28 August 2020

Sarah Court
Commissioner
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

Submitted via portal

Dear Ms Court,

Australian Competition and Consumer Commission: *Consumer Data Right - Energy Rules*

Energy Queensland Limited (Energy Queensland) welcomes the opportunity to provide comment to the Australian Competition and Consumer Commission (ACCC) in response to its consultation on the Consumer Data Right - Energy Rules (Consultation).

This submission is provided by Energy Queensland, on behalf of its related entities, including:

- Distribution network service providers, Energex Limited and Ergon Energy Corporation Limited;
- Retailer, Ergon Energy Queensland Pty Ltd (Ergon Energy Retail); and
- Affiliated contestable business, Yurika Pty Ltd including its subsidiary, Metering Dynamics Pty Ltd.

Energy Queensland's responses to the Consultation questions are attached for ACCC's consideration.

Should you require additional information or wish to discuss any aspect of this submission, please call Laura Males on [redacted] or myself on [redacted].

Yours sincerely

Trudy Fraser
Manager Regulation

Telephone: [redacted]
Email: [redacted]

Enc: Energy Queensland's responses to the Consultation questions.

Consultation questions: approach to data sets in energy rules	
1. Do you agree with our proposed approach to data sets in the energy rules? Why or why not?	Energy Queensland acknowledges the proposed approach will be influenced by existing energy market arrangements, multiple parties (internal subsidiaries, external entities and customers) along with various suppliers across the energy supply chain. As such, it is important to note that the data holder may not be the originator of the information and is reliant on other parties to provide timely and relevant updates as needed. For example, for some data sets (customer identifying information such as customer's name or their retailer) held by Energy Queensland's electricity distribution businesses (DNSPs), the DNSPs are not the originator of the data and are generally reliant on other parties for the provision and accuracy of those data sets. Importantly, the rights and obligations of other individuals need to be considered when sharing account information to ensure consent is obtained before disclosing any data about an individual to a third party as: • the primary account holder may authorise others to access and use the account; or • the primary account holder may not be the owner of the property. As such, it may be helpful for the ACCC to clarify that the CDR is intended only to broaden the application of the existing arrangements in rule 56A of the National Energy Retail Rules (NERR) concerning customer authorised representatives. Customers may still request and receive billing and consumption data from their retailer under these arrangements.

	Energy Queensland also notes that the CDR will not initially provide information direct to the customer but the NERR obligations to share data will continue. If the CDR does provide information direct to the customer in future, it is Energy Queensland's view that the parallel obligations under the NERR should be removed to reduce cost to serve. Energy Queensland also takes the opportunity to provide the following comments in relation to specific matters: <u>Customer data</u> Energy Queensland agrees that if hardship program participation is to be included in the CDR, then such information should be handled separately and could be presented separately with express consent or as part of a higher level access arrangement. Furthermore, we note that this data can be dynamic and regular steps needs to be taken to ensure the information held is accurate, complete and up to date. <u>Identifying information</u> Energy Queensland suggests it would be appropriate to limit identifying information to primary or joint account holder's NMI Standing Data. Additionally, we agree that only data from current connection point/premises is a relevant use case. <u>Metering data</u> Energy Queensland agrees that up to two years of metering data is relevant to use cases and aligns with existing National Energy Customer Framework (NECF) obligations in rules 28 and 56A of the NERR. However we note that retailers are required to keep some data for longer and it should be up to retailers to provide

	data older than two years (and consistent with NECF, these retailers should be able to recover costs associated with obtaining non-current data). <u>Billing data</u> Energy Queensland agrees that: - the billing period/issue date/pay by date/amount payable appear relevant, - the amounts payable/tariffs and charges and how these are calculated is appropriate. However, we question the relevance of discounts being included; - the amounts deducted/credited/received under government program/payment plan are appropriate, - high level account information like billing address/account ID is appropriate. However, we question the need for other account information/customer ID/authorised persons as this is arguably not billing data; - the payment information and payment methods are appropriate; - the use of estimated meter reads from the retailer and customer for billing is appropriate, - billing data should be aligned to NECF obligations – i.e. two years. However, we note retailers are required to keep some data for longer and it will be up to retailers to provide data older than two years. <u>Energy plan</u> Discount information should only detail publicly available terms, not privately arranged terms.

	<u>Voluntary data</u> Energy Queensland agrees in principle to the provision of voluntary data sets. However, we question how voluntary data will be reported in a standardised format. <u>Other occupants of premises</u> Energy Queensland agrees that identifying data should be limited to account holder/s. However, we question the value of any insights to the behaviours of other occupants which could be drawn from aggregated energy use.
2. Considering the above discussion about potentially sensitive information, what data, if any, should be subject to specific arrangements (for example, during the consent process)? Should any particular sensitive data be explicitly excluded from the proposed data sets?	Energy Queensland suggests that any collection or handling of sensitive information should be in accordance with the *Privacy Act 1988* (Cth) and Office of the Australian Information Commissioner's guidelines, which includes generally seeking express consent from an individual before handling the individual's sensitive information, given the greater impact this could have. Energy Queensland also suggests in order to avoid potential cherry-picking of customers, sensitive data about hardship, concessions and life support customer information should not form part of the data set. However, if it is determined that this data will be shared under the CDR, the customer should also be required to give express consent for this sensitive data to be shared. In addition, data related to participation in retailer hardship programs should not be disclosed as the program is not a product, but a regulatory obligation required under the National Energy Retail Law. Each energy company's hardship program is registered with the Australian Energy Market Operator (AEMO) and the energy company is obliged to provide changes to the program for acceptance by the

	regulatory body. The programs should be excluded as the customer is not able to sign-on to a hardship program unless they are already a customer and have shown difficulties in being able to meet their financial obligations for previously purchased energy. Also, we note the need to protect sensitive information which can potentially be used to circumvent Domestic Violence Orders.
Other comments on the ACCC's approach to data sets in energy rules	Energy Queensland maintains the collection of data should be reasonably necessary to achieve the objectives of the CDR. The collection use or disclosure of data should be done in consideration of the potential harm in the event of a data breach. In addition, where metering data is based on retailer estimates, our experience suggests these estimates can often be inaccurate where there has been a recent change in occupier. In these cases, estimates are based on the previous occupier's consumption. For these reasons, Energy Queensland suggests excluding estimates from the CDR as they are not sufficiently representative.
Consultation questions: approach to the Rules, standards and privacy safeguards to accommodate the gateway data access model	
3. Do you consider the proposed approach to the gateway rules, standards and privacy safeguards appropriate for CDR in energy?	The Australian Privacy Principles set out in Schedule 1 of the *Privacy Act 1988* (Cth) should apply to the CDR regime, including the gateway. Energy Queensland agrees that the proposed approach for gateway rules, standards and privacy as a standard across businesses will allow greater cross industry pollination and less complexity to be managed.

4. If not, which aspects of the approach should be reconsidered or amended, and why?	Energy Queensland considers that the definition of eligible consumers should not include closed or inactive accounts on the basis that we do not envisage any relevant use cases which would warrant their inclusion.
5. Should the information security obligations contained in Schedule 2, Part 2 of the Rules be applied to the gateway, or should we adopt an alternative standard such as the AESCSF?	Energy Queensland recommends applying the information security obligations contained in Schedule 2, Part 2 of the Rules and AESCSF (to the extent that this enables the CDR regime, including AEMO, to maintain a more mature and effective information security control that is commensurate with the size and extent of the risk it faces as identified in the Privacy Impact Assessment completed in respect of the CDR in energy). Specifically, the information security rules contained in Schedule 2, part 2 should be applied to the gateway except in the instance where there is a higher level of security required under alternate regimes such as NECF. In these instances, the higher level security should take precedence and be applied to all participants. Energy Queensland notes that the AESCSF is a practice-based framework that does not describe detailed controls for cyber security. Rather it states the overarching management approach that needs to be implemented for the domains at the different maturity levels. If AEMO were to use the AESCSF as the standard for the gateway a key issue to consider is, what maturity level for which domains, the participant needs to achieve. The structure for the AESCSF is that it is exponentially more difficult and expensive to achieve the high maturity levels meaning it could be extremely difficult for smaller market participants to achieve higher maturity levels. In the case of the gateway which many participants are required to use, it would be preferable if detailed security obligations were defined. This would ensure all participants are complying with the same requirements and the gateway is not at risk. Using the AESCSF could create the situation where participants do the

	minimum to gain the necessary maturity levels but do not actually implement appropriate technical controls in using the market gateway.
6. Should the gateway be subject to obligations relating to the privacy safeguards, beyond what is set out in Part 7 of the current Rules?	Energy Queensland recommends that privacy safeguards beyond what is set out in Part 7 of the current Rules are required, particularly for instances where an alternate regime imposes higher levels of safeguard. Having regard to the data it collects and transmits, should AEMO have a data breach, this will expose the CDR data to further security risks.
7. How should any disclosure of voluntary consumer data work under the gateway data access model (see section 3.3.1 for discussion of voluntary data)?	As noted in our response to question one, it is difficult to understand what and how voluntary customer data could be reported via the AEMO gateway without standardisation.
Other comments	Energy Queensland agrees that rules should generally restrict AEMO as the gateway, from collecting, holding, accessing and using CDR data sets.
Consultation questions: eligible consumer	
8. Do you agree with our approach to determining an eligible CDR consumer? Why or why not? What additional factors should we consider? In providing a response you may wish to address the following:	Energy Queensland notes that the term 'associate' as defined in section 318 of the *Income Tax Assessment Act 1936* (Cth) refers to spouses and other relatives. As such, it would appear to exclude a person who is not married but simply cohabits with an account holder. In our view, any regulations prescribing who is an eligible CDR consumer should include de facto spouses.

• What are the risks and benefits of including minors as eligible CDR consumers? If minors are included, what additional safeguards are required (if any)? • What use cases exist for retailer-held consumer data sets for inactive accounts? What changes to data holder obligations would be appropriate to facilitate this? • How might we facilitate the inclusion of customers who do not have an online account with their retailer as eligible CDR consumers? What particular issues will need to be resolved? • Should any particular customers, such as large customers, be excluded from the initial scope of CDR in energy? How should our approach account for the spectrum of large customers (for example, significantly large customers versus mass market large customers)? What thresholds or definitions might we use in determining these customers? • Are existing protections in the Rules that place restrictions on accredited persons seeking consent and where disclosure of data would create a risk of harm (for example, Rules 4.12(3)(b) and 4.7) appropriate for CDR in energy or do they require some adaption?	We also take the opportunity to express the following points: <u>Data sharing</u> Energy Queensland agrees that only persons known to the retailer are able to consent to sharing of data. <u>Account holders</u> Energy Queensland agrees that named retail account holders should be eligible CDR consumers. <u>Joint account holders</u> Energy Queensland agrees that joint account holders have individual authority to transact on an account. However, a joint account holder should not be able to authorise disclosure of the other joint account holder's details. <u>Online accounts</u> Energy Queensland agrees that customers who do not have an online account should not be precluded from using CDR as they would have the ability to use the online facility of the data recipient requesting the information, and information under CDR data sets is stored online regardless of the means of providing details to the consumer. <u>Nominated persons</u> Energy Queensland agrees that one-off authorisations to transact on an account do not provide a continuing authorisation.

	Active accounts Energy Queensland agrees that the scope of the CDR should only apply to active accounts. We cannot identify any compelling use cases for inactive accounts. Closed or inactive accounts Energy Queensland considers there are unlikely to be many relevant use cases for closed or inactive accounts as the data and possible insights to energy use behaviours are unlikely to be relevant to the current period and premises to which the account applies. Specifically, energy is not analogous with banking as customers usually only have one electricity account per premises. We question the relevance of AEMO sharing data it holds from an inactive/old account. Minors By excluding minors from the definition of CDR consumer, the ACCC is preventing a class of individuals who tend to be very digitally enabled from accessing competition in retail supply. Although Energy Queensland notes there is likely to be a very small number in this cohort, the reasons for exclusion are not compelling. If a minor can sign up to a Higher Education Contribution Scheme debt before the age of 18 then arguably, they should also have the capacity to give consent to sharing of customer account data. In any case, it is Energy Queensland's view that a minor who is registered as an authorised or responsible account holder should be included. Where a minor is not in one of these roles, we agree they should not be included in the definition of eligible consumer, consistent with the principle that the occupants of a household who are not registered as authorised or responsible account representatives should be not be considered eligible consumers. Concerns regarding exploitative practices should be captured by the protections under the Australian Consumer Law.

	<u>Large customers</u> Energy Queensland suggests it may be appropriate to include certain aspects of large customer data sets in the CDR, such as NMI standing data and energy consumption, with the exception of commercially sensitive information such as billing data. Energy Queensland is concerned that a landlord may infer behaviours of occupants from energy data if the landlord is the account holder given SPIA concluded that energy data is not considered sensitive. Furthermore, we agree in principle to making a rule to prohibit sharing of information not related to the CDR consumer. For example, an occupant with life support or concession entitlements.
9. Is our characterisation of energy joint accounts and energy nominated persons accurate?	Energy Queensland refers the ACCC to our comments on joint accounts and nominated persons provided in response to question 8.
10. Is our proposed approach to facilitating data sharing for joint accounts appropriate for the energy sector?	The proposed data sharing approach appears appropriate. As stated above in response to question 8, joint account holders should not be able to authorise disclosure of the other joint account holder's personal details.
11. Should nominated persons or certain nominated persons be eligible CDR consumers?	Energy Queensland recommends that only authorised representatives and financially responsible persons listed on accounts be considered eligible CDR consumers. We also note that retailers often work with attorneys who present their power of attorney to act on behalf of a usually vulnerable customer. There has been no mention in the Consultation as to whether this type of customer can be an eligible

	CDR consumer, and Energy Queensland suggests they could be included as eligible. However, customer authorised representatives (as defined in the NERR) should not be considered to be eligible CDR consumers for accounts for which they have previously been authorised. We note they are more closely aligned to ADRs under CDR than customers and don't have a retail account.
12. What particular arrangements exist for nominated persons who are able to transact on business accounts?	Energy Queensland suggests that nominated persons be required to provide legally binding consent forms for actions on accounts. Nominated persons are required to apply explicit informed consent prior to the release of any account information.
Consultation questions: authentication	
13. Do you agree that strong consumer authentication based on a redirect model is the correct authentication model for CDR in energy? If not, please set out your preferred alternative model, and the risks and benefits of that approach.	Energy Queensland agrees that strong customer authentication is appropriate for access to the full range of data sets included in the CDR in energy and that any data that can be used to identify account holders' private information, such as name, address etc. should always require strong consumer authentication. However, we also acknowledge the ACCC's intent for a uniform approach to enable the economy-wide application of the CDR. We note the potential for some energy CDR data sets which do not contain information that can be used to identify individuals to be subjected to less stringent authentication. For example, data which can be viewed in an aggregated or less granular form; data at a level which does not enable identification of individuals, such as post code, suburb or Australian and New Zealand Standard Industrial Classification; or data for read-only access could be considered for less onerous authentication. Although, we

	note that minimum thresholds for aggregation may vary with each data set to ensure anonymity.
14. Do you agree that data holders should be able to rely on a single authentication carried out by another data holder?	Energy Queensland agrees that CDR consumers should not be overly burdened by requirements to authenticate each data holder and that data holders should be able to rely on an authentication undertaken by another data holder. However we consider it important that any such approach contains additional security features, such as authorisation numbers, and should be equivalent to authentication provided by customers.
15. What are the risks and benefits of allowing customers to engage with a redirect-based authentication model offline (for example, by telephone)?	Consistent with earlier comments regarding enabling customers without online accounts, Energy Queensland considers alternative methods for authentication, such as verbal/voice and SMS, should be enabled. We note that these methods are already enabled with retailers for obtaining explicit informed consent and could be included as part of the CDR model.
16. What are the costs and benefits for stakeholders associated with Model 1 and Model 2?	Energy Queensland notes that AEMO is a not-for-profit operation, which recovers its operating and capital expenses through approximate fees levied to participants with each fee limited to recovering the costs of providing the particular service. As such, Energy Queensland expects that, if AEMO proceeds with development of an authentication model as per Model 2, in addition to other retailers developing their own approach under Model 1, then the costs associated with AEMO creating an authentication model should be recovered only from the users of that service. However, we also note that, if such an approach is developed, there will also likely be costs associated with integration of these systems with AEMO's authentication system to ensure customers can review the status of their consents on the

	proposed dashboard. Further, AEMO must ensure that the dashboard only provides access to the authorised person.
17. Do you agree with our preference to implement Model 1 as the authentication model for CDR in energy?	Energy Queensland prefers the authentication model described in Model 1 as it appears to be less complex than Model 2 and therefore should minimise the cost to apply to businesses. In our view, Model 1 also reduces the duplication of effort for the customer which is likely to provide greater take-up of the facility.
18. Should the ACCC and DSB also facilitate Model 2, for example as an alternative for retailers who are unable to build the authentication capability required by Model 1?	Energy Queensland is of the view that offering both methods will increase the cost of compliance and not improve the ability for customers to apply for CDR requests. However, Energy Queensland expects that, if AEMO proceeds with development of an authentication model like Model 2 in addition to other retailers developing their own approach under Model 1, then the costs associated with AEMO operating a second authentication model should be borne only by users of that service.
19. If the ACCC and DSB facilitate Model 2, what consumer experience factors should we take into account with respect to how dashboards should be presented to CDR consumers?	Energy Queensland suggests that from a consumer experience perspective, the dashboard should be easy to use and navigate. Energy Queensland also recommends, as far as possible, removing the need to view multiple dashboards to understand the full range of requests the customer has previously made as well as those new ones being considered. The single dashboard located at the gateway of all requests should provide this capability.

Consultation questions: dashboards	
20. Of the three options for data holder dashboards, which do you prefer and why?	Energy Queensland's preferred dashboard approach is Option 2 since all CDR requests pass through the AEMO gateway. Option 2 is also likely to be the least confusing for CDR consumers as it can enable viewing of relevant information from multiple parties in a single source view.
21. What are the advantages and disadvantages of each of the options?	Energy Queensland expects that Option 1 would require the customer to approach individual data holders to view the details of their CDR data sharing consent/authorisations. For example, billing, consumption and customer data will be held by the customer's retailer, while NMI standing data is held by AEMO, DER register data held by distribution network service providers and generic energy product data held by the AER. Having to approach four parties, some of which customers may not recognise, is likely to create confusion. Further, such an approach would require the development of four separate customer-facing dashboards. By comparison, Option 2 is a single point for the customer to review all of their requests. However, Energy Queensland acknowledges that AEMO is not a consumer-facing organisation and many energy consumers will not be familiar with AEMO. As such, AEMO will need to develop a more consumer-oriented interface for this role. Collaboration with retail businesses in this initiative would be appropriate.

	Energy Queensland considers that Option 3 is unnecessary and should not be considered for the energy CDR as, unlike banking, the energy sector is using AEMO as a central gateway for authentication and delivery of data.
22. What other options should we consider?	Energy Queensland makes no comment.
23. Noting our intention to include customers without an online account with their retailer as eligible CDR consumers (see section 4.2.3.4) how might dashboards be provided for these consumers?	Energy Queensland suggests that using the central gateway would allow customers who do not have online accounts with their retailers to use alternate digital means to review the single dashboard from their computers or mobile devices via an internet browser.
24. What consumer experience factors should we take into account with respect to how dashboards should be presented to CDR consumers?	Energy Queensland suggests that further customer experience research is required to ensure that the dashboard meets the needs of customers. This is likely to feature a simple and easy to use and understand interface to enable customers to quickly and easily navigate to view CDR data sharing consent/authorisations.
Consultation questions: internal dispute resolution	
25. Do you agree with our proposed approach to energy sector IDR? If you are an energy retailer, to what extent do you consider your current IDR processes as required under the Retail Law or Energy Retail Code meet Schedule 3, Part 5 of the Rules?	Energy Queensland's preference is to align the IDR with the current IDR processes within the energy industry as required under the Retail Law as this will be simpler to administer.
26. How important do you consider consistency of IDR approaches across sectors at this stage of the CDR regime?	It is Energy Queensland's view that consistency of IDR approaches across sectors is not important. While Energy Queensland notes the potential for customer confusion if the processes are inconsistent across banking and energy if they have disputes with both functions, any transition to a more elaborate IDR

	should acknowledge the potential for additional costs which may arise just to make processes consistent.
27. Do you think the Rules should provide for IDR processes for complaints by CDR entities to and about these same parties? Why or why not?	Energy Queensland makes no comment.
Consultation questions: phased implementation	
28. What do you consider is an appropriate measure of retailer scale to justify being brought within scope of CDR in energy?	Energy Queensland acknowledges that implementation of the CDR in the energy sector will require additional investment in systems to be compliant and meet the needs of customers. Although the total cost of this implementation is difficult to determine at this stage, we expect that compliance costs will be substantial and will add to already large compliance costs associated with concurrent energy market reform initiatives. Similar to the implementation of the CDR in the banking industry, it may be appropriate for the initial implementation to apply to the larger retailers, but to enable other retailers to participate voluntarily. In terms of the most appropriate means to determine size, customer numbers or billed sales ($M) could be appropriate measures for determining a threshold for participation in the CDR, particularly for small customers, while share of load (in GWh) may be more appropriate for retailers with a smaller number of large customers (if captured). Option 1 (capturing the largest incumbents in Tranche 1 plus largest in areas where the incumbents do not meet these criteria) appears to be most likely to ensure the greatest number of consumers will be covered by the CDR.

	Energy Queensland notes that Ergon Energy Retail, by virtue of its size (in terms of customer numbers) and incumbency status in regional Queensland, would be captured by Options 1 and 3. Energy Queensland also notes that given the significant cost of applying the CDR to the energy sector, we question whether it is appropriate for Red Energy and Lumo Energy, which are owned by the Commonwealth Government by virtue of its ownership of Snowy Hydro, to be excluded from Tranche 1.
29. Should we apply a different measure of retailer scale for retailers serving large customers?	As noted in our response to question 28, if large customers are included in the CDR, an appropriate measure to determine retailer size could be billable sales or share of load (GWh).
30. If you favour a particular measure of retailer scale (for example, customer numbers) what threshold should we set between the different tranches?	Energy Queensland does not believe there should be a threshold for exemption in Tranche 2. We note that all providers of electricity are required to comply with the retail law therefore consider it seems fair and equitable for all retailers to be captured by the CDR.
31. Which of the options for the phasing of data holders do you prefer? Why? Do any of the above options present any significant issues that we should be aware of?	Energy Queensland sees merit in all three options described in the consultation paper. We consider there is no sound basis for permanent exclusions for data holders if they do not meet a threshold and note that the reciprocity rules which apply in banking will/should also apply for energy to require parties requesting CDR data from data holders to provide data when requested.
32. What are the costs and benefits of phasing in retailers for the purposes of facilitating authentication only, in particular if this occurs at an earlier date than the	We do not believe there will be benefits associated with facilitating authentication any earlier than requirements for data holders, as this regime is expected to create new compliance obligations for many businesses. We consider compliance

date at which they must be able to fully participate by serving data into CDR?	with the CDR will be a dynamic obligation which will continue to develop and evolve over time and will expand to incorporate more information and possible transfer sources. These will likely require new authentication means so compliance with CDR authentication will likely require participating entities to update and improve their authentication processes.
33. Do you agree with our proposals to permit data holders to come into the regime early on a voluntary basis, and to phase data holders into the regime earlier than scheduled if they become accredited?	Energy Queensland agrees with the proposal to enable voluntary participation in the CDR with the expectation that all data holders will be required to be compliant regardless of the size of the business, in due course. However, once involved, a voluntary participant should not be permitted to withdraw. We also note that the reciprocity rules which apply in banking will/should also apply for energy which requires parties requesting CDR data from data holders to be enabled to provide data when requested.
Consultation questions: issues relating to accreditation Energy data	
34. Do you agree that energy data sets are less sensitive than banking data sets?	In general, Energy Queensland acknowledges that some energy data sets (excluding personal information as defined under the *Privacy Act 1988* (Cth)) may be considered less sensitive than some banking data sets. For example, the standing data sets would be expected to be of less sensitivity than financial data sets. However, we note that the forms of energy data which include customer-specific information (i.e. information which enables identification of individuals) are no less sensitive than those of financial data as they can equally be used for identity theft.

35. Should any energy data sets, or subsets of those data sets, be treated with a higher degree of security (due to potential sensitivities), similar to banking data?	Energy Queensland considers that data sets that contain customers' personal information should be treated with as high a level of sensitivity as financial data sets. Similarly, if hardship and other data sets, with the potential to affect credit worthiness, are incorporated into the CDR, then these should also be treated with the same level of sensitivity and require the highest level of accreditation.
36. If you agree that some or all energy data sets are generally less sensitive than banking data sets, do you support the introduction of a lower tier of accreditation for ADRs seeking to access those energy data sets?	Energy Queensland acknowledges that there could be opportunities for applying lower tiers of accreditation for access to certain energy data sets. For example, data holders wishing to store customer data should be treated differently to those seeking access to de-identified data such as NMI data or metering data. The ACCC could also consider lower levels of accreditation for data holders seeking to only read and not store data. However, in determining such an approach, the ACCC must assess it against the fundamental reason for the creation of the CDR regime stated in the consultation paper: *"(to) give Australians greater control over their data, empowering consumers to choose to share their data with trusted recipients for the purposes the consumer has authorised."* (page 4) Further, the ACCC must assess the potential benefits of a lower tier of accreditation against the risks of a less secure approach.
37. If so, how should the obligations for ADRs at the lower tier differ from those applicable to ADRs at the existing 'unrestricted' tier? In particular, should the obligation to provide an assurance report be modified as outlined above?	From an administrative perspective, it would appear to make sense that lower level accreditation would be subject to fewer administrative obligations, such as less stringent assurance reporting. However, as noted above, the ACCC must assess the potential benefits of a lower tier of accreditation against the risks and be sufficiently confident that this approach would not adversely impact customers.

38. Alternatively, do you consider that we should consider introducing a lower tier of accreditation on a cross-sectoral basis for both banking and energy?	Energy Queensland makes no comment.
39. If so: a. what energy and banking data sets would be appropriate for a lower-tier ADR to access? b. how should we restrict access to CDR data sets for ADRs accredited at the lower tier? c. how should the obligations for ADRs at the lower tier differ from those applicable to ADRs at the existing 'unrestricted' tier? d. what should be the criteria for accreditation at the lower tier (having regard to the ADR's obligations) and what level of evidence should be required in support of an application?	Energy Queensland makes no comment.
Streamlined accreditation 40. Do you agree that data holders in energy, if they wish to become ADRs, should have access to a streamlined accreditation process analogous to that applicable in banking?	Energy Queensland acknowledges the potential for such an approach to be applied to the energy sector, but a thorough assessment of potential risks would be required to ensure security of customer data.

41. If so, can we rely on existing information security and other regulatory obligations in granting streamlined accreditation to such data holders?	Energy Queensland makes no comment.
42. If so, why are the existing obligations sufficient, and do you consider the obligations to be sufficient to grant streamlined accreditation at the 'unrestricted' tier, or at a lower tier introduced by the ACCC?	Energy Queensland makes no comment.
43. If not, but you remain supportive of some formed of streamlined accreditation, what additional obligations should we impose as part of a streamlined accreditation process for energy data holders?	Energy Queensland makes no comment.
44. Do you agree with our preliminary view that any streamlined accreditation requirements for energy data holders should not override the requirement for ADRs to have adequate insurance or a comparable guarantee that will properly compensate consumers for any losses that may arise from a breach of an ADR's obligations?	Energy Queensland considers that streamlining for accreditation could only be applied to administrative process and should not enable fundamental customer protections to be avoided. These are likely to be important features which provide individual customers confidence in the CDR and some recourse to recover damages or other losses from the misuse of their data. It is incumbent on the ACCC to ensure that the CDR regime is also created to provide protections for customers as well as opportunities for businesses.
Conditions for accredited person to be data holder 45. Do you agree with our view that conditions like those set out in Schedule 3, clause 7.2 of the Rules should be adopted in CDR in energy, with appropriate modifications? If so, what modifications are required?	Energy Queensland suggests that the data holder be appropriately licensed, for example, hold a retailer authorisation issued by the AER.

Consultation questions: estimating the regulatory costs of CDR in energy	
46. Can you provide a rough breakdown of the implementation and ongoing regulatory costs that an energy data holder might incur? An estimated range would be appropriate.	Energy Queensland notes that the CDR regime remains dynamic and without firm details for the energy-specific CDR regime, accurate estimates for implementation and ongoing regulatory costs cannot be estimated at this time as energy-specific rules and data requirements will be large determining factors in these costs. Further, the training and development costs associated with compliance officers to ensure ongoing compliance will be affected by the ongoing rate and size of changes.
47. Can you estimate what costs might be involved for a retailer to comply with authentication Model 1 and Model 2 identified in section 4.3.4?	Energy Queensland anticipates that the establishment and ongoing costs associated with Model 1 could be materially similar to those of financial institutions. We do not currently have an estimate of the effort and investment which would be required to implement Model 2 but expect that any additional complexity in the authentication model would require greater investment.
48. Can you provide a rough breakdown of the implementation and ongoing regulatory costs that an ADR seeking energy data might incur? An estimated range would be appropriate.	Energy Queensland makes no comment.