18 January 2019

Manager

Consumer Data Right Team

Structural Reform Group

The Treasury

Langton Crescent

PARKES ACT 2600

By email: [Data@treasury.gov.au](mailto:Data@treasury.gov.au)

**Consultation on Privacy Impact Assessment December 2018: Consumer Data Right Framework**

Simply Energy welcomes the opportunity to provide feedback the Privacy Impact Assessment (PIA) – Consumer Data Right (CDR) Rules Framework. Simply Energy is a leading second-tier energy retailer with over 670,000 customer accounts across Victoria, New South Wales, South Australia, Queensland and Western Australia.

Simply Energy supports the CDR Framework as a means of enabling greater competition and consumer engagement in the energy market. With this objective in mind, Simply Energy considers that the scope of the draft PIA is appropriately adapted in providing consumers access to their data in a secure manner. As the current CDR framework as well as draft PIA are not energy-specific, Simply Energy has proactively raised relevant privacy and technical matters with the Australian Consumer and Competition Commission (ACCC) to ensure that energy sector specific requirements are taken into consideration.

In exploring the assessment and recommendations in the draft PIA, Simply Energy’s submission evaluates:

* the development and adoption of the CDR-PIA in the energy sector; and
* the proposed next steps in the CDR program.

**The development and adoption of the CDR-PIA in the energy sector**

It is acknowledged that the CDR framework will be incrementally introduced, but there is a lack of energy related focus in the draft PIA. Most of the examples provided in the PIA relate to banking and this leaves a gap for the energy sector, considering energy data is extremely complex to manage. In view of this, Simply Energy considers that a further and more specific assessment will need to be taken into the management of energy consumer data.

Simply Energy understands that the ACCC will be responsible for enforcement of the CDR rules as they apply to business systems and processes, while the Office of the Australian Information Commissioner (OAIC) will uphold individual data and privacy rights. As such, Simply Energy supports recommendation 9 of the draft PIA.

Simply Energy considers that it is imperative that the changes to the CDR legislation or Rules are accompanied by further PIAs. In order to ensure a robust assessment, Simply Energy agrees that any subsequent PIAs should be conducted in accordance with the OAIC *Guide to Undertaking Privacy Impact Assessments*, following comprehensive engagement with relevant stakeholders. Simply Energy, however, would like to emphasise that the PIA process should not be limited to ‘significant’ changes (as recommended in the draft PIA). Rather this process should be applied to all substantive changes to the governing rules and legislation. This will ensure that industry-specific privacy considerations and sensitivities are adequately taken into account whenever amendments are made.

Having said that, Simply Energy supports and acknowledges the research that has been undertaken in developing the draft PIA and considers that all the recommendations have been well justified.

**Proposed Next Steps**

Simply Energy would welcome the opportunity to engage with Treasury, and other key stakeholders such as the ACCC, Australian Energy Market Operator and Energy Consumers Australia, on the technical issues to implement the energy sector CDR in the most efficient and timely manner. Simply Energy looks forward to engaging with you on these matters. If you have any questions or would like to engage in discussions with Simply Energy, please contact Aakash Sembey, Industry Regulations Manager, on (03) 8807 1132 or [Aakash.Sembey@simplyenergy.com.au](mailto:Aakash.Sembey@simplyenergy.com.au).

Yours sincerely

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James Barton

General Manager, Regulation

Simply Energy