

5 May 2023



Ms Anna Collyer
Chair
Energy Security Board
COAG Energy Council Secretariat
King Edward Terrace
PARKES ACT 2600

Email to: info@esb.org.au

Dear Ms Collyer

Data Strategy Initial Reforms - Draft Legislation

Energy Queensland Limited (Energy Queensland) welcomes the opportunity to provide comment to the Energy Security Board (ESB) in response to its *Data Strategy Initial Reforms - Draft Legislation* consultation paper (consultation paper).

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 and its subsidiaries, including Yurika Metering.

Energy Queensland acknowledges the need for a data strategy which supports the sharing of energy market data where it is in the interests of customers, delivers community benefit and facilitates energy market reform. However, Energy Queensland remains concerned with issues including the protection of commercially sensitive information, customer privacy and cyber security that were previously expressed in response to the initial consultation.

Energy Queensland is concerned that the proposed reforms will reduce the data provider's power in relation to their confidential information. It is Energy Queensland's position that, while AEMO and other agencies and bodies may have a statutory right to require certain data to be provided, where data is provided on a voluntary basis, the provider should retain their rights to impose conditions on the use and disclosure of that data. This should include the obligation to seek the provider's consent to disclose that data to a third party.

Energy Queensland considers that regardless of whether the disclosure is to Class A or Class B bodies there should be additional and specific protections for any personal information that has been provided as part of the data. Furthermore, we see no reason that personal information should be disclosed beyond the initial disclosure to AEMO. In response, Energy Queensland recommends that disclosure of data to Class B Bodies should be subject to the following limitations:

- where information is provided on a voluntary basis, any restrictions imposed by the original data provider on the use and disclosure by AEMO apply; and
- no personal information should be disclosed by AEMO to Class B Bodies.

In section 2 and 8 of the consultation paper, a public register of data sharing agreements and publicly accessible summary of the information is proposed. Energy Queensland is concerned that a publicly available register may result in the information being vulnerable to malicious entities. The risk of publicly publishing this register may outweigh the benefit of sharing it. Energy Queensland suggests that rather than making this information publicly available it is instead limited to recipients that have a purpose for the information, for example, data providers who would like to know where their data has been shared.

It is unclear why tier 2 has been determined as the appropriate level of penalty without providing a list of datasets that these penalties relate to. Tier 2 penalties have been assumed for any current and future data sets held by AEMO. However, future data may change and result in greater impacts and a different penalty tier may be more appropriate. Energy Queensland considers that the mechanism for determining penalties may require further consideration and increased adaptability.

Energy Queensland provides feedback in response to specific amendments outlined in the proposed National Energy Laws Amendment (Data Access) Bill 2023 in the attached table.

Should the ESB require additional information or wish to discuss any aspect of this response, please contact me on 0438 021 254 or Tammara Scott on 0492 137 878.

Yours sincerely



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Encl: Energy Queensland response to draft legislation

Proposed National Energy Laws Amendment (Data Access) Bill 2023	EQL Response
<p>53D Subject to this Law, the Rules and the Regulations <i>Subject to anything to the contrary in this Law</i> AEMO may use information obtained by market information instrument or in any other way for any purpose connected with the exercise of any of its statutory functions.</p>	<p>Energy Queensland does not support the proposed amendment of section 53D. AEMO should be restricted in the use of information, at least by the limitations in Division 6.</p>
<p>54CA (1) <i>AEMO may disclose protected information to the following entities (each a relevant entity) if the disclosure is for a data sharing purpose –</i></p> <p>(a) <i>any of the following—</i></p> <ul style="list-style-type: none"> (i) <i>an Australian university;</i> (ii) <i>a research facility that is part of an Australian university and conducting research in relation to energy;</i> (iii) <i>an Australian university researcher who is conducting research in relation to energy;</i> 	<p>Energy Queensland recommends that AEMO's authority to disclose protected information to Class B Bodies should exclude protected information that is personal information,</p>
<p>54CA (5) <i>AEMO may impose conditions to be complied with in relation to protected information disclosed under subsection (1).</i></p>	<p>Energy Queensland considers that in all cases, conditions should be imposed upon a Class B Body obtaining protected information under proposed section 54CA. This should not be left to AEMO's discretion. In relation to protected information provided on a voluntary basis, those conditions should be at the least, the conditions imposed by the provider.</p>