

Consumer data right

AGL's response to Treasury's Peer-to-peer data access model in the energy sector: CDR rules and standards design paper. Submitted via GitHub on 26 May 2021.

AGL appreciates the opportunity to provide feedback on the issues raised in the Peer-to-peer access model in the energy sector paper (**P2P paper**). We welcome and are supportive of Treasury's decision to move to a P2P model from the gateway model as this aligns with the position AGL has advocated for since the outset of the CDR consultation. As previously discussed with Treasury, we consider the P2P model the best model for the energy sector and for cross sectional functionality, with further reasons considered in our position below. We look forward to working with Treasury on developing the rules and standards framework of the P2P model that results in the most cost-effective solutions and drives a simple and easy to access energy CDR regime for consumers.

We offer the following comments in relation to some of the questions raised in the P2P paper:

Question 1: Rules considerations

- As an overarching comment, AGL supports the P2P model as it best aligns with how consent and data is currently managed by energy retailers who, unlike AEMO, have a direct relationship with the customer. As recognised in the P2P paper, retailers are subject to strict requirements with handling customer information and data both under the energy legislative framework, including their compliance obligations, and under the *Privacy Act 1988* obligations in collecting, using, and disclosing personal information. Accordingly, the P2P model maintains the control over customer information by retailers and reduces the potential risks for unauthorised disclosure of customers' personal information.
- We support the view that, in due course, the P2P model will potentially allow greater efficiencies for retailers with the aim to reduce CDR implementation costs through leveraging the platform to other energy sectors (gas) and markets (Western Australia) and allowing extensibility to other industry sectors for multiproduct offerings, such as telco.
- The retailer as central repository for handling customer data requests from the accredited data recipient (**ADR**) and authenticating the customer's identity and obtaining their consent to the data disclosure (as opposed to AEMO) is logical from a data flows perspective and from a customer point of view as it is consistent with customers' experiences, understanding of consent management, dashboard access and complaint resolution.
- However, flowing from this, it is important that in the development of the CDR rules retailers are not responsible or liable for any data provided by AEMO in the following contexts:
 - in **point 26** of the P2P paper, we understand that AEMO will not be responsible for authorisation nor required to verify a valid authorisation is in place in disclosing requested CDR data to a retailer. However, we recommend that any data disclosure by AEMO to a retailer which is not associated with a valid authorisation, due to AEMO's error or otherwise, should be recognised in the CDR rules as AEMO's responsibility and provision made for AEMO to be accountable for unauthorised disclosures or conversely, expressly state retailers are not responsible.
 - Further to **points 23 and 27**, we recommend that the rules also address that if AEMO has not disclosed the CDR data it holds to the retailer following a valid request, the retailer will not be responsible to the customer for any failure on AEMO's part to provide the data requested by the retailer. Following from this, the rules need to be clear in what circumstances AEMO can refuse to provide relevant information requested by a retailer following a valid consumer data request.

- As set out in **point 31**, whilst we understand the limited role AEMO will have with regards to customer data as a ‘secondary data holder’ and the inability to attribute this data to an individual customer, we recommend:
 - the CDR rules make clear that AEMO be responsible for the handling of the data they are in control of and any misuse, inadvertent disclosure, or error with handling this data be the sole responsibility of AEMO; and
 - any customer complaint because of AEMO’s disclosure or non-disclosure, however arising, will be handled by and be the responsibility of AEMO, not retailers, which may require AEMO to be a party to some external dispute resolution process.
 - Again, as set out in **point 33**, we recommend that the CDR rules acknowledge that the retailer has no control or responsibility over the content of the data provided by AEMO following a valid CDR request, although as detailed in the P2P paper, once received the retailer must handle the data in accordance with any privacy safeguard obligations.
 - As set out in **point 22**, the rules will require AEMO to provide an online service that is able to receive and respond to CDR data requests from retailers. AGL recommends that the CDR rules and standards require that the online service supports the business-to-consumer style interactions (**B2C**) of CDR to ensure consistency of service behaviour and the end-to-end consumer experience between consumers, ADR’s, retailer DH and AEMO. Unlike the current business-to-business (**B2B**) system offered by AEMO for market interactions, it is pivotal that the online service presents data in a format ready for consumption by end users (consumers) without the need for retailers to in any way “manage the data sets”, such as translating, mediating, converting or caching the results. In effect the retailer is acting as a mailbox only for the AEMO data to be forwarded to the ADR.
- As discussed in **point 20**, we agree that the CDR rules should support economy-wide provisions to promote interoperability and extensibility of the P2P model into other sectors beyond energy and acknowledge:
 - With the Federal Government’s recent budget allocation and commitment to CDR, this ability to leverage the current P2P platform for retailers with multiproduct offerings into other sectors they may operate in currently or in the future, such as telco, is pivotal and allows for substantial cost savings.
 - This will also support the development of white label products providing accessibility for retailers to purchase ‘off the shelf’ platforms which are usually a cost-effective solution.
 - However, any sector-specific rules developed should be carefully considered and formulated based on sector feedback to reduce the requirement to craft bespoke IT solutions which may appear straight forward, but inevitability can create substantial costs in both fulfilling and maintaining as CDR evolves.
- We support the privacy impact assessment to be undertaken as detailed in **point 34** in consideration of the issues raised through the Treasury’s consultation.
- We seek clarification on the issue of metering data and whether retailers will also be able to provide this data set following a validated consumer data request if the retailer already has the information requested and it chooses to do so, rather than requesting this data from AEMO. Under the current model, AEMO is only authorised to provide this data set and it appears any change to include retailers requires amendment to the relevant designation instrument. However, with the move to the P2P model confirmed, AGL recommends that an amendment to include retailers be implemented to further facilitate and promote the CDR regime for customers. This change will allow greater flexibility and responsiveness to consumer data requests if a retailer can respond directly with the metering data they already hold, rather than seeking this data from AEMO. If Treasury would like to discuss further, we are happy to elaborate on this point.

- Also, as a general comment, we recommend that in the development of CDR and drafting of energy rules that consumers' ability to understand and interpret the benefits of CDR is kept at the forefront of the discussion, to enable this, easy to understand, intuitive, plain English language needs to be adopted and technical speak minimised.

Question 2: Standards consideration

In relation to 1.3 of the P2P paper, AGL provides the following comments:

- AGL supports the intent around the development of appropriate security standards between retailer DH and AEMO as noted in **point 36a**.
- As set out above, we seek confirmation if retailers will be co-data providers for metering data together with AEMO. If so, this will require technical standards considerations and may impact non-functional requirements referred to in **point 36c**.

We look forward to participating further in this discussion through the technical standards working groups.

Section 2: Customer Accounts

In relation to section 2, customer accounts, AGL provides the following comments:

- As acknowledged in the P2P paper, most small use energy customers (being residential and some small businesses) have only one account with a retailer, however, a customer may be supplied multiple services/contracts under that account. Further, each energy retailer may handle 'accounts' differently depending on their customer management systems. Another challenge with customer accounts in the energy sector is retailers allow flexibility for customers to customise their accounts to reflect their own requirements, for example, grouping multiple sites and/or NMI's around their preferences for billing arrangements. This is further complicated for business customers which can have multiple layers.
- In this sense, the term 'accounts' in energy is a different concept from banking where across that sector it has universal application and it is usual that customers may hold multiple accounts which can be clearly differentiated, such as mortgage, offset, savings accounts. As a result, universal application of this concept in the energy sector is not possible. If an energy customer has multiple accounts, it will be difficult to determine an equivalent naming convention to banking to enable the customer to distinguish between their accounts.

As suggested in the P2P paper, NMI's are a technical term used by the industry and not a term generally understood by customers, referring to meter number may be more easily identifiable for customers. Depending on the customer segment, the site address may be an easily identifiable element for customers, particularly in a single service scenario, for instance a customer can distinguish between an electricity account for their residential home and their 2nd 'holiday' house. If a customer has multiple contracts at a site with one retailer, for example, electricity, gas, and telco at a residential home, then selecting the 'service' at a site may be a more appropriate designation which will also allow cross sectional application.

- Following from this, as set out in the 2.2 Energy P2P model wire frame, we understand that if the customer only has one 'account', then the account selection step is not required to be built. However, for customers with more than one 'account' we recommend that Treasury further consults with the energy industry to determine an industry wide accepted identifier, and to ensure if standards are tailored for the sector they are fit for purpose, so retailers do not incur unnecessary costs to satisfy requirements which will not be appropriately utilised by customers. These requirements will also be influenced by which consumers can access CDR as different standards may be appropriate for different customer segments, such as residential, small business and large commercial and industrial customers.

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AGL's response to Treasury's 'Opt-out' joint account data sharing model – CDR rules and standards design paper. Submitted via the GitHub on 26 May 2021.

AGL appreciates the opportunity to provide feedback on the issues raised in the 'Opt-out' joint account data sharing model paper (**Opt-out paper**). Whilst this paper is largely directed to the banking sector, we acknowledge Treasury's preference that a model be developed which is workable from an economy wide perspective. As an overarching comment, we do not consider that the joint account rules will have extensibility from the banking sector to the energy sector due to different account management practices and the fact that joint accounts are not commonly available in the energy sector.

We provide the following comments regarding the application of joint accounts in the energy sector and a broad overview of the manner in which accounts are established:

4. Joint accounts in a cross-sectoral context

- As noted in the Opt-out paper, unlike the banking sector, the energy sector does not have joint accounts as contemplated by the rules in Schedule 3, clause 1.2, nor do we employ an alternative term or format which meets that definition. There is no meaningful equivalence in the energy sector for that term.
- At AGL we refer to our customers as 'account holders' but only one person or entity can establish an account and this person or entity is financially responsible for the account, these persons are often referred to as the 'primary account holder'. As a result, we cannot offer multiple account holders on an account as there can only be a single account holder to enable financial settlement of the account.
- In addition to the account holder, there are several different relationships that can be maintained within an account with varying levels of access to information and authorised actions, these roles are often referred to as a 'secondary account holder'. Some of these designated relationships are contact persons, account managers for business accounts, invoice recipients, financial counsellors, those holding a power of attorney, broker/third party bill validator, each of which can have varying levels of access to an account but are not financially responsible for an account nor usually able to terminate or change a contract the account holder has with the retailer. This presents a significant difference to the banking sector with its concept of joint accounts in which both account holders have equal authority and liability for the account.
- Accordingly, in the energy sector whilst the account holder being a single party (person or entity) will be able to provide consent to CDR data sharing, we query whether this ability should or can be extended to secondary account holders, and if so, what authority, consent or verification must they be granted by the account holder to enable this whilst ensuring the ongoing security and privacy of the account holder's information and data. We recommend further consultation on the concept of 'secondary users' as set out in the *Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020* and its application to energy secondary account holders.
- While we support commonality of CDR across sectors, this might be one area where we need to develop energy specific rules to enable secondary account holders to participate in the CDR ecosystem on behalf of the primary account holder. We suggest that Treasury further consults with the sector on design considerations for the provision of consent for CDR data sharing and how customer accounts are designated to enable the sharing of data. We refer to our comments on customer accounts presented in our Peer-to-Peer data access model response, also posted on GitHub.