



9 September 2024

Market Conduct and Digital Division  
Treasury  
Langton Cres  
Parkes ACT 2600

Lodged electronically: [CDRRules@treasury.gov.au](mailto:CDRRules@treasury.gov.au)

Dear Sir/Madam

### **Consumer Data Right (CDR) Rules – Operational Enhancement Amendments – Consultation Paper**

Origin Energy appreciates the opportunity to provide input into Commonwealth Treasury's further Consultation Paper on operational enhancements to the Consumer Data Right (CDR) Rules. This builds on Treasury's Design Paper consultation that occurred between August and October 2023. Our submission focusses on data holder changes to the energy sector only.

We note that a key objective of the operational enhancements is to further reduce regulatory barriers to allow consumers to access consumer data on a more efficient and timelier basis. While this concept is supported, it needs to be balanced against both the current and potential usage of the system and the costs to users for implementing the amendments. There is no understanding whether these changes will increase the uptake of CDR nor whether the benefits will outweigh the costs.

#### **Nominated Representatives**

The Consultation Paper proposes an amendment for the current 'nominated representative' CDR Rule requirement. This is related to non-individual (ie business customers) accounts where there could be multiple contacts or authorities on the account. Treasury's proposal is to require retailers to provide an online service where an 'account administrator' can elect a person to the role of a 'nominated representative'. This would allow an individual to have access and share all data on a business account. Further, the service must be simple, straightforward to use, prominently displayed and readily accessible.

We have several concerns with this proposal.

Firstly, the account set-up process for business customer accounts, in the energy sector, are such that multiple persons could have online authority on an account for different data sets. There are energy accounts which have up to 100 or more linked accounts (ie franchise or multi-national business) with 20-50 different contacts and arrangements for each of the subset accounts. Accounts can be established where a site has multiple roles linked to the account, each of the roles has a certain level of function assigned to them and each role may have a different person assigned against them. Allowing one of these authorities to choose who can be allocated the CDR nominated representative role will potentially result in an individual gaining access to an account to a greater extent than originally intended.

Further, there are accounts, such as the NSW Government, where they have a hierarchy of who can access what account (i.e. inter-department and intra- department). Origin would need to build a process to replicate the levels of authority for CDR systems to ensure privacy requirements are upheld. Developing an online nomination process for this scenario would be costly and timely. Treasury may consider that it would be appropriate for these types of accounts to 'opt out' of an online process. However, Origin views this as significant additional complexities to the management of accounts as there would be a need to review business accounts on an individual basis to determine whether the account should be included or excluded from the

'nominated representative' process. It would also require a regular ongoing review to ensure accounts are correctly identified and protected.

Secondly, when a business agrees to terms and conditions with a retailer, the consent does not cover the use of data under CDR, nor does it contemplate that one contact on an account could be provided with the capability to request all data on an account through the CDR framework. Energy companies hold a vast amount of business data which is sensitive data, especially if accounts are related to Government accounts (ie Defence Force accounts where specific authority is required to access the account). Appropriate consent should be provided by persons that have the authority to access and share CDR data and it is not certain that will be upheld with an online nomination process.

Thirdly, requiring energy data holders to automate an 'online service' for customers to appoint a 'nominated representative' will be a costly and require significant effort to implement. It will require system enhancements to at least three of Origin's systems. Each of these systems have been designed differently to match the needs of the customers within each of these portals. There is not one solution that can be utilised to extract data from across the systems so that the information is available to be displayed on a dashboard. To expand the 'nominated representative' to an online process, will require the business to design specific authorisation processes for business customers as well as consider privacy and system security concerns.

While third party service providers for data holders may have the functionality to allow an online 'nominated representative' process, this functionality is only useful to the extent that the master data source (ie Origin's systems) is able to identify and extract this data to provide to the third-party provider to manage on behalf of the retailer. There will be considerable costs to data holders to develop the systems to then interface with third party providers.

Treasury needs to undertake further analysis of the implications of extending an online service for the appointment of a 'nominated representatives'. This is particularly considering the significantly low usage of the CDR system by business customers over the past 18 months and the costs that will be incurred by every energy retailer in adjusting systems to allow for this functionality. A greater level of scoping would assist with cost estimates and ensure there are benefits to consumers from extending the regime.

## **Secondary users**

There is a proposal to remove the current requirement for data holders to offer a functionality that allows an account holder who has given a secondary user instruction to indicate they no longer approve of CDR data relating to that account to be disclosed to an accredited person in response to consumer data requests made by a secondary user.

Origin supports the remove of this obligation. It only added complexities to the functionality requirements and the management of secondary user authorisations.

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](mailto:caroline.brumby@originenergy.com.au).

Yours sincerely



Sean Greenup  
Group Manager Regulatory Policy