

19 August, 2022

Anna Collyer
Chair,
Energy Security Board

Submitted by email

Dear Anna

Data Strategy – Initial reforms Consultation Paper

PIAC welcomes the opportunity to respond to the Energy Security Board's (ESB) Data Strategy – Initial Reforms Consultation Paper (the Paper).

PIAC supports the ESB's intent to ensure that energy system data can be utilised more effectively in the long-term interests of all consumers. However, the ESB must ensure that availability and transfer of data (even anonymised) is not the default. It is crucial to understand that barriers to data transfer are not inherently problematic or contrary to systemic efficiency, innovation, and the promotion of the collective consumer interest.

The current circumstances, requiring AEMO to **identify an unqualified and express right to use and share information do not strike the right balance and may constrain avenues to utilise data in the interests of consumers.**

Disclosure to Class A bodies

PIAC agrees changes to allow AEMO to disclose protected information – subject to robust protections – to Class A bodies, is appropriate. However, this should only proceed if:

- it is done in accordance with the Privacy Act and preserves confidentiality of consumers and their information
- Class A bodies are strictly defined as those with prescribed statutory functions, and where there is a high degree of confidence in the capability to secure and protect the relevant data¹
- consumer benefit can be demonstrated, or it is otherwise shown to contribute to the promotion of the interests of consumers.

¹ As set out in section 5.4 of the Draft, defining and listing Class A bodies.

PIAC does not support any alternative approach – such as that proposed on page 10 of the Draft – which widens the scope of what could be regarded as a Class A body.

Disclosure to Class B bodies

There is also value in providing an avenue for research, academic and scientific organisations being able to access protected information, under certain circumstances. However, this should only proceed if:

- it is done in accordance with the Privacy Act and preserves the confidentiality of consumers and their information
- there is a high degree of confidence in the capability of the recipient to secure and protect the relevant data
- the body conducts research, study or scientific investigation in a field related to the generation, use and conservation of energy, and where there is a demonstrated scope for consumer benefit or promotion of the consumer interest
- the body is not using the information for a commercial purpose, or sharing the information or the use of the information with an organisation with a commercial purpose (that is the body receiving the information is ringfenced from any partner or use with a commercial purpose)

PIAC does not support any option where information may be openly requested by any party (that is, that there be no prescribed Class B bodies).

Conditions of disclosure

PIAC supports strict conditions being placed on the use and disclosure of information and recommends these conditions are written into law. The conditions should:

- proscribe how information is used and ensure it is available only for permitted purposes
- define how information must be protected and secured,
- prohibit the recipient from further disclosing the information in full to a third party. The authorised recipient may be able to disclose insights or analysis of the information, provided it does not have the effect of disclosing the protected information.

These conditions are most consistent with Option 3 in the Draft, and PIAC recommends Option 3 with appropriate amendments.

PIAC would welcome the opportunity to discuss these matters further with the ESB and other stakeholders.

Yours sincerely

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