



31 May 2020

Daniel McAuliffe
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Langton Crescent
PARKES ACT 2600

Lodged electronically: data@treasury.gov.au

Dear Mr McAuliffe,

Consumer Data Right (Energy Sector) Designation 2020

Origin Energy appreciates the opportunity to provide comment on the draft *Consumer Data Right (Energy Sector) Designation 2020* (Designation Instrument).

Origin supports the intent of a Consumer Data Right (CDR) regime to enhance and encourage competition by giving consumers greater access to their data and to have the ability to share this data. For the CDR regime to achieve its objectives for the energy sector, it must allow consumers to easily provide consent in an informed manner. More importantly, it must also provide customers with the confidence that their information will be protected and will only be used for the purpose and period consent was given.

In extending the CDR regime from banking to energy, it is vital that a full and deliberate consultation is undertaken to ensure all differences across the industries are appropriately considered and scoped so that its objectives can be achieved and unintended outcomes minimised. We strongly urge Treasury to provide an appropriate timeframe for consultation to allow participants to fully analyse the Designation Instrument and CDR Rules as they apply to energy. By way of comparison, we note that the consultation on the Designation Instrument for banking was undertaken over a 9-12 month period compared with the proposed timeline of 3 weeks for energy.

We strongly believe that given the limited consultation to date that the energy sector ought to be provided with another opportunity to review and comment on the Designation Instrument following this round of consultation and certainly prior to it becoming a formal instrument that the ACCC and agencies including the Data Standards Body and Office of the Australian Information Commissioner rely on.

Our submission focusses on several concepts where we consider further review and scoping in the Designation Instrument is required. We have also provided detailed comments on definitions and clauses contained in the Designation Instrument. This is provided at **Attachment A**.

Consumer Data Right Regime Concepts for Energy

We have specific concerns regarding the following elements of the CDR regime to apply to energy including how several of these are addressed in the Designation Instrument:

1. The role of AEMO and retailers in designating both these parties as a data holder of meter data.
2. Clarification of term 'customer' and 'associate';
3. Further clarification on 'bundled' arrangements and the inclusion of 'related goods and services';
4. Authentication models and how they interact with the drafting of the Designation Instrument;
5. A clear delineation of roles and requirements for providing both generic and tailored product data;

6. The types of billing information should be refined to reflect current capabilities and energy specific requirements;
7. Further consultation and the undertaking of a cost benefit analysis for including natural gas within the framework;
8. The inclusion of clear requirements around the types of information that will be considered 'materially enhanced information' to avoid it being captured as 'derived CDR data'.

1. Meter Data and Designation of Data Holders

Metering data is a record of the actual energy use at the premises and includes different meter types, including smart meters that have remote communication capability. This actual record of energy use could include a substitution read as defined in the National Energy Rules.

The Designation Instrument proposes that both AEMO and retailers be designated as data holders for meter data, but with no explanation as to the situations or reasons for the dual designation. Roles in relation to meter data should be clearly defined for the CDR regime to ensure the framework is developed in an efficient and cost-effective manner.

Origin supports AEMO taking on the role of providing meter data with meter data limited to the data at the register level at the connection point. While AEMO does not currently have all consumption data at the appropriate levels that customers require for the CDR regime, they will gradually hold the relevant data as part of 5-minute settlements implementation.

AEMO should only take on this role when they have the capabilities to provide the data. We do not support interim data holders being assigned for meter data. That is, if retailers are designated as data holders for certain register level meter data (ie accumulation meters) at the commencement of the CDR regime and then Treasury or the ACCC determines that this function should gradually be transitioned to AEMO as they obtained the relevant capabilities. The presence of 'transitional' data holders will be costly, inefficient and require significant IT system build for a function that would only be utilised for a short period of time. It may mean that meter data may need to be transitionally designated under the CDR regime such that interval meter data (type 4 meters) is designated first and then followed by other metering datasets (ie type 5 and 6) as AEMO obtains the capabilities to provide the data in accordance with the framework.

If the meter data does not register at the connection point (as discussed above), AEMO should not be providing the data to the accredited data recipient as they are not the source for this data. There may be situations where customer self reads are used to bill a customer as there is an error or an inability to obtain the actual meter read data from the meter. Retailers would take on the role of providing reads that the customer has provided for billing purposes. Origin has always considered that 'customer self-reads' in which a customer is billed on would form part of the 'billing data' requirements and not be included in the 'meter data' data set.

Given the significant level of policy uncertainty with the defining of meter data and data holders for meter data, Origin requests an open industry discussion on the topic prior to the finalisation of the Designation Instrument.

Finally, meter data for the purpose of the CDR regime should not include non-standard data collected by the meter. With the introduction of Power of Choice, meter data providers (MDPs) have been investing in metering technologies to provide additional 'smarts' to meters to differentiate themselves from other meter providers and provide non-traditional services to customers. These additional features are procured under special commercial arrangements between MDPs and customers, are not part of the conventional energy retail offering; they embody and deliver data that is materially enhanced by the MDP with the use of certain IP. For these reasons, the Rules should ensure that it does not form part of the dataset under the CDR energy regime.

2. Definitions of 'customer' and 'associate'

Origin is concerned with the breadth of the proposed definitions of 'customer' and 'associate'. While we appreciate the CDR framework is deliberately broad to cater for consistency across sectors, the term 'associate' is so broad that there is a risk that information may be shared by a data holder to the CDR customer where there are situations of family violence, child custody or monitoring behaviour. The risk arises under section 7 of the Designation Instrument where information may be shared about an 'associate' with an accredited data recipient who has been instructed to process a CDR request on behalf of a customer. The CDR regime needs to protect from information being disclosed without the appropriate consent.

'Customer' is also defined broadly to include an individual "to whom electricity is supplied in connection to an arrangement". We are concerned that the term could be interpreted broadly by the ACCC when drafting the CDR rules and could enable non-account holders or unauthorised representatives (e.g. tenants, extended family members, partners in a business, and employees) to claim to be a consumer under the CDR framework. Treasury should provide guidance as to the intent of this definition and, at a minimum, the Rules provide clear eligibility criteria as to the application of the definition to the CDR regime in energy. Origin envisages that the term 'customer' would align with how 'customer' is used within the energy sector. This will support the operation of the CDR regime in an efficient and appropriate manner.

3. Information about 'bundled' arrangements and related goods and services

We understand that the intent of introducing CDR in the energy sector is to cover an 'arrangement' limited to the sale or supply of electricity and natural gas (only to the extent that there is a dual fuel offer and captured under the designation instrument). We do not believe that it is intended to capture behind the meter goods or services, nor additional service offerings not directly related to an energy contract (ie supply to electric vehicle charging stations or the offering of broadband services). The basis for competition in any industry is how effective businesses are at using that core, base data to promote innovation and investment to deliver better outcomes for consumers and offer additional service offerings.

The scope of the definition of 'arrangement' potentially goes beyond the exclusive sale or supply of electricity to include 'bundled' arrangement such as natural gas and other goods and services being supplied to a customer or an associate. This interpretation has been taken given the 'Note to section 5 and sub-section 8(1)(b) of the Designation Instrument which refers to "*related goods or services*". While we understand the Government's intent in relation to natural gas, the extent of other goods or services is not clear.

We seek further explanatory information on Treasury's confirmation on its intentions in relation to 'bundled' arrangements. Further, we seek the inclusion of examples included in sub-section 8(1)(b) of the Designation Instrument to assist with the interpretation of "*related goods or services*". We understand this phrase is to refer to items such as movie tickets or a membership to a sports team that has been offered as part of a direct product offering associated with the supply of electricity. The inclusion of the word 'directly' related to is important to allow competition and give effect to the intent of the CDR regime to capture a directly related non-financial benefit (ie movie tickets) and not if the customer also has the option to purchase broadband services. Without the inclusion of examples and the word 'directly', the ACCC could take on a broader interpretation.

4. Authenticating the CDR customer in the energy sector

Authentication is a complex issue for the energy industry to determine but one that is critical to the development of the CDR regime and the drafting of the Designation Instrument. The authentication process will go towards determining the 'customer', 'associate' and the data sets which can be authenticated and thus shared with accredited third parties under the CDR regime. Clarity of these terms need to be provided in the Designation Instrument to avoid the ACCC expanding the scope of an eligible CDR consumer in the Rules to include the 'associate' of a customer. Data should not be

released without the appropriate authentication that the data is relevant to the person who is requesting the data.

The energy sector is different to other sectors in that the unique identifier of a person's consumption data is a meter – which is not unique to the person themselves but the property at which they are consuming energy. The energy retailer is the only person in the market today who can match a meter number (National Meter Identifier or NMI for electricity) with the authorised person. However, across a year, the same person could have different retailers at a single house (NMI). This is consistent for both electricity and gas.

The breadth of the definitions of 'customer' and 'associate' will however make the authentication process very difficult for retailers to manage and could raise significant privacy risks. Particularly in situations where the energy retailer does not have a contractual relationship with the person requesting the information because they are not a primary account holder, secondary account holder or the authorised representative. This will need to be considered in the finalisation of the Designation Instrument. Origin does not support scenarios where data is released without sufficient verification that the data relates to the actual customer of the retailer.

The authentication model should be the subject of a robust consultation process to ensure that the CDR consumer is adequately defined and potential privacy risks are appropriately addressed and managed.

5. Retail Product Plan and Information

Retail product data is general information relating to energy products or plans. The explanatory material notes that it is information that identifies, describes or details products, including information such as tariffs, usage charges and applicable discounts where these products involve the supply of electricity to a customer. This information can be either generic (not identifiable to a person) or tailored (specific to an individual customer)¹.

Sections 9 and 10 of the Designation Instrument do not appear to distinguish between product plans that are generally available and those that are bespoke to a customer. It would be preferable if the Instrument drew this distinction to ensure there are clear obligations as to: 1) the data holder; and 2) the data which each of the parties is required to supply. Origin believes a conflict exists between sub-section 9(4) and sub-section 10(3) of the Designation Instrument.

Origin believes that it is important that the sharing of the generic product data that is supplied via Government websites, such as Energy Made Easy, reflect the obligations currently developed by the Australia Energy Regulator (AER) in relation to the publishing of offers. Energy Made Easy makes available offers that are 'generally available' to the market. It does not include plan information that is provided to a restricted customer group (ie COVID-19 hardship plan that is not generally available).

6. Billing Type Information

A number of the types of billing information are broadly phrased which may include information that 1) the retailer cannot comply with as it is not information that is captured in our billing system, 2) may not be necessary for an accredited data recipient to provide their goods and services to a CDR consumer or 3) results in disclosure of information that could be detrimental to the customers' ability to obtain supply.

For example, the terms a 'bill', information about an 'account' and a 'breakdown of an amount charged' are so broad that it is unclear as to the intent or extent of the information proposed under the data category. Information about an 'account' may disclose information to an accredited data recipient that is not required by them and a 'break down of charges' is not a requirement that retailers are likely to be able to comply with as retailers bill on a 'bundled' tariff arrangement. Any information about tariffs and

¹ Treasury, Priority Energy Datasets – Consumer Data Right, 29 August 2019, p. 8.

charges are then covered in sub-section 9(1)(b) of the Designation Instrument. 'Payment method' (sub-section 8(3)(e)) is also not a billing category captured in billing information as the bill captures whether a payment has been made and not the 'payment method'. We also have concerns that certain types of billing information may cross over into the area of 'derived data' or materially enhanced information'.

The requirements in the Designation Instrument should align with the processes followed in the sector. Energy retailers already have obligations to provide billing data and authorised third parties are able to seek billing data on behalf of a customer. These requirements should be reviewed to determine the types of data already provided and determine whether there is a need to the type of billing requirements.

Origin seeks that Treasury actively engage with the energy industry to determine the appropriate billing data types. There has been no consultation nor discussion on these billing categories. The Treasury's Data Sets consultation paper was extremely brief on this issue and merely referred to 'billing data' without any proposed data types.

7. Inclusion of natural gas in retail arrangements

The Designation Instrument introduces the concept of a 'bundled' arrangement to include CDR provisions in relation to natural gas. The inclusion of natural gas was not contemplated in previous consultations on the CDR regime, in particular, consultation on data sets.

We believe the expansion of the requirements for the CDR in the energy sector to include the supply of natural gas should be subject of a separate consultation and a cost benefit analysis of including data provisions related to natural gas. Origin has questions around: 1) who is a customer for natural gas; 2) AEMO's role; 3) the requirements to link data sets; and 4) the ability to provide natural gas information if the customer does not have an electricity account with the retailer. These issues have not been explored nor been the subject of consultation to date.

8. Materially enhanced information

Origin has previously raised concerns with the definition of 'CDR data' in the *Competition and Consumer Act 2010* (section 56AI) given the definition includes reference to 'derived data' and the potential for this definition to capture value added data. We appreciate that in some industries derived data may be relevant from a CDR perspective, but we do not believe derived data should be included in energy. Datasets need to be specific and very clearly defined in the energy sector.

We note the Open Banking Designation Instrument attempted to clarify the 'derived data' element by setting out a test as to whether the data had been 'materially enhanced'. The concept of materially enhanced information refers to data which is the result of the application of insight, analysis or transformation of data to significantly enhance its useability and value in comparison to its source material². The intention is that information whose value has been largely generated by the actions of the data holder (or service provider on behalf of the data holder) will be carved out by the 'materially enhanced' test.

The Open Banking Designation Instrument then includes an example list of banking data sets that are not materially enhanced, while the explanatory statement includes an example list of data sets that are materially enhanced. This provided some clarity to the Banking Sector of the specific types of information that could and could not be considered 'materially enhanced information'.

The list of examples have been removed from the Energy Designation Instrument. Origin believe that it is imperative that the Designation Instrument is clear on the types of information that will be considered

² Consumer Data Right (Authorised Deposit Taking Institutions) Designation 2019 (Exposure Draft), p. 10.

'materially enhanced' to avoid it being captured as 'derived CDR data' under the Rules and thus requiring disclosure to accredited data recipients and included within the Designation Instrument.

This will be particularly important given the threshold test focusses on whether the energy retailer or service provider (on the retailer's behalf) has derived any of the data to be designated under the CDR regime. This will be relevant to the proposed data set out in sub-section 8(2) or sub-section (3) of the Designation Instrument.

While we understand that the 'materially enhanced' test is limited to sub-section 8(2) or sub-section (3), the 'Note' to sub-section 11(2) of the Designation Instrument seems to suggest that the concept of materially enhanced information could also be applied to information that falls within the classes of information described in sections 6,7,9 and 10. However, there is no test to be applied to determine whether such information or data has been 'materially enhanced' or not. Origin seeks clarity of the application of the materially enhanced test to provide certainty for the drafting of the CDR Rules and standards.

Scoping the Designation Instrument with clearly defined data sets removes the risk that proprietary analysis or commercial insights and assessments being inadvertently captured both the Designation Instrument. This de-risking opens up businesses to continue to pursue innovation and product development without the concern that a competitor may end up with access to that underlying analysis and gain commercial insights at their expense. Given the objective of the CDR framework is to open up data access to promote competition and better outcomes for consumers, it would be unfortunate if the framework itself hindered that very innovation and market development.

If you have any questions regarding this submission, please contact Caroline Brumby in the first instance on (07) 3867 0863 or caroline.brumby@originenergy.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Greenup', written over a light blue horizontal line.

Sean Greenup
Group Manager Regulatory Policy

ATTACHMENT 1: Designation Instrument Issues Table

Section of the DI	DI Wording	Origin's Comments
5	<p><u>Arrangement</u></p> <p>Arrangement is defined as “<i>an arrangement under which electricity is sold by a retailer, or supplied in respect of connection points, for the premises of a person</i>”.</p>	<p>The term ‘arrangement’ appears broad and could be interpreted in a way that extends an ‘arrangement’ to include bundled services (ie natural gas and other goods or services) that are included within the purchase of electricity but are not intended to be part of the CDR regime. For example, it could mean that the data required to be disclosed by a data holder pursuant to the CDR request could include information about a customer or associate natural gas or other service arrangements (ie EV charging stations). This view has been formed by sub-section 8(1)(b) where the reference to “related good or services” has been included, but not refined. We understand ‘related’ to intended to refer to additional offerings with a product plan (ie movie tickets) however, this is not clear.</p> <p>The scope of ‘arrangement’ should be limited to the exclusive sale or exclusive supply of electricity and natural gas and not include other goods and services that could be bundled with electricity. It was not the intent of the scheme to capture other goods or service such as behind the meter solutions nor arrangements where electricity is purchased through arrangements such as power purchase arrangements.</p> <p>The inclusion of the DER Register within the CDR regime was to provide additional information with regards to the presence of other goods or services such as solar, batteries and any other DER items that are added over time.</p>
5	<p><u>Customer</u></p> <p>A customer is “<i>a person who purchases electricity under the arrangement, or to whom electricity is supplied in connection with the arrangement</i>”.</p>	<p>The concept of ‘customer’ should be linked to the industry concepts that are accepted and well understood in the energy sector.</p> <p>Generally, a customer in the electricity industry is one who purchases electricity from an energy retailer. The proposed definition in the Designation Instrument goes further to include “<i>to whom electricity is supplied in connection with the arrangement</i>”. This definition could include someone who occupies the premises (ie family member, tenants, licensees) but is not a person who the primary account holder has provided authority over the account (ie secondary account holder or authorised representative).</p> <p>The explanatory material does not make it clear as to Treasury’s intentions to the extension of the application of ‘customer’ to extend to persons that are not an account holder (ie primary or secondary account holder) with the retailer or a contracting person to the account. It further raises authentication concerns if the persons are given rights under the CDR regime, but the energy retailer has no details or relationship with the person to verify a data request.</p> <p>We further seek clarity as to whether the breadth of the definition will expand the scope of authority that</p>

Section of the DI	DI Wording	Origin's Comments
		<p>primary account holders has already provided to secondary account holders or authorised representatives for an account (ie only the primary account holder has full authority over an account and all other registered account holders only have part authority to enquire on accounts, make a payment etc). A person could take on the role of an occupier of a premises to obtain the information rather than abiding by the level of authority that had been provided on the account.</p> <p>Treasury should review the definition to determine whether it is necessary to extend the definition of a 'customer' to "<i>whom electricity is supplied in connection to an arrangement</i>". The current drafting could be interpreted broadly by the ACCC when drafting the CDR rules and could enable non-account holders or unauthorised representatives to claim to be a consumer under the CDR framework.</p> <p>Natural Gas customers have been introduced into the Designation Instrument without parameters on how to define a natural gas customer. Origin questions how a natural gas customer is defined.</p>
5	<p><u>Associate</u></p> <p><i>"an associate of the customer, to whom electricity is supplied in connection with the arrangement"</i></p>	<p>Further clarification is needed on the application of the CDR regime to 'associates' and their respective rights to data.</p> <p>The term 'associate' is broad that there is a risk that information may be shared by a data holder to the CDR customer where there are situations of family violence, child custody or monitoring behaviour. The risk arises under section 7 of the Designation Instrument where information may be shared about an 'associate' with an accredited data recipient who has been instructed to process a CDR request on behalf of a customer. The CDR regime needs to protect from information being disclosed without the appropriate consent. The application of the term 'associate' needs to be considered further and, at a minimum, the CDR rules will need to refine the concept.</p>

Section of the DI	DI Wording	Origin's Comments
7	<p>Specified classes of information – information about customer or associate</p> <p>This section describes the class of information in relation to a customer or associate. The classes of information includes identifiable information, eligibility information and contact information.</p>	<p>The scope of the dataset is broad.</p> <p>Origin supports this section being removed from the Designation Instrument on the following basis:</p> <ol style="list-style-type: none"> 1. An accredited data recipient should already have the identifying information and contact details of the customer because they are directly engaging with the person who will need to pass authentication with a data holder. Thus, the accredited data recipient should not need to directly source this information from the data holder; 2. The collection of this information does not seem necessary for an accredited data recipient to provide goods and services to the customer. The sharing of data is for assisting customers with comparison services – not acting as an ‘agent’ for the customer. If the intentions are to understand eligibility information of a ‘customer’, this is captured in sub-section 8(3) or paragraph 9(2)(b); 3. There are potential privacy implications if the information returned to the accredited data recipient does not match the information held by them; 4. Potential risk that private information is provided to an associate where there may be no link to the customer; and 5. It is noted that an example of the information to be collected is related to essential medical equipment. It is unclear how this is relevant to comparison services or product selection as this would not be a condition of supply and accredited third parties would not be acting on the customers behalf. <p>The information provisions set out in clause 7 are most relevant to the authorisation and authentication process. This is the matching of information that the customer provides the third party and the information held by the relevant data holder (ie retailer). This will be a process that will occur back of house (process still to be confirmed) and we feel the security and privacy risks of sharing this information is greater than the benefits.</p> <p>If Treasury does not remove this class of information, the energy specific CDR rules and standards must make it clear what types of identifiable information, eligibility information and contact information need to be shared to achieve the objectives of the CDR regime.</p>

<p>8</p>	<p>Specified classes of information – information about sale or supply of electricity</p>	<p><u>Sub-section 8(1)(b)</u> Origin seeks clarification on the intention of the inclusion of ‘related’ goods and services in sub-section 8(1)(b). The related goods and services should be limited to the additional benefits provided under a contract such as a movie tickets or a membership to a sport team. It should not capture other goods and services connected to an ‘arrangement’ such as behind the meter solutions nor arrangements where electricity is purchased through arrangements such as power purchase arrangements.</p> <p>It should include the word ‘directly’ related to give effect to the intent of the CDR regime to capture a directly related non-financial benefit (ie movie tickets) and not if the customer also has the option to purchase broadband services.</p> <p>This sub-section should also be clarified by including examples of related goods and services such as movie tickets or sports membership.</p> <p><u>Sub-section 8(2)</u> Sub-section 8(2) refers to information that must be about arrangements involving electricity rather than related goods or services (ie information from the NMI standing Data Schedule or DER register). Yet ‘metering data’ (in paragraph 8(2)(b)) could be interpreted to apply to the supply of natural gas too. It is not clear what information about a related good or service is captured by section 8 and we seek clarification on this.</p> <p>Clarification is required in sub-section 8(2)(b) that metering data provisions are only in relation to electricity meter data. The ‘Note’ under section 5 provides doubt as the ‘Note’ extends the term ‘arrangement’ to include natural gas.</p> <p><u>Sub-section 8(3)</u> We seek clarification as to whether the billing provisions relate to electricity, or electricity and natural gas.</p> <p>A number of the types of billing information are broadly phrased which may include information that may not be necessary for an accredited data recipient to provide their goods and services to a CDR consumer. For example, a ‘bill’ information about an ‘account’ and a ‘breakdown of an amount charged’. This type of billing information may also cross over into the area of ‘derived data’ or materially enhanced information’. Specific comments on a number of the billing information types are set out below:</p> <ul style="list-style-type: none"> • Sub-section 8(3)(a) a ‘bill’ issued under an arrangement. We seek clarity as to the intent of this requirement. Does it mean the actual PDF of the bill? Would it require non-CDR related data (ie a bill may include additional goods and services not relevant to the regime) or personal
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		<p>data to be redacted?</p> <ul style="list-style-type: none">• Sub-section 8(3)(c) what does 'an account' refer to? Is it to the account number or account name? Or, is it confirming that the customer has an account with the energy retailer?• Sub-section 8(3)(d) seems to refer to the requirement to pass information/details about all primary and secondary account holders or potentially authorised representatives to the authorised third party. Origin questions how this information could be shared if the other account holders or authorised representatives had not consented to this information being shared. We would see that the authorisations would be relevant to the authorisation/authentication process and not billing.• Sub-section 8(3)(e) should be limited to payment method only if it is linked to direct debit. Bills only capture whether a payment has been made and not the method it has been paid by. It is too difficult to capture this information in billing systems given the myriad of payment options (ie BPAY, IVR transaction, credit card, CentrePay, online transaction) and the fact that the customer could change the way they pay their bill each month or quarter (ie one month BPAY, next month Australia Post etc). Bills simply record that a payment has been made and not the method.• Further, if a customer was on a direct debit arrangement, we could not provide the details linked to the direct debit (ie credit card/bank account). This would raise privacy issues and go beyond the capabilities of systems.• Sub-section 8(3)(f) should be reworded given the mix of terms within the sub-section. 'Concessions' are Government prescribed and a 'hardship' are energy specific arrangements. The sub-section should be limited to 'concessions' given this is the information that may be relevant to a product plan. Including hardship arrangements potentially has privacy concerns, borders on materially enhanced information and the disclosure of hardship information may discriminate a customer from obtaining a market offer. Details of hardship arrangements are also not noted on a bill – rather it may have been a set up arrangement that just features as a payment on the bill.• Sub-section 8(3)(g) may not be required. Concession information would be covered in subsection 8(3)(f) and other payments that are relevant to the account may be solar feed in tariff rates which are covered in sub-section 9(1)(b).• Sub-section 8(3)(i) should be removed – we cannot provide it. The information should reflect the display of tariffs on the bill (ie tariffs) and should not include any breakdown of the make up of the charges (ie network, metering or other charges). The information on the breakdown of charges is neither calculated for an individual customer nor stored in billing systems. Information about tariffs and fees and charges are provided either in the bill contents or in sub-section 9(b)(ii)-(iii).
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Section of the DI	DI Wording	Origin's Comments
		<p>The requirements in the Designation Instrument should align with the processes followed in the sector. Energy retailers already have obligations to provide billing data and authorised third parties are able to seek billing data on behalf of a customer. These requirements should be reviewed to determine the types of data already provided and determine whether there is a need to the type of billing requirements.</p> <p>Origin seeks that Treasury actively engage with the energy industry to determine the appropriate billing data types. There has been no consultation nor discussion on these billing categories. The Treasury's Data Sets consultation paper was extremely brief on this issue and merely referred to 'billing data' without any proposed data types.</p>
9	Refers to retail product information about electricity and gas services.	<p>In the energy sector, plan information can be split into two data categories:</p> <ol style="list-style-type: none"> 1. General product data – this is generally available, public offer data (ie Energy Made Easy and Victorian Energy Compare); or 2. Tailored customer product data – this is data that is specific to the customers (ie data held by retailers) <p>The general product requirements should align with the requirements of the electricity sector and <u>not</u> include restricted plans nor below the line offers. This position is reflected in the Australian Energy Regulators (AER) Retail Pricing Information Guidelines which energy retailers are required to comply in terms of disclosing and publishing offer plans.</p> <p>Further, the inclusion of natural gas data for 'tailored' product data has not been contemplated by Treasury or any regulatory body in the consultations on the CDR regime. Origin requests that Treasury consult on the potential inclusion of natural gas to define and discuss what it would mean in terms of system requirements and costs. For example, how a natural gas customer is defined, the system set ups to be able to provide this information (ie retailer billing platforms for electricity and natural gas may differ) and how systems can be linked to provide data through AEMO. The inclusion of natural gas should be subject to a cost benefit analysis to determine the feasibility of including such information.</p>

Section of the DI	DI Wording	Origin's Comments
10	Specified classes of information – information about retail arrangements (natural gas)	<p>Section 10 does not appear to reconcile with section 9. It is unclear how section 10 and sub-section 9(4) reconcile with each other given the policy intent behind the wording of sub-section 10(3) that states that the arrangement does not apply to information that is tailored to a particular person. This is in the context of sub-section 9(4) where the scope of general and tailored retail product information applies to the supply of natural gas. This expansion of the CDR in energy was not foreshadowed by the Commonwealth Government in its earlier publication of priority energy datasets and should be clarified and consulted on.</p> <p>As noted above, there should two clear product data sets 1) that relates to generally available plans and are public information plans and 2) the tailored plan information relevant to a specific customer that is being or has been supplied with electricity.</p> <p>Sections 9 and 10 should be redrafted to provide a clear delineation of roles in terms of generic and tailored product data. The current drafting provides sufficient confusion as to the application of each of these sections.</p>
11	Exclusion – materially enhanced information	<p>Origin's concerns with materially enhanced information is discussed in the body of the submission.</p> <p>Three main points include:</p> <ul style="list-style-type: none"> • clarity is needed to the 'Note' to sub-section 11(2). Without further clarity, the application of 'materially enhanced information' that applies to information under sections 6, 7, 8 (subject to sub-section 8(4), 9 and 10) is not explained and no test is provided. • Similar to the Open Banking Designation Instrument, the Energy Designation Instrument should explain what types of information (as agreed by Industry) are deemed to be or not be 'materially enhanced'. • That the energy specific CDR Rules and standards will need to provide examples about when information has been rendered significantly more valuable so as to protect the commercially sensitive information of the data holder.
12	Specified Data holders	<p>Origin is concerned with AEMO and retailers being designated as a data holder for meter data. It is unclear as to the circumstances that would warrant the dual holder role. This is discussed further in the body of the submission.</p>