect consumer data from misuse or cyberattack. A property scheme, as well as all smart data schemes, will change how consumer data is shared and analysed between parties. Rigorous cybersecurity measures should aim to reduce the risk of data breaches or fraud, which can harm consumers directly and damage the reputation of smart data schemes. Technical standards, which define how technologies can interact with one another regardless of who initially designed and developed the smart data scheme, will enable stakeholders in the property sector to work together effectively. The property sector should work with BIST and other sectors to ensure that technical standards are consistent across sectors, enabling the safe transfer and

² Which? (2026), What needs to be in place for Smart Data in the property sector to work for consumers?. Available at: <https://www.which.co.uk/policy-and-insight/article/guest-article-what-needs-to-be-in-place-for-smart-data-in-the-property-sector-to-work-for-consumers-a9fcyberattacksGo2S1VTKqsafeguardaim>

capture of high-quality data across smart data schemes and interoperability of cross-sector schemes.

42. What issues need to be considered to successfully integrate Smart Data from sectors like finance or energy, into a homebuying Smart Data scheme? What would encourage/allow data sharing across sectors, and what would support cross-sector governance?

Alongside the aforementioned property article, we have also published articles examining the [banking](#), [energy](#) and [finance](#) sectors. Lessons learned from these sectors can shape what a property sector scheme might look like and enable integration with other sectors. These insights indicate that to successfully incorporate data from the finance and energy sectors into the homebuying process, several key issues and mechanisms must be addressed through effective cross-sector governance. The basic level of integration depends greatly on the use of a verified digital identity. We would support the integration of digital identity checks by DVS providers certified against the [Digital Verification Services Trust Framework](#). However, consumers should retain the choice of whether to verify their identity using a digital ID or traditional identity documents (such as passports). As the [Centre for Finance, Innovation and Technology \(CFIT\) points out](#) in relation to the finance sector, this "must form the foundation for the next generation of smart data schemes" in order to stop buyers having to go through the same Anti-Money Laundering (AML) checks again and again with agents, brokers and conveyancers.³

Moreover, consumer trust can only be achieved through clear communication and interoperability. [Energy sector experts and Raidiam highlight](#) the importance of using "plain English" and offering quantifiable benefits that clearly outweigh any privacy concerns, so that the separate property, finance, and energy systems can exchange data smoothly.⁴ To promote this kind of data sharing across sectors, [Gavin Starks from Icebreaker 1](#) argues that using verifiable, open infrastructure via consent dashboards is essential to ensure all parties in the value chain can have confidence in the data. As advocated by [Raidiam](#) and currently being developed by the Retail Energy Code Company, these dashboards would enable buyers to easily grant and immediately revoke access to their personal information.⁵

43. What aspects of a homebuying Smart Data scheme could benefit, or could be replicated in, other areas of the property sector (e.g., the rental sector, property management sector)? What outcomes could this deliver?

³ Which? (2025), GUEST ARTICLE: What needs to be in place for Smart Data in the financial services sector to work for consumers? Available at: <https://www.which.co.uk/policy-and-insight/article/guest-article-what-needs-to-be-in-place-for-smart-data-in-the-financial-services-sector-to-work-for-consumers-aituV6C02xoW>

⁴ Which? (2025), GUEST ARTICLE: What needs to be in place to ensure smart data in the energy sector works for consumers? Available at: <https://www.which.co.uk/policy-and-insight/article/guest-article-how-can-we-ensure-smart-data-in-the-energy-sector-works-for-consumers-afOch5X76kK8>

⁵ Which? (2025), GUEST ARTICLE: What should future smart data schemes learn from Open Banking? Available at: <https://www.which.co.uk/policy-and-insight/article/guest-article-what-should-future-smart-data-schemes-learn-from-open-banking-apo9z2q49CkM>

[The Housing Associations' Charitable Trust \(HACT\)](#) contribution to our [2026 property article](#) highlights the benefits smart data could provide to social housing renters. They said: "There are many potential applications for smart data to benefit social housing residents, from identifying damp and mould to improving resident engagement. For these to become a reality, housing associations need strong data governance, including clear policies for data collection, storage and usage, as well as defined internal data ownership and accountability."

In our response to questions 39, 40, and 41, we highlighted the importance of clear governance, a common language, and aligned data management practices. These must be built into the trust framework for a renter scheme and any other scheme in the property sector so that consumers can see the benefits of smart data.

Governance and International Questions

49. How should Smart Data schemes be governed and coordinated in practice where services or data flows span more than one sector?

Some of the biggest benefits for consumers will come from a clear governance structure, interoperability by design, and consistent data management practices to minimise the risks consumers could face. To realise these benefits, we recommend embedding the following principles into all trust frameworks to ensure consistency.

Despite governance arrangements varying across sectors and schemes, certain roles and responsibilities must remain consistent across all trust frameworks. For example, in the event of a security incident, consumer harm, or a query, it needs to be clear who is responsible and whom the consumer can contact for help. In [our 2024 paper](#), we heard during stakeholder engagement that white labelling is likely common in the delivery of smart data products and services.⁶ White labelling is when a product or service produced by one company (an authorised third party or service provider) is rebranded by others (such as marketers) to make it appear as if they produced it. This could mean a consumer believes their data is accessed, analysed, or protected by one entity when another actually does these processes. Considering this, we think clarity of roles and responsibilities (especially those that are consumer-facing) across all schemes will enable these arrangements to be communicated to consumers, ensuring appropriate consumer consent and control are in place.

Monitoring will involve assessing the consumer journey, outcomes, satisfaction, and the security of customer data flows throughout the product or service. It supports cross-sector interoperability because the more sectors involved, the harder it is for consumers to navigate, as there may be multiple regulators or oversight bodies. Rather than expecting consumers to navigate these systems themselves, this additional monitoring is important to ensure that schemes work for consumers and address the needs of vulnerable consumers.

Likewise, a smart data scheme needs robust consumer complaint and redress mechanisms that are easy for consumers to navigate. When cross-sector schemes involve regulators

⁶ Which? (2024), Building Consumer Trust in Smart Data. Available at: <https://www.which.co.uk/policy-and-insight/article/building-consumer-trust-in-smart-data-aLpql3q6tEdM>

from different sectors, the trust framework should ensure that consistent minimum measures are in place to prevent consumers from being left without adequate support if things go wrong.

However, for governance to remain consistent, particularly when schemes develop that span more than one sector, standards need to support interoperability. Scheme developers must establish a common language that is consistent across the ecosystem and supports the implementation of other aspects of the trust framework. The aim should be to use the same language and terminology across different smart data schemes, so that consumers have a consistent understanding of how their data is accessed, used, and protected; how to make complaints; and how to seek redress. Language must be non-technical in consumer-facing communications, including marketing and consumer interactions with a service or product.

Additionally, consistent cybersecurity measures across smart data will reduce the risk of data breaches and fraud, which can directly harm consumers and damage the reputation of smart data schemes. Governance standards must enable consistent data management processes for specific schemes, but having agreed-upon processes across the entire smart data ecosystem will build whole-system trust with consumers and minimise data mismanagement.

Finally, all schemes must also address the needs of vulnerable consumers. Research by the [Social Market Foundation](#) (funded by Which?) found that vulnerable consumers could benefit most from smart data schemes. But if those schemes are perceived as risky, the vulnerable people who stand to gain the greatest benefits may be the least likely to participate.

We previously called on BIST to play a central role in developing smart data schemes to ensure consistency in governance practices, enable interoperability, and align data management processes. We are pleased to see BIST's development of the [Smart Data Guidebook](#) [pg.15]. But in the longer term, they should also oversee the long-term monitoring of scheme providers to mitigate risks, including poor-quality products, lack of meaningful consent, consumer safety risks, and exploitation of vulnerable consumers, and horizon-scanning for new smart data applications and risks.

Q50. How should customers be protected and able to seek redress where Smart Data services span more than one scheme or sector?

Clear redress mechanisms can incentivise businesses to improve their practices to prevent harm, and can also give consumers more confidence to engage within smart data. For instance, a financial product issue caused by a system fault stemming from poor quality data could fall between two existing redress pathways, such as the GDPR complaint procedure and the Financial Ombudsman Service (FOS). Would someone use GDPR complaint pathways if a product is not working as intended, or would they use sector-specific complaint systems? This problem worsens when cross-sector schemes involve interactions among multiple regulators' complaint pathways, or when a sector lacks a clear regulator.

In our [2024 paper](#) [pg. 20], we recommended two examples of what dispute resolution mechanisms could look like for smart data: ⁷

⁷ Which? (2024), Building Consumer Trust in Smart Data. Available at: <https://www.which.co.uk/policy-and-insight/article/building-consumer-trust-in-smart-data-aLpql3q6tEdM>

1. **Trust frameworks that incorporate a complaints process:** In the government's [digital identity](#) arrangements, there are clear requirements for a documented process for handling complaints and disputes. Details about these processes must be easily accessible and include contact details.
2. **Dispute Management System:** Innovate Finance and KPMG's [Roadmap to Open Finance in the UK](#) recommends a dispute mechanism for Open Finance applications and services that covers consumer issues when things go wrong, as well as commercial disputes involving service providers and data holders. As future smart data schemes develop, they should consider incorporating a dispute management system into their redress options to ensure prompt, efficient communication and issue resolution.

So far, in developing smart data schemes, the government has not identified clear redress mechanisms for consumers. Therefore, we argue that BIST should work with sectors to develop clearer pathways across smart data schemes. Cross-sector trust frameworks must set out clear requirements for complaints and redress, and cross-sector scheme providers could also consider dispute management systems that cover the entire scheme.

Q52. What lessons from existing UK data-sharing initiatives should shape Smart Data governance?

We published a series of articles examining what needs to be in place to ensure smart data in the banking, finance, energy, and property sectors works for consumers, drawing on insights from industry experts, regulators, civil society, and trade associations. Key lessons relevant to this call for evidence include:

- [Lessons from our banking sector article](#): consumer representation in open banking governance has been inadequate, with limited consumer influence on decision-making, resulting in insufficient consumer protections. Additionally, [unclear payment protections](#) for consumers in open banking may have slowed its adoption. Therefore, proactively building in robust protections and redress mechanisms ensures that consumers can reach a resolution if something goes wrong.
- [Lesson from our energy sector article](#): schemes need to be 'verifiable', meaning that consumers must be able to trust that their data is being used responsibly. To achieve this, data infrastructure, access, usage, and governance must be transparent and auditable to enable consumer trust.
- [Lessons from our finance sector article](#): schemes must take a holistic approach across participants and consider the scheme's impacts, including the risks of driving or exacerbating social or economic exclusion. In turn, use cases must add real, everyday value to consumers, including vulnerable consumers.
- [Lessons from our property sector article](#): Trusted data sources and consistent standards are essential for meaningful comparisons and interoperability across systems. Widespread adoption is necessary to ensure consumers benefit fully, including fostering digital skills among property professionals.

55. Is there anything you haven't said already that you would like to add in response to the Call for Evidence?

We are concerned that there was no section in this call for evidence on the telecoms sector. This is particularly important, as the executive summary for this call for evidence, as well as the [Smart Data Strategy](#), made it explicit that the telecoms market would be assessed for future smart data schemes. [Which? research](#) found that in the telecoms sector, many consumers are unlikely to switch broadband providers due to loyalty to their provider, the belief that search costs are too high, and concerns about losing service.⁸ [Many consumers also overpay for their broadband](#), so if smart data could enable customers to see how much others pay for similar services, leading to better, more informed choices.⁹ So giving consumers easier access to their data, and the ability to share it with third parties, could significantly reduce the cost of making informed decisions and, in turn, improve competition and innovation in the sector.

Therefore, we strongly recommend that the government explicitly include the telecoms sector within the scope of its smart data initiative and ensure a call for evidence specifically on the telecoms sector.

Conclusion

Smart data offers significant opportunities, but widespread consumer adoption depends on trust. To ensure schemes deliver maximum benefit while safeguarding consumers, we recommend prioritising key governance, data management, and interoperability standards, alongside clear cross-sector coordination led by BIST.

- **Governance:** Clear roles and responsibilities, transparent oversight, robust liability rules, the monitoring of consumer outcomes and accessible dispute resolution to maintain consumer confidence.
- **Data Management:** Uncompromising cybersecurity, strict data minimisation, and privacy standards to ensure fundamental consumer rights are never diluted.
- **Interoperability:** Inclusive-by-design requirements, standardised operational definitions, and common plain language to ensure all consumers, including vulnerable users, can safely navigate smart data services.
- **Scheme must address the needs of vulnerable consumers.**
- **BIST should take a coordinating role in the development of smart data.**

⁸ Which? (Feb 2024), 'Why are consumers not switching?'. Available at: <https://www.which.co.uk/policy-and-insight/article/why-are-consumers-not-switching-their-broadband-and-mobile-providers-aUrmD1s8wyDI>

⁹ Which? (Sept 2026), 'Why over half of UK households are overpaying for broadband'. Available at: <https://www.which.co.uk/news/article/why-over-half-of-uk-households-are-overpaying-for-broadband-aVpbj1n6XgAw>

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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