



3 February 2020

Customer Data Right Branch
Australian Competition and Consumer Commission
By Email: ACCC-CDR@acc.gov.au

Dear ACCC

Customer Data Right – Consultation on how best to facilitate participation of third party service providers

Thank you for the opportunity to comment on this consultation paper.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON receives and responds to complaints from customers on metering work and electricity supply interruption issues relating to retailer and distributor activities. Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

We have only responded to those questions in the consultation paper that align with issues customers raise with EWON, or with our organisation's operations as they relate to this process.

If you would like to discuss this matter further, please contact me or Rory Campbell, Manager Policy and Research, on [REDACTED]

Yours sincerely

A handwritten signature in black ink that reads "Helen Ford".

Helen Ford
Deputy Ombudsman
Energy & Water Ombudsman NSW



Permitting CDR data to be disclosed to nonaccredited third parties

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We have only responded to those questions in the consultation paper that align with issues customers raise with EWON, or with our organisation's operations as they relate to this rule change.

EWON agrees with the ACCC that allowing CDR data to be shared with non-accredited third parties will be an important expansion of the CDR regime. In the energy context, these non-accredited third parties could be energy efficiency advisers, demand response providers or even financial counsellors. Provided the customer has given their explicit informed consent to disclosure of the CDR data, the services provided by third parties have the potential to result in better outcomes for consumers.

Question 9 – What privacy and consumer protections should apply where CDR data will be disclosed by an accredited person to a non-accredited third party?

Privacy and consumer protections, including independent dispute resolution, are essential in giving the public confidence in the CDR. It is important that the same consumer protections available to customers when dealing with an accredited person also apply when dealing with a non-accredited third party.

EWON recommends that responsibility for privacy and consumer protections should remain with the accredited person who supplied CDR data to a non-accredited third party. Effectively, the third-party should be regarded as an agent of the accredited person. Accredited persons will thus be required to satisfy themselves that the third party has appropriate systems and processes in place before giving them access to data.

EWON receives complaints from customers regarding third parties that have been engaged or contracted by EWON members to perform specific tasks, for example tree lopping, meter installation or pipe maintenance. In those instances we treat the complaint as if it had been made against the energy or water provider and deal directly with it. We suggest this situation applies for the CDR. This would mean the accredited third party remains responsible for dispute resolution services overall, even if the non-accredited third party has a role in the day to day resolution of complaints.

Enquiries

Enquiries about this submission should be directed to Rory Campbell, Manager Policy and Research, on [REDACTED]