



AGL Energy Limited

T 02 9921 2999

[agl.com.au](http://agl.com.au)

ABN: 74 115 061 375

Level 24, 200 George St  
Sydney NSW 2000  
Locked Bag 14120 MCMC  
Melbourne VIC 8001

Office of the Australian Information Commissioner

GPO Box 5218

Sydney NSW 2001

Submitted by email to: [consultation@oaic.gov.au](mailto:consultation@oaic.gov.au)

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## **OAIC – Consultation on draft updates to the Consumer Data Right (CDR) Privacy Safeguard Guidelines**

AGL Energy Limited (AGL) welcomes the opportunity to respond to the Office of the Australian Information Commissioner (OAIC) Draft updates to the CDR Privacy Safeguard Guidelines (Guidelines).

AGL is a leading integrated essential service provider, delivering over 4.2 million gas, electricity, and telecommunications services to our residential, small, and large business, and wholesale customers across Australia. We are a market leader in the development of innovative products and services that enable consumers to make informed decisions on how and when to use their consumer (or distributed) energy resources to optimise their energy load profile and better manage their energy costs.

We take our obligations to customer privacy seriously. AGL continues to maintain strong processes and controls to ensure compliance with our obligations to keep our customers personal information safe. Upholding privacy protections continues to be a key focus to ensure our customers have access to and control over data that directly relates to them. It is therefore paramount that the privacy protections provided for under the existing Australian Privacy Principles and the CDR Privacy Safeguards are clear, consistent, and effective for both customers and industry.

Within the CDR system there is a need to balance data security requirements and the increase of customer choice to share data with the further expansion of the CDR. While strong security requirements have been flagged as making participation in the system complex and costly for businesses, high levels of security are essential in order to maintain customer and industry confidence in the system. AGL continues to view the privacy safeguards as an important element of the CDR, as they have created a foundation of trust, safety and security in the system which have been key to engagement and uptake of the CDR.

### **Extending data sharing beyond the CDR system**

Consent is the foundation of the CDR. A business may only collect, use, and disclose customers data with a customer consent, and a customer can withdraw consent at any time. However, when customers data leaves the CDR system, the ability to ensure the data is held in a secure and protected environment becomes increasingly difficult.

The introduction of tiered accreditation was recommended in the Future Directions Inquiry as one way to reduce costs for prospective participants by offering alternatives to the demanding process of becoming an unrestricted Accredited Data Recipient (ADR).<sup>1</sup> Additionally, several access models were introduced to the CDR in version 3 of the Rules, which provided several new pathways to participating other than becoming an ADR (with unrestricted accreditation), including the representative model and sponsored accreditation, as

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<sup>1</sup> 'Inquiry into Future Directions for the Consumer Data Right - Final Report' p118,  
<https://treasury.gov.au/sites/default/files/2021-02/cdrinquiry-final.pdf>



well as establishing a role for trusted advisers.<sup>2</sup> There is also consultation underway on operational enhancements to the CDR system, including allowing business consumers to share their data with unaccredited third parties for business purposes through the creation of a “business consumer disclosure consent”. The addition of new pathways to gain access to customers data may increase the utility of the CDR. However, thought should be given to the risks of customer data residing outside the protections of the CDR system when shared with unaccredited third parties.

We recommend that government monitor participation and uptake of the new access pathways to the CDR system to ensure settings remain appropriate and customer privacy protections are maintained. Government should consider the impacts of the extension of sharing data beyond the system to unaccredited third parties, and the potential impact any data breaches may have on individual and small business customers. Customers and industry are faced with an increasingly complex regulatory environment with respect to managing personal information. Careful consideration must be given to ensuring appropriate protections are maintained.

If you have any queries about this submission please contact Emily Gadaleta, Regulatory Strategy Manager at [egadaleta@agl.com.au](mailto:egadaleta@agl.com.au).

Yours sincerely,

Chris Streets  
General Manager (a/g), Policy, Markets Regulation and Sustainability

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<sup>2</sup> *Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020*, <https://www.legislation.gov.au/Details/F2021L01392>