

**PART A – REPORT RECOMMENDATION 1:** All metering data from or about residential meters should be handled throughout the Advance Metering Infrastructure (AMI) system in accordance with the National Privacy Principles (NPPs), in order to safeguard it against potential abuse, better control future secondary usage by unregistered third party participants, and to more clearly demonstrate to customers and the public that the industry is committed to privacy.

**Question a) How will each respondent ensure that metering data from smart meters is protected from potential abuse?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Lumo has security protections and processes in place to protect data as required by NPPs. Privacy Policy is on website at <a href="http://www.lumoenergy.com.au/help-centre/privacy-policy">www.lumoenergy.com.au/help-centre/privacy-policy</a>
Momentum Energy Pty Ltd	Momentum is aware it needs to protect and use customer data in a manner consistent with customer s’ expectations and permissions. Has kept Privacy Policy updated to reflect industry changes including smart meter rollout.
Simply Energy and IPower 2 Pty Ltd	Simply Red has designed its Privacy Policy [copy provided] to ensure and enforce the protection and quality of stored customer information [including metered data], including metering data from smart meters.
Alinta Energy Retail Sales/Neighbourhood Energy	Agrees with Lockstep Report acknowledgment that security is generally very good as required by ESC licence, NER and the Minimum AMI Functionality Specification. High expectations of confidentiality imposed by industry codes.
Red Energy Pty Ltd	Red Energy has stringent controls on who access to meter data and interval data from smart meters. Limited staff access. Training provided to staff about the sensitivity of data and why there is limited access rights.
Origin Energy Electricity Limited	Origin has a range of internal policies and procedures to safeguard data, including access controls. Meter data is stored using a zone model and is protected by 3 firewalls and 2 systems. Periodic audits are conducted to ensure policies and procedures are being adhered. Meter data flow is in accordance with industry rules and functional specifications. Origin performs penetration tests on customer portals according to standards that represent industry best practice.
AGL Energy Limited	All data treated in accordance with NPPs. AGL has existing protocols in place to ensure metering data, including data from SM is safeguarded. Only change from SM is increase in volume of interval data.

Australian Power and Gas Pty Limited	Meter data protected by [unspecified] security and access arrangements. Any parties accessing data are subject to APG’s privacy policy.
Dodo Power and Gas Pty Ltd	Dodo will continue to meet NPPs in relation to all consumer data.
<b>STAFF SUMMARY</b>	
Retailers feel they have good compliance with NPPs and secure systems, policies and procedures in place sufficient to protect smart meter data.	
<b><i>Question b) How will each respondent control future secondary usage of metering data from smart meters by unregistered third party participants?</i></b>	
Lumo Energy Australia Pty Ltd	Lumo has no current plans to provide data to third party providers. Would ensure handled in accordance with relevant security processes and protocols if it did so in future
Momentum Energy Pty Ltd	Staff are trained to provide customer information, including meter data, consistent with privacy policy. Data only provided to account holder, their authorised representative or a third party with the account holder’s express consent.
Simply Energy and IPower 2 Pty Ltd	Operational procedures set out what is expected of staff and third party suppliers. Information shared only with customer’s consent and protected from misuse, loss or unauthorised access.
Alinta Energy Retail Sales/Neighbourhood	No further specific comment provided. Indicated willingness to contribute through proposed ESC workshop.
Red Energy Pty Ltd	Red Energy requires client authorisation before consumption data is released to third parties. In accordance with NPP 2.1(b)
Origin Energy Electricity Limited	Service providers with access to customer metering data must agree as part of their service contract to comply with NPPs and other privacy obligations of Origin. Staff with access to personal information receive privacy training.
AGL Energy Limited	No further comment provided. Indicated willingness to contribute through proposed ESC workshop.
Australian Power and Gas Pty Limited	APG is committed to NPPs and treats metering data as personal Information. Access by third parties would be in line with existing Privacy Policy [which requires customer’s consent to do so], and any amendments made in line with privacy

Gas Pty Limited	recommendations for smart meters.
Dodo Power and Gas Pty Ltd	Dodo provides information from smart meters only to authorised persons. Dodo will establish a process to authorise the provision of interval data at the request of customers to third parties for a fixed period.
<b>STAFF SUMMARY</b> Various strategies are used to protect data already and these will be also applied to smart meter data: <ul style="list-style-type: none"><li>• Security processes and protocols</li><li>• Staff training</li><li>• Customer consent to provision of data [except where release is required by regulation]</li><li>• Requirement on third party providers under contract with Retailers to comply with NPPs</li></ul>	

**Part A – PIA REPORT RECOMMENDATION 2:** Privacy Policies of Distribution Businesses (DBs) and Retail Businesses (RBs) should be reviewed and updated to describe each organisation’s commitment to the NPPs, including explanations of why smart metering data is collected, how it is used, under what circumstances is it disclosed, and the range of regulatory and operational safeguards that protect it.

**Question c) Whether each respondents existing privacy policy has been updated to demonstrate commitment to the NPPs, including explanations of why smart metering data is collected, how it is used, under what circumstances is it disclosed, and the range of regulatory and operational safeguards that protect it?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Lumo has reviewed its existing Privacy Policy and is confident it aligns with NPPs. Policy can be viewed at <a href="http://www.lumoenergy.com.au/help-centre/privacy-policy">www.lumoenergy.com.au/help-centre/privacy-policy</a> <i>Policy refers to energy consumption but not ‘metering data’ nor ‘smart meters’ specifically.</i>
Momentum Energy Pty Ltd	Have undertaken to review their Privacy Policy to establish whether specific provisions regarding smart meter data are required. As a retailer of electricity to business customers acknowledges need now to further look at the establishment of privacy principles around IHDs/domestic customers.
Simply Energy and IPower 2 Pty Ltd	Privacy Policy commits to NPPs. Unclear why smart meters require a specific mention. Privacy policies must be generic to apply across jurisdictions. Information for customers about smart meters would be more effective through different communication campaigns rather than within Privacy Policies.
Alinta Energy Retail Sales/Neighbourhood	No specific comment about Privacy Policy. Indicated willingness to contribute through proposed ESC workshop.
Red Energy Pty Ltd	Red Energy’s Privacy Policy is based on the obligations within NPPs. Policy covers all aspects of the use and disclosure of personal information and smart meter data is classified as personal information. Policy also outlines regulatory and operational safeguards for protecting information collected by Red Energy.
Origin Energy Electricity Limited	Privacy Policy details origin’s commitment to NPPs. Origin believes it is unnecessary for a retailer’s privacy policy to specifically deal with smart meter data differently from other customer metering.

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AGL Energy Limited	AGL’s existing Privacy Policy details its commitment to the NPPs and does not require amendment in that regard. AGL regards interval metering data as personal information and as already covered by current policy.	
Australian Power and Gas Pty Limited	APG is currently reviewing its Privacy Policy. Although current policy assures customers that their information is protected by NPPs, it does not specifically mention metering data. Agrees with report recommendation that it is vital to make specific mention of the purpose of collecting metering data and that this information would receive same protection as personal information.	
Dodo Power and Gas Pty Ltd	Dodo believes its current Privacy Policy sufficiently covers the necessary provisions to ensure protection of smart metering data. Willing to update to meet any regulatory change that might flow.	
<b>STAFF SUMMARY</b>		
No Privacy Policy meets the recommendation of the Lock Step PIA Report. Retailers in the main do not see the need for this to be done. Most policies do not mention metering data as personal information, nor do they mention smart meters at all. Policy wording varies significantly between retailers.		
<b>Question d) Provide a copy of the relevant sections of the privacy policy as evidence to support the response to (c).</b>		<b>STAFF SUMMARY</b>
Lumo Energy Australia Pty Ltd	Privacy Policy can be viewed at <a href="http://www.lumoenergy.com.au/help-centre/privacy-policy">www.lumoenergy.com.au/help-centre/privacy-policy</a>	Personal information not detailed. No reference to metering data or smart meters.
Momentum Energy Pty Ltd	Copy of Privacy Policy not provided.	Brief reference to privacy and customer information in Customer Charter [online]. No mention of metering data or smart meters.
Simply Energy and IPower 2 Pty Ltd	Copy of Privacy Policy provided.	A clear, easy to read document. Personal information includes ‘energy consumption’. No specific reference to smart meters or ‘metering data’
Alinta Energy Retail	Copy of Privacy Policy not provided.	Policy is online [but not yet for Victorian customers]. A clear,

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Sales/Neighbourhood		easy to read document. Personal information includes ‘energy consumption’. No specific reference to smart meters or ‘metering data’ although there is reference to meter reading.
Red Energy Pty Ltd	Part of Privacy Policy provided but unreadable.	Not easy to find on its website. Does not define personal information. No mention of metering data or smart meters.
Origin Energy Electricity Limited	Privacy Policy provided.	Mentions ‘metering data’ as a type of ‘customer information’ it collects but does not specifically mention smart meters or interval data. Gives examples of third party providers to whom it provides information. List could be expanded to illustrate new types of uses of data such as energy efficiency assessors.
AGL Energy Limited	Privacy Policy provided.	Personal information does not include metering data. Policy contains no mention of smart meters or metering data.
Australian Power and Gas Pty Limited	Privacy Policy provided.	Personal information does not include metering data. Policy contains no mention of smart meters or metering data.
Dodo Power and Gas Pty Ltd	Privacy Policy provided.	Personal information does not include metering data. Policy contains no mention of smart meters or metering data.

**STAFF SUMMARY**

In most cases, the definition of Personal information does not include metering data and the Privacy Policy contains no mention of smart meters or metering data. Some Privacy Policies are also very hard to locate on their Retailer's website.

**Part A – PIA REPORT RECOMMENDATION 3:** Even though details of how third party services and Home Area Networks (HANs) will operate remain sketchy, it would be appropriate at this stage for RBs’ and DBs’ Privacy Policies to anticipate the sharing of data beyond their businesses and circumscribe access to metering data. Note that this action should satisfy the ESC’s call for “privacy principles” to be developed before In-Home Displays (IHDs) are deployed.

**Question e) The circumstances in which each respondent would share information with third parties and how this will be reflected in Privacy Policies.**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Third party providers are required to have privacy policies and security measures to prevent misuse or disclosure of Lumo client information. May provide personal or sensitive information <i>in the course of delivering energy, telecommunications and other products and related services to you.</i>
Momentum Energy Pty Ltd	Momentum will only provide metering data to unregistered third party providers with express customer consent.
Simply Energy and IPower 2 Pty Ltd	States it will only share information with third parties with the explicit approval of the account holder. Privacy Policy states that it uses or discloses personal information <i>to supply energy or provide other products and services to you and in the administration of our business.. where required or permitted by law,</i> etc [refer privacy Policy] Customer consent may be express or implied in some circumstances. Try to ensure other party maintains the privacy of customer’s information.
Alinta Energy Retail Sales/Neighbourhood	Use customer’s personal information for their normal business [listed in Privacy Policy] operations, some of which are contracted out, and <i>take reasonable steps to ensure contractors are bound by confidentiality and privacy obligations...</i>
Red Energy Pty Ltd	Releases information to third parties in accordance with NPP 2 guidelines [Use and Disclosure]. Usually requires direct customer consent. Releases information for normal business operations.
Origin Energy Electricity Limited	Retailers might engage third parties to assist with data management services, including use of HANs. Would require customer’s consent, so no need to amend current Privacy Policy.
AGL Energy Limited	AGL’s Privacy Policy details the circumstances in which AGL shares information with third parties. Releases information for normal business operations or with customer consent.
Australian Power and	<i>Premature to say at this stage, given they are yet to determine any program to allow third parties access to metering data.</i>

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Gas Pty Limited	Privacy Policy currently states that they share personal information to the extent necessary to provide their products and services.
Dodo Power and Gas Pty Ltd	Will share information where customer has provided consent or where the law requires it. Privacy Policy currently states that they share personal information to the extent necessary to provide their products and services.
<b>STAFF SUMMARY</b>	
Most responses do not directly address the use of metering data beyond their current business operations. Those that do, envisage only sharing customer information with third parties with customer consent [which they view as being already covered in their Privacy Policy]. Smart metering data does not seem to be viewed as providing any new or greater challenge in this regard.	
<b><i>Question f) Any constraints to, or unforeseen outcomes arising from, sharing information with third parties.</i></b>	
Lumo Energy Australia Pty Ltd	Lumo does not foresee any constraints or unforeseen outcomes given requirements outlined in previous response.
Momentum Energy Pty Ltd	No specific comment made on this point.
Simply Energy and IPower 2 Pty Ltd	There are no constraints sharing information if the account holder has authorised this.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made on this point.
Red Energy Pty Ltd	Red Energy does not envisage any constraints provided that appropriate consent or authority is provided. Has not experienced unforeseen outcomes with data it has provided to date.
Origin Energy Electricity Limited	Consumer consent would be required for retailers to provide information to third party providers. The differences in applicable regulations between licensed entities and third parties may create some unintended outcomes



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	[e.g. third parties may not be subject to the Privacy Act. Strongly support the AEMC undertaking a comprehensive analysis of third parties in the retail energy market to develop a framework to extend consumer protection to this sector. Does not want regulation prior to commencement of NECF on 1 July2012.
AGL Energy Limited	No specific comment made on this point.
Australian Power and Gas Pty Limited	No specific comment made on this point.
Dodo Power and Gas Pty Ltd	Possible that distributors could share information with third parties without appropriate consent, as they do not have sufficient information to effectively identify the identity of the person making the request.  Concerned that data may continue to be given to third parties after consent is rescinded or after a change in data ownership. Third party data provision should subject to regular confirmation of consent and should stop whenever there is a change in customer.

**STAFF SUMMARY**

Those that responded to this point see any possible concerns being addressed by obtaining/having customer consent and requiring third party providers to agree to observe NPPs.

**Part A – PIA REPORT RECOMMENDATION 4:** The industry should adopt and promote an Opt-In policy of not putting metering data to any secondary purposes without express customer consent.

For the avoidance of doubt, and to maximise consumers’ sense of control, such secondary uses should include even those that seem reasonably related to the primary purpose for collection, such as the provision of efficiency advice. The industry should ensure that consent to secondary uses is always freely given, is not conditional, and is never bundled into acceptance of an electricity supply contract.

The AMI Policy Committee should review any suggested exceptions to the Opt-In that might be put forward by Registered Participants, and if agreed, officially specify them.

**Question g) The level of industry support for adopting an Opt-in policy.**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Supports an opt-in model for consumers to agree to smart meter data being used for purposes other than billing.
Momentum Energy Pty Ltd	Supports an opt-in policy for secondary use of metering data.
Simply Energy and IPower 2 Pty Ltd	Privacy Policy already permits use of personal information to provide customers with information about other products and services the customer may be interested in. On this basis, would prefer an ‘opt-out’ policy. Allowing retailers to market services that demonstrate the benefit of smart meters will improve their acceptance. To require specific opt-in may stifle innovation [out of customer fear]. Opt-in also creates a barrier to innovation due to the cost that it is likely to involve.
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided
Red Energy Pty Ltd	Supports an opt-in policy, but should be made easy with minimal cost and effort to customer.
Origin Energy Electricity Limited	NPPs already require customer consent for secondary use of personal information and further consent is not required and may be confusing to customers. Could also be expensive and unlikely to be welcome by customers.
AGL Energy Limited	NPPs already require customer consent for secondary use of personal information. Expensive to gain new consents from existing customers.

**Part A – PIA REPORT RECOMMENDATION 4:** The industry should adopt and promote an Opt-In policy of not putting metering data to any secondary purposes without express customer consent.

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Australian Power and Gas Pty Limited	Agree in principle with opt-in policy.
Dodo Power and Gas Pty Ltd	Do not agree with opt-in model. See it as expensive an unnecessary [from a data protection point of view]. Some regulatory requirements mandate retailer use of customer’s interval data [e.g. hardship provisions].
<b>STAFF SUMMARY</b>	
Four of the nine retailers support an opt-in policy, with one silent on this point. However, concerns are raised about the cost of implementing this policy and the possible impediment it could be to innovative use of interval metering data for customer’s benefit.	
<b><i>Question h) The likely costs of adopting an Opt in policy.</i></b>	
Lumo Energy Australia Pty Ltd	Would conduct cost benefit analysis.
Momentum Energy Pty Ltd	Believe would cost less cost for retailers and consumers than allowing third parties unfettered access to customer data which may result in consumer dissatisfaction and the need for processes to govern third party access.
Simply Energy and IPower 2 Pty Ltd	Would significantly raise the cost of getting the product to market. Would be time consuming and resource intensive process.
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided.
Red Energy Pty Ltd	Would need to review current policies to make system changes. A small fee would be appropriate.

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The AMI Policy Committee should review any suggested exceptions to the Opt-In that might be put forward by Registered Participants, and if agreed, officially specify them.

Origin Energy Electricity Limited	Would be an expensive exercise if entirely separate consent provisions are required.
AGL Energy Limited	Would impact costs but not sure to what extent without further clarification of consent requirement/process.
Australian Power and Gas Pty Limited	Not yet in a position to estimate the cost.
Dodo Power and Gas Pty Ltd	No specific comment provided.

**STAFF SUMMARY**

Those who object to providing an explicit opt-in policy also regard the cost [time and resources] of doing as a significant issue. They further see this as creating a barrier to innovation and marketing additional services. Without knowing precisely how an ‘Opt-In’ model would work, some find that comment on cost at this stage is somewhat speculative.

***Question i) Whether there are secondary uses for metering data that should be utilised without requiring a customer’s consent to be obtained?***

Lumo Energy Australia Pty Ltd	Secondary usage of data would always be in line with NPPs, requiring consent.
Momentum Energy Pty Ltd	No specific comment provided.

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The AMI Policy Committee should review any suggested exceptions to the Opt-In that might be put forward by Registered Participants, and if agreed, officially specify them.

Simply Energy and IPower 2 Pty Ltd	No specific comment provided.
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided
Red Energy Pty Ltd	Information may be provided to government or regulatory bodies, otherwise customer consent should be obtained.
Origin Energy Electricity Limited	Energy retailers are required under national Retail Regulation and under Hardship policies to use information to monitor a customer’s capacity to pay and to provide them with assistance [information about energy consumption and best tariff]
AGL Energy Limited	<p>The Energy Retail Code imposes obligations on retailers which may require them to use metering data , such as:</p> <ul style="list-style-type: none"> <li>• Provide energy efficiency advice to customers</li> <li>• Calculate instalment plan payments</li> <li>• Advice on available tariff</li> <li>• Calculation of estimated bills</li> </ul> <p>Guideline 21 requires retailers to assist customers on a hardship program by:</p> <ul style="list-style-type: none"> <li>• Recommending most appropriate tariff given circumstances</li> <li>• Monitor energy consumption of those on hardship program to continue to provide assistance.</li> </ul> <p>The National Energy Customer Framework requires retailers to place on a residential customer’s bill a comparison of energy usage against benchmark data provided by Australian Energy Regulator.</p>

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The AMI Policy Committee should review any suggested exceptions to the Opt-In that might be put forward by Registered Participants, and if agreed, officially specify them.

Australian Power and Gas Pty Limited	No specific comment provided.
Dodo Power and Gas Pty Ltd	Energy retailers are required under national Retail Regulation and under Hardship policies to use information to monitor a customer’s capacity to pay and to provide them with assistance [information about energy consumption and best tariff]

**STAFF SUMMARY**

Responses identified current regulatory requirements for use of secondary data for assisting customer in hardship and provision of energy efficiency advice on customers’ bills. Other secondary uses are seen as covered by adherence to NPPs and obtaining customer consent; however this consent may be a one time, cover all consent given at the time of signing up as opposed to express customer consent to each form of secondary use.

**Part A – PIA REPORT RECOMMENDATION 6:** As and when DBs and RBs implement new databases as part of the AMI adoption, they should take care to keep raw metering data (keyed by National Meter Identifier alone) separate from all other identifiable customer records in order to mitigate against ready re-identification. In general it is essential that teams implementing, configuring and maintaining databases are fully aware of the NPPs and the broad legal definition of Personal Information, to help them avoid inadvertent privacy problems.

**Question j) How each respondent will ensure that raw metering data will be kept separate from all other identifiable customer records?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	All metering data related to smart meters will be carried through the AMI system and handled in accordance with NPPs.
Momentum Energy Pty Ltd	No specific comment provided.
Simply Energy and IPower 2 Pty Ltd	<p>It is not possible to separate metering data from identifiable customer records. The link between meter data, NMI and account name is vital for billing accuracy and customer safety.</p> <p>Relying on NMI increases the risk of inappropriate access to customer’s data as NMIs are more readily available [e.g. on customer bill, whereas retailer uses additional information to identify customer such as licence numbers and birth dates]</p>
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided.
Red Energy Pty Ltd	Raw metering data is only accessible to the relevant teams [data management and billing]. Further provision of data only made with a customer request in writing.
Origin Energy Electricity Limited	<p>Does not agree that a separate database of raw metering data is better for privacy than one combined with personal details. Privacy laws are more than adequate to protect personal information from misuse.</p> <p>Origin stores raw metering data in separate tables from customer data but in one system. Meter data is aggregated before passing back to billing; customer portal stores consumption data separate to metering data and is consolidated only for presentation to customer; meter data used for consumption comparisons does not include customer details; bulk data extraction does not include individual customer identification</p>
AGL Energy Limited	Raw metering data is located in a separate and secure module of AGLs overarching system. Will keep data separate from all

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	other identifiable customer records if required to do so as part of AMI adoption.
Australian Power and Gas Pty Limited	Currently stores all meter data against the NMI. Meter data is linked with customer profile to manage customer billing enquiries and disputes. Not practical to fully separate metering data from other identifiable customer records.
Dodo Power and Gas Pty Ltd	Raw metering data must be linked to NMI and customer information. This ensures that data is not inadvertently provided to the wrong person e.g. another customer with the same NMI [previous customer who has moved out]

#### STAFF SUMMARY

Overall the Lock Step recommendation is rejected by retailers as unnecessary and or impracticable to implement. Two responses argued that it carries the possibility of worsening privacy protections. Most Retailers responses indicate that they keep data separate from personal identifiers but able to be linked. Is this sufficient?

#### *Question k) How each respondent will ensure that all relevant staff will be made aware of the NPPs and how compliance will be monitored?*

Lumo Energy Australia Pty Ltd	Induction and ongoing staff training includes privacy protocols. Regular and scheduled monitoring and assessment of each department's business processes is conducted to ensure compliance with privacy policy.
Momentum Energy Pty Ltd	No specific comment provided.
Simply Energy and IPower 2 Pty Ltd	No specific comment provided.
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided.
Red Energy Pty Ltd	Staff are given induction and ongoing training from time to time to ensure compliance with privacy obligations. Privacy issues are monitored as part of day to day compliance and complaint monitoring.
Origin Energy	Relevant staff are given privacy training and compliance with privacy obligations is reviewed by the retail compliance team.



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Electricity Limited	
AGL Energy Limited	AGL employees undertake annual training in relation to the Privacy Act, Including NPPs.
Australian Power and Gas Pty Limited	Staff involved in the collection of metering data, customer service or other functions that give them access to customer information will or have received training in Privacy Policy and adherence to NPPs.
Dodo Power and Gas Pty Ltd	Privacy Policy and NPPs are part of initial staff training. Compliance is monitored by our Privacy Officer and legal department and customers are encouraged to report any suspected breaches to our Privacy Officer.

**STAFF SUMMARY**

Most responses identified induction and ongoing training plus ‘regular’ audits of compliance as their means of ensuring compliance with NPPs

**Part A – PIA REPORT RECOMMENDATION 16:** Require that small Retail Businesses that might otherwise fall below the Small or Medium Enterprise (SME) criterion for the Privacy Act expressly opt in to the NPPs with the Office of the Privacy Commissioner.

**Question 1) Under certain circumstances, a business with an annual turnover of less than \$3 million is exempt from compliance with the Privacy Act. However, they may elect to opt in to the NPPs. Lockstep has recommended that energy retailers with the exemption be required to “expressly opt in” to the NPPs. Should this be a requirement as part of the business authorisation process, under NECF?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	All businesses should be required to adhere to NPPs regardless of turnover to provide a consistent standard across the industry.
Momentum Energy Pty Ltd	Support the LockStep recommendation –gives all customers the same level of privacy rights.
Simply Energy and IPower 2 Pty Ltd	Simply Energy has no comment on this recommendation.
Alinta Energy Retail Sales/Neighbourhood	Third party suppliers seeking to establish direct relationships with customers should be subject to the same licensing and accreditation rigour as licensed electricity retailers.
Red Energy Pty Ltd	Any company operating under a licence or authorisation to retail electricity should be obliged to comply with the Privacy Act and NPPs.
Origin Energy Electricity Limited	Origin believes that energy retailers with an exemption from compliance with the Privacy Act should be required to expressly opt-in to the NPPs. This should also apply to other small businesses offering services to customers using their metering data.
AGL Energy Limited	AGL supports the recommendation that energy retailers with an exemption from compliance with the Privacy Act should be required to expressly opt-in to the NPPs as part of the business authorisation process under NECF.
Australian Power and Gas Pty Limited [Australian Power and Gas]	APG believes that all retailers should be subject to the same requirement with regard to handling customer information and metering data, to ensure all customers receive the same privacy treatment and rights.

**Part A – PIA REPORT RECOMMENDATION 16:** Require that small Retail Businesses that might otherwise fall below the Small or Medium Enterprise (SME) criterion for the Privacy Act expressly opt in to the NPPs with the Office of the Privacy Commissioner.

Dodo Power and Gas Pty Ltd	Dodo has no comment on this issue.
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**STAFF SUMMARY**

The majority of responses support the LockStep Report recommendation to require all electricity retail businesses irrespective of size and turnover to be subject to the NPPs. Alinta and Origin go further in proposing to apply the principle to any other small businesses offering services to customers using their metering data.

**Part A – PIA REPORT RECOMMENDATION 17:** Consider industry-wide minimum security policy settings for protecting interval data against misuse, including the following possibilities:

- DBs should quarantine all data containing customer names from raw interval data
- DBs and RBs should audit log all access by users to interval data
- Retained interval data aged between two and seven years should be subject to more limited access rights than more recent data that might be needed to resolve billing issues.

**Question m) Lockstep's recommendation that retained interval data aged between two and seven years should be subject to more limited access rights.**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Not necessary to segregate data as there are already sufficient protections under the NPPs. Data is archived after 2 years.
Momentum Energy Pty Ltd	No specific comment provided.
Simply Energy and IPower 2 Pty Ltd	There are already limited access rights to retained data irrespective of its age. Only account holders can access this data.
Alinta Energy Retail Sales/Neighbourhood	No specific comment provided.
Red Energy Pty Ltd	Red Energy supports the recommendation. The volume of data and safe retention will be an issue for all parties.
Origin Energy Electricity Limited	The NPPs already address data security and these principles appear adequate to deal with concerns about misuse of interval data.
AGL Energy Limited	Metering data, including interval metering data, is retained in a separate and secure module of AGL's overarching system. Users are provided with individual logons and passwords and the logons are recorded and monitored.
Australian Power and Gas Pty Limited	Placing additional access restrictions on aged interval data will place a financial burden on retailers [additional system storage and retrieval costs] while serving very little purpose in terms of protecting information. Retailers have an obligation to

**Part A – PIA REPORT RECOMMENDATION 17:** Consider industry-wide minimum security policy settings for protecting interval data against misuse, including the following possibilities:

- DBs should quarantine all data containing customer names from raw interval data
- DBs and RBs should audit log all access by users to interval data
- Retained interval data aged between two and seven years should be subject to more limited access rights than more recent data that might be needed to resolve billing issues.

	protect data irrespective of its age. Will be a practical requirement to archive data after a time due to the sheer volume of data from smart meters. Willing to look at additional security arrangements for aged meter data.	
Dodo Power and Gas Pty Ltd	Dodo does not support limiting access to aged data which it feels is already protected and becomes less sensitive over time.	
<b>STAFF SUMMARY</b>		
There is little support for additional or special protections to be applied to aged interval data as most retailers believe their data is currently well protected and don't see this changing with increasing volumes of interval data.		
<b>Question n) Who should have access rights to the archived interval data?</b>		
Lumo Energy Australia Pty Ltd	Archived data should be available to the same employees who have access to current, up-to-date meter data.	
Momentum Energy Pty Ltd	No specific comment made.	
Simply Energy and IPower 2 Pty Ltd	No specific comment made.	
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.	
Red Energy Pty Ltd	Data should only be available to account holder who incurred or was responsible for the consumption.	

**Part A – PIA REPORT RECOMMENDATION 17:** Consider industry-wide minimum security policy settings for protecting interval data against misuse, including the following possibilities:

- DBs should quarantine all data containing customer names from raw interval data
- DBs and RBs should audit log all access by users to interval data
- Retained interval data aged between two and seven years should be subject to more limited access rights than more recent data that might be needed to resolve billing issues.

Origin Energy Electricity Limited	No specific comment made.
AGL Energy Limited	No specific comment made.
Australian Power and Gas Pty Limited	Needs to consider the practical implications of restricting access before commenting on whom within or outside the organisation might have access.
Dodo Power and Gas Pty Ltd	Customers and retail businesses should have access to all relevant interval data. Access by other parties should be subject to current legal processes for confidential data requests.
<b>STAFF SUMMARY</b>	
Generally retailers do not see the need to alter the current access arrangements which they view as necessary, reasonable and consistent with their obligations to protect privacy.	

**Part A – PIA REPORT RECOMMENDATION 19:** In order to give consumers access to their interval data (as required by the Access & Correction Principle NPP 6), protocols should be developed for providing data in standard forms such as Excel spread sheets.

**Question o) When customers request access to their metering data, in what format, for example, Excel spread sheet, is the data currently being provided to customers?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Data provided in Excel or Word or other format where requested and possible.
Momentum Energy Pty Ltd	Data provided in Excel with graphs.
Simply Energy and IPower 2 Pty Ltd	Data provided in Excel, or other formats if requested.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Provided in Excel format via email or in printed form via post where customer does not use Excel .
Origin Energy Electricity Limited	Data is provided in Excel if sent electronically or in PDF format if sent by post.
AGL Energy Limited	Data can be provided as a comma-separated values [CSV] file, Excel spreadsheet or hard copy.
Australian Power and Gas Pty Limited	Data is provided in Excel format.
Dodo Power and Gas Pty Ltd	Data is provided in an Excel spreadsheet or as a CSV file as requested by customer. We support development of an industry standard for data provision.

**Part A – PIA REPORT RECOMMENDATION 19:** In order to give consumers access to their interval data (as required by the Access & Correction Principle NPP 6), protocols should be developed for providing data in standard forms such as Excel spread sheets.

**STAFF SUMMARY**

Retailers can and do provide metering data information in an Excel format, and others such as CSV. Some mention provision of hard copy data to customers without a computer or email.

**Question p) Is it practicable for metering data from smart meters to be provided in a format accessible for customers, such as in an Excel spread sheet?**

**STAFF SUMMARY**

All respondents can already provide data in an Excel format, although other formats are also used to assist customer s without this software or expertise in its use. Simply Energy and Origin mentioned the usefulness of Web Portals, and Momentum identified a need to develop an affordable process [i.e. one that does not require too much staff time to prepare data material or explain it]

**Question q) How does each respondent propose assisting customers to interpret this data?**

Lumo Energy Australia Pty Ltd	No specific methods of assistance detailed.
Momentum Energy Pty Ltd	Will develop website materials to assist customers to analyse their data.
Simply Energy and IPower 2 Pty Ltd	Customers can receive help with understanding the data from our call centre or elsewhere in the organisation if the call centre cannot assist.
Alinta Energy Retail Sales/Neighbourhood	No specific comment is made.
Red Energy Pty Ltd	Provides graphs and an information sheet on how to interpret and understand the data.
Origin Energy Electricity Limited	Has developed internal information materials to assist call centre staff to understand interval data so they may better explain it to customers. A daily consumption graph is also provided with a customer data request. Currently also developing an instruction or data fact sheet to be enclosed with data requests.



**Part A – PIA REPORT RECOMMENDATION 19:** In order to give consumers access to their interval data (as required by the Access & Correction Principle NPP 6), protocols should be developed for providing data in standard forms such as Excel spread sheets.

AGL Energy Limited	No specific methods of assistance detailed.
Australian Power and Gas Pty Limited	Customer service staff are provided with training in interval data and how to interpret it to help them better explain this to customers.
Dodo Power and Gas Pty Ltd	Other forms of support are under review. Dodo supports development of an industry standard for data provision.

**STAFF SUMMARY**

There are some well-established processes used by Retailers for providing interval data, including in the recommended Excel format, and for helping customers to interpret it.

**Part A – PIA REPORT RECOMMENDATION 21:** Protocols will need to be developed for preventing old occupants from still having access to and/or control over the HAN after they vacate premises. Ideally, when a smart meter’s customer changes, there should be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. It may be prudent to amend the NECF or NER to legislate these measures.

**Question r) When a smart meter’s customer changes, there could be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. How would such a protocol be implemented?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Lumo supports an automatic unbinding of devices from the HAN, and would support an industry wide forum on how this could be achieved.
Momentum Energy Pty Ltd	Momentum is not currently in a position to provide a considered view on protocols surrounding the unbinding of devices from the HAN
Simply Energy and IPower 2 Pty Ltd	<p>Identified several potential obstacles to blocking access to data information stored on an IHD [potentially allowing it to be available to a person other than the person whose consumption data it is] even if there is an automatic unbinding of devices from the HAN . Setting standards for IHDs to protect against hacking and to limit data access to the latest bind date might be in vain if devices can be bought off the shelf that do not include such features.</p> <p>Refers to DPI processes [draft regulations for IHDs] and recommends awaiting the outcome of this before attempting to develop protocols.</p>
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Protocol could be developed in conjunction with existing consent requirements and in consultation with distribution businesses. Specific changes will be needed to both the NECF and the NER.
Origin Energy Electricity Limited	<p>Distributors have indicated they will automatically unbind devices where there has been a change in customer or Retailer.</p> <p>Processes are currently being developed by industry. This process will formulate the protocol and is being led by DPI, in</p>

**Part A – PIA REPORT RECOMMENDATION 21:** Protocols will need to be developed for preventing old occupants from still having access to and/or control over the HAN after they vacate premises. Ideally, when a smart meter’s customer changes, there should be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. It may be prudent to amend the NECF or NER to legislate these measures.

	conjunction with distributors, retailers and third party accredited providers of HAN devices.
AGL Energy Limited	<p>DPI has developed interim processes related to the IHD VEET scheme covering:</p> <ul style="list-style-type: none"> <li>• Device accreditation</li> <li>• Sale and registration</li> <li>• Usage</li> <li>• Decommission</li> <li>• De-binding of IHDs</li> </ul> <p>AGL supports development of national business processes and protocols in relation the HAN [at the Business to Business and MSATS Reference Group –BMRG] and strongly urges consideration be given to the work being undertaken by the NSMP when establishing HAN processes and protocols.</p>
Australian Power and Gas Pty Limited	Do not have sufficient commercial expertise with HAN to provide comment.
Dodo Power and Gas Pty Ltd	Dodo thinks that Distributors should automatically unbind devices when the smart meter’s customer changes. Could be initiated by a transaction through MSATS. Distributors should also advise household in writing that devices are unbound and to contact retailer if new or existing devices need to be re-bound.

**STAFF SUMMARY**

While there is support for automatic unbinding of in-house devices from the HAN when a smart meter’s customer changes, there are differing views as to how this could happen and how effective the possible processes could be. Some Retailers have yet to consider this matter in detail.

Simply Energy, Origin Energy and AGL refer to the development of protocols by industry in this regard being led by the Department of Primary Industries.

**Part A – PIA REPORT RECOMMENDATION 21:** Protocols will need to be developed for preventing old occupants from still having access to and/or control over the HAN after they vacate premises. Ideally, when a smart meter’s customer changes, there should be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. It may be prudent to amend the NECF or NER to legislate these measures.

**Question s) Who should be responsible for this task?**

Lumo Energy Australia Pty Ltd	Lumo thinks that both retailers and distributors should develop the process for unbinding devices from the HAN
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	See response to part ( r) above
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Requires the involvement of both Retailer and Distributor businesses.
Origin Energy Electricity Limited	Only Distribution businesses can unbind devices from a HAN. Distributors will be aware of a de-energisation request or a change of financially responsible market participant [FRMP] at a particular site through the market settlements and transfer system [MSATS].
AGL Energy Limited [AGL]	See response to part r) above.
Australian Power and Gas Pty Limited	See response to part r) above
Dodo Power and Gas Pty Ltd	Distributor businesses should be responsible for unbinding. Retailers should have a standard industry process for binding/unbinding devices where they are FRMP and have confirmed that the person making the request is authorised to do so.

**Part A – PIA REPORT RECOMMENDATION 21:** Protocols will need to be developed for preventing old occupants from still having access to and/or control over the HAN after they vacate premises. Ideally, when a smart meter’s customer changes, there should be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. It may be prudent to amend the NECF or NER to legislate these measures.

**STAFF SUMMARY**

Retailers expressed varying views on this question; with at least three saying they think it would be a shared responsibility of Retailers and Distributors.

***Question t) Current Victorian regulations require a Notice to be provided to new occupants after de-energisation, advising them of their need to contact a retailer. Could the existing Notice be amended to assist in meeting this recommendation?***

Lumo Energy Australia Pty Ltd	Amendment of Notice is a potential option once a process for unbinding devices has been agreed upon and implemented.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Does not believe that amending the occupant notice will have any real effect [on inappropriate accessing of previous data through an IHD] and may in fact make it worse by drawing attention to the matter.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Agrees that this current obligation could be used in the way proposed.
Origin Energy Electricity Limited	If the purpose of altering a new occupant notice is to remind customers that their devices need to be bound to the HAN, then this instruction should be provided by the Retailer at the point of sale.
AGL Energy Limited	The requirement to provide a Notice no longer applies where a disconnection has occurred remotely and the Distributors 24 hour phone number is set out on the meter. A Notice could be used where the site has been disconnected manually and the Notice left at the premises.
Australian Power and Gas Pty Limited	See response to part r) above.

**Part A – PIA REPORT RECOMMENDATION 21:** Protocols will need to be developed for preventing old occupants from still having access to and/or control over the HAN after they vacate premises. Ideally, when a smart meter’s customer changes, there should be an automatic unbinding of devices from the HAN, and the access code for establishing a HAN on that meter should be changed. It may be prudent to amend the NECF or NER to legislate these measures.

Dodo Power and Gas Pty Ltd	The existing Notice could be amended and the information could be added to the meter board.
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**STAFF SUMMARY**

Three Retailers thought that an amended Notice to new occupants advising them to contact their retailer about connection to a HAN could be useful. Three Retailers expressed a contrary view for varying reasons and three expressed no view in their submission. Reasons opposing this recommendation Included:

- Notice no longer required by regulation in the type of circumstances applying to smart meters
- Will not help protect previous customer’s data and may draw attention to the possibility of accessing it
- Customers should be advised at the point of sale about connecting to a HAN

**Part A – PIA REPORT RECOMMENDATION 22:** When the BPPWG comes to develop business processes and protocols for HAN activation, it should enact the Opt-In policy of Recommendation 4 above (to be confirmed) that all secondary uses of metering data shall be subject to express consent. Further, the BPPWG should consider enforceable requirements that data is handled across all HANs in accordance with the NPPs.

**Question u) The appropriate mechanism for ensuring compliance with the proposed enforceable requirements.**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Support recommendation as consistent with current processes.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Does not support 'opt-in' policy.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Any organisation that is not subject to the Privacy Act should obtain explicit consent from customers before making secondary use of information. Organisations should apply stringent policies and provide adequate staff training.
Origin Energy Electricity Limited	Any party that collects, uses or discloses customer personal information, including metering data, will need to adopt satisfactory processes to ensure they meet the NPPs, including obtaining adequate customer consent. It is not clear what additional businesses processes and protocols the BPPWG should develop in respect of this customer consent.
AGL Energy Limited	AGL support the development of national business processes and protocols in relation to HAN activation. We understand that BPPWG is not currently active. The existing mechanisms for ensuring compliance for all national business processes and protocols should be adopted when developing processes and protocols for HAN activation.
Australian Power and Gas Pty Limited	See response to 1 a) and b) above. This describes current business processes and protocols and how they comply with NPPs.

**Part A – PIA REPORT RECOMMENDATION 22:** When the BPPWG comes to develop business processes and protocols for HAN activation, it should enact the Opt-In policy of Recommendation 4 above (to be confirmed) that all secondary uses of metering data shall be subject to express consent. Further, the BPPWG should consider enforceable requirements that data is handled across all HANs in accordance with the NPPs.

Dodo Power and Gas Pty Ltd	No specific comment made.
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**STAFF SUMMARY**

Retailers generally reiterated previous response about how their current processes and protocols comply with privacy principles and that they see these applying also to smart metering data and its secondary use.



**Part A – PIA REPORT RECOMMENDATION 23:** If in future individuals within a household enter into third party contracts relating to use of smart meter data, such contracts should be signed by both the individual and the main electricity account holder.

**Question v) The benefits (or otherwise) of adopting this proposal.**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Lumo agrees with the adoption of the proposal.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Unclear about purpose of recommendation. Normal to have a contract between account holder and third party service provider.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Red energy has a very strong view that written consent must be provided by customer before data given to third parties.
Origin Energy Electricity Limited	Origin’s relationship is with the account holder and only they can authorise the use of smart meter data.
AGL Energy Limited	It is our view that the individual who enters into a contract with a third party relating to the use of smart meter data should be the customer or their authorised representative. AGL does not support the concept of a householder, other than the customer, being able to enter into a contract with a third party.
Australian Power and Gas Pty Limited	Any contract must be signed by the account holder as the smart meter data is considered to be their information.
Dodo Power and Gas Pty Ltd [Dodo]	Only the customer should be able to enter into third party contracts, and such contracts should terminate after 12 months, or be subject to a re-establishment process.

**Part A – PIA REPORT RECOMMENDATION 23:** If in future individuals within a household enter into third party contracts relating to use of smart meter data, such contracts should be signed by both the individual and the main electricity account holder.

**STAFF SUMMARY**

There is virtually no support for the proposition to allow individuals within a household to enter into a third party contract relating to the use of smart metering data. Retailers uniformly see the metering data as the personal information of their customer/account holder.

Simply Energy may have misunderstood the nature of the recommendation in referring to normal contract arrangements being between an account holder and a third party provider.

**Part A – PIA REPORT RECOMMENDATION 24:** The ESC should amend the wording of its decision to refer to Privacy Policies or Codes, rather than “Privacy Principles” because the latter term has a technical meaning in legislation.

*This recommendation does not require specific information from industry however submissions in relation to this matter are encouraged.*

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	No specific comment made.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Suggest that the ESC await the Victorian National Energy Consumer Framework transitional legislation is released [expected early March] before deciding to amend any decisions or codes. The Victorian Government will clarify what parts of existing ESC decisions and Codes will be retained in the Victorian Energy Retail Rules that will form part of the NECF legislative package. Otherwise changes may not have effect beyond 30 June 2012
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Suggest amend wording of the decision to refer to policies or codes and avoid the word ‘principles’ which has a technical meaning and is used in legislation.
Origin Energy Electricity Limited	Does not have a preferred view on this proposal.
AGL Energy Limited	No specific comment made.
Australian Power and Gas Pty Limited	Agrees that the ESC should explicitly refer to Privacy Policies and Codes as opposed to privacy principles as each has a technical meaning in legislation and potentially different enforcement mechanisms.
Dodo Power and Gas Pty Ltd	No specific comment made.

**Part A – PIA REPORT RECOMMENDATION 24:** The ESC should amend the wording of its decision to refer to Privacy Policies or Codes, rather than “Privacy Principles” because the latter term has a technical meaning in legislation.

**STAFF SUMMARY**

Those retailers that provided comment generally agreed with a wording change to refer to Privacy Policies or Codes rather than Privacy Principles because the latter term has a technical meaning in legislation. Simply Energy cautioned about the usefulness of any change made by the ESC in terms of its ongoing regulatory role post 30 June 2012.

**Part B – PIA REPORT RECOMMENDATION 8:** Consideration should be given to clarifying what meter data may be (or should be) disposed of after seven years. From a privacy perspective, unless there is a clear reason to retain fine grain interval data at each Participant, it should be destroyed, or aggregated to the greatest reasonable extent.

**Question a) Can you see any adverse consequences for customers or the business in destroying smart meter interval data after 7 years?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Does not see any adverse consequences of destroying smart meter interval data after 7 years. Thinks time period should align with Australian Taxation office requirements.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Does not see any adverse consequences of destroying smart meter interval data after 7 years. Seven years is consistent with taxation office requirements <sup>1</sup> and contract statute of limitation periods.
Alinta Energy Retail Sales/Neighbourhood	No specific comments made.
Red Energy Pty Ltd	Cannot see any adverse consequences of destroying smart meter interval data after 7 years.
Origin Energy Electricity Limited	Retailers should not be required to destroy metering data, although they may choose to do so in accordance with their document/data retention policies. May wish to retain data for planning and forecasting purposes and possibly long standing billing disputes.
AGL Energy Limited	NER currently details the time period for retention of interval metering data. This is set out in clause 7.9.1(g). <sup>2</sup> Any new requirement should be consistent with this.

<sup>1</sup> Minimum requirement for retention of records for ATO is now 5 years

<sup>2</sup> Clause 7.9.1(g) of the NER states

(g) for all types of metering installations, the metering database must contain metering data that is:

(1) retained online in an accessible format for at least 13 months; and

(2) following the retention under subparagraph (1), archived in an accessible format for an overall period of not less than 7 years.

(j) AEMO must retain settlement ready data for all metering installations for a period of 7 years.

**Part B – PIA REPORT RECOMMENDATION 8:** Consideration should be given to clarifying what meter data may be (or should be) disposed of after seven years. From a privacy perspective, unless there is a clear reason to retain fine grain interval data at each Participant, it should be destroyed, or aggregated to the greatest reasonable extent.

<p>Australian Power and Gas Pty Limited</p>	<p>Does not see any adverse consequences. Seven years is comparable to other prescribed periods for retention of business records e.g. 5 years for taxation purposes.</p> <p>The turnover of customers and businesses with respect to particular premises is a relevant consideration. How long data is retained [by a Retailer or a customer respectively] may also depend on this turnover and the possible retention of interval data records within IHDs.</p>	
<p>Dodo Power and Gas Pty Ltd</p>	<p>Dodo would prefer to see a longer period for retention of data as it forms the basis of market and customer billing.</p>	

**STAFF SUMMARY**

Most Retailers do not see any adverse consequences for their business or customers in destroying smart meter interval data after 7 years, although Dodo wants to be able to use data for an unspecified longer period.

AGL refers to existing standards contained within the NER and argues for consistency with this.

Australian Power and Gas points out that any one Retailer may not retain a customer or their data records for even 7 years if the customer decides to change their Retailer. It also points out a possible anomaly if data is retained in an IHD and is accessible for more than 7 years or indeed any prescribed time period, even if the Retailer has archived the data.

**Part B – PIA REPORT RECOMMENDATION 14:** Review “Privacy Notices” provided to smart meter customers— whether they be explicit or implicit (as is often the case where passages of legal text are incorporated into other customer communications)— and ensure that the notices properly anticipate the potential secondary uses of metering information (such as providing energy efficiency advice direct to consumers, supporting third party services on an opt-in basis and so on).

**Question b) How do you provide information to customers about your privacy policy and their rights and obligations? Please provide a copy of your notification.**

STAKEHOLDER	SUBMISSION	STAFF SUMMARY
Lumo Energy Australia Pty Ltd	See response to 2c) and d) above	
Momentum Energy Pty Ltd	See response to 2c) and d) above.	Policy available on website but not that easy to find.
Simply Energy and IPower 2 Pty Ltd	See response to 2c) and d) above. Policy available on website and will mail a copy on request.	
Alinta Energy Retail Sales/Neighbourhood	See response to 2c) and d) above	Policy available on website by doing a search.
Red Energy Pty Ltd	See response to 2c) and d) above. Information about the Privacy Policy is incorporated into our customer charter and is on our website. The charter is provided to all new customers at the time of joining.	Policy available on website but not that easy to find.
Origin Energy Electricity Limited	See response to 2c) and d) above. Customers are advised of their privacy rights and obligations via Privacy Statements, Privacy Notices and a Privacy Policy. Privacy Policy is published on our website via a ‘Privacy’ link at the foot of every page. Hard copy of Privacy Policy provided with submission.	Privacy Policy very easy to find on website
AGL Energy Limited	See response to 2c) and d) above. Privacy Policy is on website and a printed copy can be provided to customers upon request. Can be viewed by potential customers as part of online sign up process. Policy is provided to all new customers as part of a Welcome Pack. Hard copy of Privacy Policy provided with submission.	Privacy Policy very easy to find on website - Policy is published on website via a ‘Privacy’ link at the foot of every page.

**Part B – PIA REPORT RECOMMENDATION 14:** Review “Privacy Notices” provided to smart meter customers— whether they be explicit or implicit (as is often the case where passages of legal text are incorporated into other customer communications)— and ensure that the notices properly anticipate the potential secondary uses of metering information (such as providing energy efficiency advice direct to consumers, supporting third party services on an opt-in basis and so on).

Australian Power and Gas Pty Limited	See response to 2c) and d) above. APG advises customers of its privacy obligations through privacy clauses in their Energy Contract terms & Conditions. Privacy Policy is on website, and is also referred to in our Customer Charter. Hard copy of Privacy Policy provided with submission.	Privacy Policy very easy to find on website - Policy is published on website via a 'Privacy' link at the foot of every page.
Dodo Power and Gas Pty Ltd	See response to 2c) and d) above. Privacy policy is included with Terms and Conditions and is available on our website. Hard copy of Privacy Policy provided with submission.	Privacy Policy very easy to find on website - Policy is published on website via a 'Privacy' link at the foot of every page.

**STAFF SUMMARY**

Most Privacy Policies are published on the Retailer’s website. Red Energy also incorporates privacy information in its Customer Charter, Dodo includes its Privacy Policy with its Terms and Conditions document.



**Part B – PIA REPORT RECOMMENDATION 15:** Consider developing a common skeletal layered Privacy Notice that all organisations involved in AMI can use as a basis for their own notices, setting out the industry’s regulatory protections, the reasons and uses for smart meter data collection, and the controls that consumers have over how meter data is used.

**Question c) Do you consider there could be any benefit in having a standard approach to notifying customers of their privacy rights and obligations? If so, how should that common approach be developed?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	A uniform privacy notice would be beneficial to consumers and would provide a consistent approach. Would need to be amendable and should be provided on websites or upon request. All participants accessing smart meter data should be required to commit to the privacy notice. Pre-emptive regulation is likely to limit market innovation with smart meter technology.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Concerned that any Victorian specific Privacy Notice could be inconsistent with more generic notices in other jurisdictions. We regard the Privacy Act 1988 as an industry wide privacy policy, and company specific policies as subordinate documents that discuss how the Act is implemented at a company level.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made, however concur with reports recommendations for greater communication with customers and the general public about smart meters.
Red Energy Pty Ltd	Believes that all customers should have a better understanding of their privacy rights and responsibilities and supports a standard notification in line with obligations under the NECF.
Origin Energy Electricity Limited	There may be value in an industry standard notice advising customers of their privacy rights and obligations; however its use should be discretionary.
AGL Energy Limited	Does not see any benefit in a common skeletal layered Privacy Notice. As an alternative, supports the development of a specific paragraph setting out the industry’s regulatory protections, the reasons and uses for smart meter [ data] collection, and the controls consumers have over how meter data is used for inclusion in existing Privacy Notices.

**Part B – PIA REPORT RECOMMENDATION 15:** Consider developing a common skeletal layered Privacy Notice that all organisations involved in AMI can use as a basis for their own notices, setting out the industry’s regulatory protections, the reasons and uses for smart meter data collection, and the controls that consumers have over how meter data is used.

Australian Power and Gas Pty Limited	Sees benefit in a standardised approach to notifying customers of their privacy rights and obligations. Should be a minimum standard for industry to adopt and subject to any setting of clear regulatory protections for smart metering, a common or centralised set of rules could be developed in consultation with industry, the ombudsman [EWOV] and consumer groups.
Dodo Power and Gas Pty Ltd	May be some advantage in a light handed and simple process for advising customers of their privacy rights and obligations. This should be developed in conjunction with Retailers, Distributors and the AER.

**STAFF SUMMARY**

There is quite a lot of support among Retailers for a standardised approach to informing customers of their privacy rights and obligations. Industry is concerned to be involved in the development of any such Privacy Notice and to ensure its use can work across jurisdictions.

**Part B – PIA REPORT RECOMMENDATION 20:** In order to boost consumer confidence in the security of the system, DPI should consider commissioning an independent Threat & Risk Assessment (TRA) of any new online portals. We note that very recent regulatory developments in California have raised security standards for smart meters, with new requirements coming to conduct regular security audits [19].

**Question d) Briefly described your security processes on web sites/portals. What is your approach to data security?**

STAKEHOLDER	SUBMISSION
Lumo Energy Australia Pty Ltd	Lumo’s security processes and approach to data security, pertaining specifically to our website and portals, are covered in our Information Systems policy which applies to all Lumo employees and contractors working directly for the organisation.
Momentum Energy Pty Ltd	No specific comment made.
Simply Energy and IPower 2 Pty Ltd	Does not currently provide a website/portal for smart metering. If we develop one in the future, Privacy Act and our privacy policy would apply. Access would be granted to the account holder through entry or specific personal information or a PIN number.
Alinta Energy Retail Sales/Neighbourhood	No specific comment made.
Red Energy Pty Ltd	Red Energy’s privacy Policy includes a Security Policy for internet users.
Origin Energy Electricity Limited	<p>Origin follows the Open Web Application Security Project [OWASP] top ten guide, which represents industry best practice [see <a href="http://www.owasp.org">www.owasp.org</a>].</p> <p>Internal portals are not accessible outside Origin’s network. Externally accessible portals will use HTTPs and require login [unless used for simple public information].</p> <p>Where we use Drupal [ a content management system] we also use Drupal-Specific security guidelines [see <a href="http://drupal.org/writing-secure-code">http://drupal.org/writing-secure-code</a>]</p> <p>We do not store credit card or banking information. Any personalised data captured on our websites is archived after 21 days to a separate server. All data is transferred and collected via Secure protocols [HTTPS, SCP, SFTP]</p>
AGL Energy Limited	AGL Energy Online encrypts personal and financial information with industry standard 128 bit encryption. AGL also uses Secure

**Part B - PIA REPORT RECOMMENDATION 20:** In order to boost consumer confidence in the security of the system, DPI should consider commissioning an independent Threat & Risk Assessment (TRA) of any new online portals. We note that very recent regulatory developments in California have raised security standards for smart meters, with new requirements coming to conduct regular security audits [19].

	Sockets Layer [SSL] which helps provide secure communication over the internet.
Australian Power and Gas Pty Limited	APG does not currently host a customer portal. Customers may sign up via our website for an energy account. Where customer personal information is gathered this way, APG uses security certificates. This data is also encrypted in its transmission from the customer's personal computer and our website.
Dodo Power and Gas Pty Ltd	Dodo provides all customers with access to a customer information portal which requires a password to be logged in. Customers can reset password online or by contacting Dodo.

**STAFF SUMMARY**

Most Retailers who provided comment referred to or described their current or proposed standards. Some of these made specific reference to industry best practice with the inference that they not able to be bettered at this stage. A number of respondents do not yet operate an interactive online portal. None explicitly supported the recommendation.