


Electricity Industry Participation Code Amendment (Access to Retail Data) 2014


Pursuant to section 38 of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendments to the Electricity Industry Participation Code 2010.

At Wellington on the 23rd day of December 2014



Dr Thomas Brent Layton
Chairperson
Electricity Authority

Certified in order for signature:



Barbara Sole
Senior Legal Counsel
Electricity Authority

19 December 2014



Tony Dellow
Partner
Buddle Findlay

19 December 2014

Contents

1	Title	2
2	Commencement	2
3	Code amended	2
4	Clause 11.1 amended (Contents of this Part)	2
5	New cross heading and clauses 11.32A to 11.32F inserted	2
	<i>Access by consumers to information about their own electricity consumption</i>	
	11.32A Retailers must give information about consumer electricity consumption	2
	11.32B Requests for information	2
	11.32C Retailers must notify consumers of availability of information	3
	11.32D Information security	3
	11.32E Agents	3
	11.32F Authority must publicise procedures for responding to requests for consumption information	3

Amendment

1 Title

This is the Electricity Industry Participation Code Amendment (Access to Retail Data) 2014.

2 Commencement

This amendment comes into force on 1 February 2016.

3 Code amended

This amendment amends the Electricity Industry Participation Code 2010.

4 Clause 11.1 amended (Contents of this Part)

(1) In clause 11.1(e), after "events of default", insert "; and".

(2) After clause 11.1(e), insert:

"(f) requires **retailers** to give **consumers** information about their own consumption of **electricity**."

5 New cross heading and clauses 11.32A to 11.32F inserted

After clause 11.32, insert:

"Access by consumers to information about their own electricity consumption"

"11.32A Retailers must give information about consumer electricity consumption"

"(1) Each **retailer** must, if requested by a **consumer** with whom the **retailer** has a contract to supply **electricity**, or with whom the **retailer** has had such a contract in the last 24 months, give the **consumer** any of the information specified in subclause (2) that the **consumer** requests.

"(2) The information referred to in subclause (1) is information relating to any period in the 24 months preceding the request—

"(a) about the **consumer's** consumption of **electricity** relating to each **ICP** at which the **retailer** supplied **electricity** to the **consumer**; and

"(b) used by the **retailer** to—

"(i) calculate the amount of **electricity** consumed by the **consumer** at each **ICP**; or

"(ii) provide any service to the **consumer**."

"11.32B Requests for information"

"(1) A **retailer** to which a request is made must give the information to the **consumer** no later than 5 **business days** after the date on which the request is made.

"(2) In responding to a request, the **retailer** must comply with the procedures **publicised** by the **Authority** under clause 11.32F.

"(3) A **retailer** must not charge a fee for responding to a request, but if 4 requests in respect of a **consumer's** information have been made in a 12 month period, the **retailer** may impose a reasonable charge for further requests in that 12 month period.

"11.32C Retailers must notify consumers of availability of information

Each **retailer** must notify each **consumer** with whom it has a contract to supply **electricity** of the **consumer's** ability to make a request to the **retailer** under clause 11.32B, so that the **consumer** is notified at least once in each calendar year.

"11.32D Information security

A **retailer** that receives a request for information under clause 11.32B—

- "(a) must not give access to that information unless it is satisfied as to the identity of the **consumer** making the request; and
- "(b) must ensure, by the adoption of appropriate procedures, that any information intended for a **consumer** is received—
 - "(i) only by the **consumer**; or
 - "(ii) where the request is made by an agent of the **consumer**, only by the **consumer** or the **consumer's** agent.

"11.32E Agents

If a **consumer** authorises an agent to request information under clause 11.32B, a **retailer** must treat a request from the agent as if it were a request from the **consumer**, if the agent has the written authority of the **consumer** to obtain the information or is otherwise properly authorised by that **consumer** to obtain the information.

"11.32F Authority must publicise procedures for responding to requests for consumption information

- "(1) The **Authority** must, no later than 20 **business days** after this clause comes into force, **publicise** (and must keep **publicised**) procedures under which a **retailer** must respond to a request from a **consumer** under clause 11.32B.
- "(2) The procedures **publicised** by the **Authority** must—
 - "(a) specify the manner in which information must be given to **consumers**; and
 - "(b) specify 1 or more formats in which information must be given to **consumers**."

Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 ("Code") comes into force on 1 February 2016.

The amendment requires retailers to provide information about a consumer's electricity consumption if the consumer requests it.

Retailers are required to give the relevant information to any consumer with whom the retailer has a contract to supply electricity, or with whom the retailer has had a contract to supply electricity in the last 24 months.

Retailers must provide the information within a specified time frame and in accordance with a format to be publicised by the Authority. Retailers must also notify each consumer of their ability to make a request to the retailer for information about the consumer's consumption of electricity.

Date of notification in the *Gazette*: 5 February 2015