



public interest
ADVOCACY CENTRE

Consumer Data Right – Priority Energy Datasets Consultation

26 September 2019

About the Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal centre based in Sydney.

Established in 1982, PIAC tackles barriers to justice and fairness experienced by people who are vulnerable or facing disadvantage. We ensure basic rights are enjoyed across the community through legal assistance and strategic litigation, public policy development, communication and training.

Energy and Water Consumers' Advocacy Program

The Energy and Water Consumers' Advocacy Program (EWCAP) represents the interests of low-income and other residential consumers of electricity, gas and water in New South Wales. The program develops policy and advocates in the interests of low-income and other residential consumers in the NSW energy and water markets. PIAC receives input from a community-based reference group whose members include:

- NSW Council of Social Service;
- Combined Pensioners and Superannuants Association of NSW;
- Ethnic Communities Council NSW;
- Salvation Army;
- Physical Disability Council NSW;
- St Vincent de Paul NSW;
- Good Shepherd Microfinance;
- Affiliated Residential Park Residents Association NSW;
- Tenants Union;
- Solar Citizens; and
- The Sydney Alliance.

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The Public Interest Advocacy Centre office is located on the land of the Gadigal of the Eora Nation.

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The CDR in general

PIAC supports the timely and effective development of the Consumer Data Right (CDR) for energy services. PIAC supports giving customers the ability to engage more effectively in the electricity market should they wish to and supports changes to facilitate improved access to useful electricity data for consumers and their agents. However, greater engagement must not be an obligation for consumers. Disadvantaged and vulnerable consumers who are less engaged, either by choice or circumstance, must not be penalised for their lack of engagement, and should still receive fair and reasonable energy services.

In developing a data access scheme for the electricity sector and more broadly, in implementing the CDR, it is essential that:

- the benefits possible from having a consumer's actual data to make offers and quotes are passed through to consumers;
- appropriate protections are in place against the potential misuse of data, especially from aggregating multiple data sources; and
- consumers provide explicit informed consent to what their data will be used for and where their data is going.

Explicit informed consent of consumers

As consumers must authorise a third party to access their data on their behalf, it is essential that the consumer understands exactly what they are agreeing to. Currently many contracts limit effective consumer understanding by burying details and implications in pages of legalese or fine print.

To ensure the schemes designed for data access are trusted by consumers and protect their interests, PIAC recommends there be an obligation to obtain explicit informed consent from a consumer, in plain language, specifying the types of data they are authorising the third party to access and the limitations of its use. This should also include the intended use of the consumer's data, retention of the data and limitations on the on-selling of the data.

The permissions approval used in installing smartphone apps may provide a useful starting point for communicating clearly and simply the types and levels of access being sought.

Responses to consultation questions

NMI standing data fields

Question 1: What other NMI datasets should be designated to support basic comparison and switching use cases?

These appear to be appropriate NMI standing data fields to facilitate basic retail comparison and switching use cases.

Question 2: What advanced use cases could be supported by additional NMI standing data fields, and what fields are these?

As more advanced use cases emerge through innovative business models, changing consumer preferences and/or emerging technologies, these standing data fields should be reviewed to determine their continued appropriateness.

For instance, standing data that specifies which distribution zone substation or transmission node the customer is supplied by may help identify network support programs the customer can participate in by engaging in demand response.

Additionally, when embedded network customers are to be included, the set of standing data subject to CDR should be reviewed to confirm whether additional data fields are required.

Metering data

Question 3: Should the priority datasets designation cover all meter types? If not, which datasets should be outside the scope of the initial designation, and why?

Yes. Consumers should not be restricted from receiving the benefits of the CDR due to the particular class of meter installed at their property.

Question 4: What advanced CDR use cases might more frequent smart or interval meter reads support?

No comment.

Question 5: Would the proposed data sets support the use cases identified above? What other use cases could smart meter data support and what specific datasets would be required?

No comment.

Question 6: How can the above privacy risks be balanced against the significant potential consumer benefits of supporting new use cases?

As noted earlier in this submission, to ensure that the schemes designed for data access are trusted by consumers and protect their interests, PIAC recommends that there be an obligation to obtain explicit informed consent from a consumer, in plain language, of the types of data they are authorising the third party to access and the limitations of its use. This should also include the intended use of the consumer's data, retention of the data and limitations on the on-selling of the data.

The permissions approval used in installing smartphone apps may provide a useful starting point for communicating clearly and simply the types and levels of access being sought.

Question 7: How long do retailers and/or metering data providers store metering data on a specific customer or site?

No comment.

Question 8: Is there commercial value in allowing consumers to port their historic metering data (and other data as appropriate) to a new retail service provider when they switch to a new product? Are there other solutions that may be more appropriate?

There is value in the consumer being able to access their historical energy data across multiple products and services at a particular property. It can provide a longer baseline of usage data for the consumer to compare retail offers and more advanced use cases such as considering whether to install DER or energy efficiency upgrades.

As this value exists regardless of which entity holds the historical data, it is not necessarily required for this data to be ported from one retailer to another when switching retail products.

Therefore, PIAC considers the question to address is: “How can consumers access their historical usage data regardless of how many times they have switched within a particular retailer or across multiple retailers?”

Customer provided data

Question 9: What data do market participants use to on-board a customer and what data is required to support efficient switching between different retail electricity service providers?

The consultation paper suggests this category of data could include: a customer’s full name, email address, phone number, date of birth of primary account holder, complete postal and/or billing address, and information that has been provided for the purpose of making payments (e.g. billing details, direct debit arrangements).

PIAC is concerned by the inclusion of many of these data sets in the CDR, in particular those related to billing and personal information. We do not consider it appropriate that such information should be accessible via the CDR. Instead, we consider that if a customer has authorised a third-party to switch them from one retail product to another, billing and personal information should be received directly from the customer themselves rather than through the CDR.

Billing data

Question 10: How is retail customer billing data shared between market participants now, and is there a general industry standard for billing information?

No comment.

Question 11: What consumer use cases might the priority designation of retail billing data support through the CDR?

PIAC supports the inclusion of retail billing data in the CDR. Access to historical billing information can help to more accurately assess the financial impact for the customer of potential choices such as changing retail products, investing in DER or improving their energy efficiency.

Access to only historical meter data can only show any potential changes in the energy usage, and the financial impact must be inferred from this.

Retail product data

Question 12: Would designation of all product data classes currently held by the AER and Victorian Energy Compare be sufficient to support basic comparison and switching use cases? Should product information tailored to individual consumers also be designated?

PIAC supports the inclusion of both generic and tailored classes of retail product data. As noted in the consultation paper, these are required to make an informed assessment of the benefit of switching retail offers.

Register of Distributed Energy Resources

Question 13: What other use cases do stakeholders consider may be supported by the designation of the Distributed Energy Resources Register as a priority dataset?

PIAC considers that inclusion of the DER Register in the CDR may help provide more accurate assessments of retail offers or investments. However, we note that the DER Register was designed primarily to provide AEMO and the network businesses with greater visibility of the type and location of DER installed to inform their system planning and operation. Access to the register by retailers or third-parties was not included.

Therefore, if the DER Register is to be included in the CDR, it is important that explicit informed consent is obtained from the consumer, in plain language, of the types of data they are authorising the third party to access and the limitations of its use. This should also include the intended use of the consumers data, retention of the data and limitations on the on-selling of the data.

Complex energy data sets for future implementation

Question 15: What other datasets do stakeholders believe should be considered for future implementation? Is there a strong case for bringing implementation of these datasets forward?

PIAC supports the future CDR-relevant data sets identified in the consultation paper: non-NEM data such as the electricity systems in WA; gas metering and retail product data; and electricity data for embedded network customers.

While we consider there is benefit in extending the CDR for embedded network customers, we appreciate that this may be more complicated due to the additional parties and specific regulatory arrangements for different embedded networks. However, we consider that extending the CDR to gas metering and retail product data is unlikely to have significant complexity. We consider there is significant potential benefit from this by allowing customers to more effectively and easily compare gas retail offers, consider bundled electricity + gas retail offers, and consider fuel substitution (such as switching from gas to electric heating or cooking). Therefore, we recommend considering whether implementation of the gas data sets could be brought forward.