

21 November 2019

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Dear Information Commissioner

AEMO Submission: Draft CDR Privacy Safeguard Guidelines

AEMO welcomes the release of the Draft CDR Privacy Safeguard Guidelines ('Guidelines') and the Office of the Australian Information Commissioner ('Information Commissioner') consultation process on the Guidelines. Once finalised, the Guidelines will play an important role in allowing all parties involved in the Consumer Data Right (CDR) to understand how the Information Commissioner will interpret and apply the CDR privacy safeguards when exercising relevant functions and powers.

In line with the Commonwealth Government's commitment that the CDR is to be rolled out across the economy (with the energy and telecommunications sectors to follow banking), AEMO considers that that the Guidelines should be viewed as living guidance that is updated and evolves in line with the expansion of the CDR.

As the CDR is applied to different sectors, it is acknowledged that the underlying principles will remain the same, with many aspects of the regime consistent across all sectors. However, it is anticipated that there will be some significant differences to the existing CDR model when it becomes operative in the energy sector, which will need to be taken into account in the Guidelines.

AEMO notes that:

- a) On the 29 August 2019, the Australian Competition and Consumer Commission (ACCC) released its 'Position Paper: Data access model for energy data' that confirmed that an AEMO gateway model is the ACCC's preferred data access model for third party access to energy consumer data in the National Electricity Market; and
- b) The consultation initiated by Treasury in relation to Priority Energy Datasets has only recently closed. Feedback received is currently being considered and further consultation is expected, once the proposed text of the Designation Instrument is released.

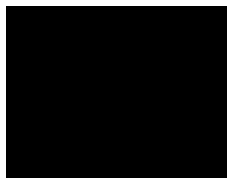
As the current Consumer Data Rules do not incorporate a gateway, and as the development of the Designation Instrument will further inform the development of the CDR Rules for the energy sector, AEMO suggests that the Guidelines will need to be revisited before they are applied in the energy sector.

As a consequence, AEMO considers that it:

- Would be preferable to clarify that the current Guidelines apply to the Consumer Data Rules in relation to the banking industry specifically; and
- Will be essential for the Information Commissioner to update the Guidelines to ensure that they evolve, as required, in line with the application of the CDR to new sectors.

AEMO appreciates the opportunity to comment on the Guidelines. Should you have any questions, please contact Tess Fitzgerald on [REDACTED] or [REDACTED]

Yours sincerely



Tony Chappel
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