

1 Summary of Submissions

Quick Wins for Increasing Access to Electricity Services: Making it easier for consumers to share their consumption data with businesses they trust

Consultation Paper

- 1.1 Submissions are grouped first according to the questions posed in the consultation paper, and then in alphabetical order. Submissions on other topics are included at the end of the summary, in the table “Other comments.”

2 Description of submitters

No.	Submitter	Description of submitter
1	Alan Barraclough	Member of the public
2	Aurora Energy	Electricity distributor operating in Dunedin and Central Otago
3	Consumer NZ	Independent, non-profit consumer organisation providing consumer information and advice
4	Contact Energy Limited	Electricity generator and retailer
5	Cortexo	Non-market participant providing third party services in the electrical supply chain
6	Electric Kiwi	Electricity retailer
7	Electricity Retailers Association of New Zealand (ERANZ)	Represents electricity retailers
8	emhTrade	Developer of smart power technology
9	Energy Link Ltd	Provider of industry analytics and services to energy users (agent/broker), generators, and retailers
10	Flick Energy Limited (Flick)	Electricity retailer
11	Genesis Energy (Genesis)	Electricity generator and electricity, natural gas and LPG retailer
12	Mercury Energy (Mercury)	Electricity generator and retailer
13	Meridian/Powershop	Electricity generator and retailer
14	Network Waitaki Limited	Electricity distributor operating in North Otago
15	Nova Energy	Electricity generator and retailer
16	Orion New Zealand Limited	Electricity distributor operating in Christchurch and Central Canterbury
17	Our Energy	Electricity retailer
18	Powerco	Electricity distributor operating in the North Island
19	Stephen Cope	Member of the public
20	Transpower	Owner and operator of the national grid
21	Trustpower	Electricity generator and retailer
22	Vector	Electricity distributor operating in the Auckland region
23	Vocus	Electricity retailer
24	WEL Networks	Electricity distributor operating in Central and Northern Waikato

3 Key

ACCESS	Additional Consumer Choice of Electricity Services
ANZSIC	Australian and New Zealand Standard Industrial Classification
API	Automated Programming Interface
Authority	The Electricity Authority
Code	Electricity Industry Participation Code 2010
Consultation Paper	The Authority's Consultation Paper <i>Quick Wins for Increasing Access to Electricity Services</i> (23 April 2019)
EIEP	Electricity Information Exchange Protocol
ICP	Installation Control Point
Proposal 1	The proposal to amend the Code to set out the information required for an agent request, and prohibit retailers from mandating the form a request must take or from requiring further information
Proposal 2	The proposal to develop an Agent Authorisation API for an agent to communicate to a retailer they have a customer authorisation, and a retailer to accept or reject an authorisation and provide the reasons for any rejection
Proposal 3	The proposal to alter the existing ICP connection data API and <i>My meter</i> website to increase readability and to include three additional Registry fields (" <i>address_property_name</i> ", " <i>ANZSIC Code</i> ", and " <i>Switch Status</i> ")
Privacy Act	The Privacy Act 1993
Privacy Commissioner	Office of the Privacy Commissioner
NZ	New Zealand

4 Summary of Submissions

The tables below summarise the responses received in relation to the following questions contained in the consultation paper:¹

1. [Do you agree with the Authority proposal to amend the Code to establish the contents required for an information request to be valid? If so why? If not why not?](#)
2. [Do you agree with the Authority proposal to amend the Code to prohibit retailers from requiring additional information and from requiring the information to be provided in a particular format? If so why? If not why not?](#)
3. [Do you agree with the Authority proposal to amend the Code to establish timeframes for communicating a rejection or revocation of an authority? If so why? If not why not?](#)
4. [Do you agree with the Authority proposal to establish an Agent Authorisation API? If so why? If not why not?](#)
5. [Should use of proposed Agent Authorisation API be mandatory for both agents and retailers?](#)
6. [Do you agree with the inclusion of the three additional registry fields into the ICP connection data API and My meter web portal? If not why not?](#)
7. [Do you consider that there are other fields that have not been identified that should be added to the ICP connection data API and My meter web portal? If so why?](#)
8. [Do you agree that the proposals do not breach the obligations imposed by the Privacy Act of 1993? If not why not?](#)
9. [Do you agree with the costs and benefits of each of the proposals? If not, why not?](#)
10. [Are there any other costs or benefits we have not identified?](#)
11. [Do you have any comments on the drafting of the proposed amendment?](#)

[Table 12](#) includes a summary of other matters included in responses that do not directly relate to the questions contained in the Consultation Paper.

¹ **Note:** Where submitters have not made specific reference to questions posed by the Authority in the Consultation Paper, effort has been made to allocate particular submissions under the most appropriate question so as to capture those submissions in the tables below. In addition, if a submission was made under a question posed in the Consultation Paper but is relevant to another question, the submission has been moved under the most appropriate question or duplicated where necessary.

1 Do you agree with the Authority proposal to amend the Code to establish the contents required for an information request to be valid? If so why? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	<p>1.1 The Authority should provide an alternative way forward whereby consumers have real time access to their own meter data, and without having to ask the retailer for it.</p> <p>1.2 Consumption data shows the habits and patterns of life of consumers, and therefore only consumers should provide third party access to it. Retailers should not own a consumer's data.</p>
2	Aurora Energy	<p>1.3 Supports the Authority's proposals in general, and agrees with the identified reasons behind them.</p> <p>1.4 A retailer's ability to constrain access to metering data is a barrier to participation in the electricity sector, greater innovation in products and services available to consumers, and in assisting consumers to make more informed decisions.</p>
3	Consumer NZ	<p>1.5 Yes. Standardising the information required is helpful, but benefits are limited as:</p> <p style="padding-left: 40px;">1.5.1 An information request needs to be approved for every individual consumer.</p> <p style="padding-left: 40px;">1.5.2 The retailer has two business days to reject the request because information is missing, or the retailer believes the information is incorrect or invalid.</p> <p style="padding-left: 40px;">1.5.3 There is no proposed refinement to the time the retailer has to provide the data once the request has been accepted.</p> <p>1.6 Agent authorisation should be approved, managed and audited via a central registry held by the Authority (removing the need for authorisation to be obtained per customer), and the data request for an individual consumer should be serviced by real-time exchange of information.</p>
4	Contact Energy Limited	<p>1.7 The proposed amendment is not sufficient to manage the risk of agents acting without authority. To ensure agents have proper authority, the Authority should:</p> <p style="padding-left: 40px;">1.7.1 Implement an accreditation scheme for agents which will provide assurance to retailers that they are dealing with reputable agents.</p> <p style="padding-left: 40px;">1.7.2 Amend clause 11.32E(2) to specify further criteria on which an agent will be deemed to have authorisation from the customer.</p>
5	Cortexo	<p>1.8 Yes. The Code change should be based on:</p> <p style="padding-left: 40px;">1.8.1 The absolute minimum data required (taking into account the sensitivity of consumption data and actual serious harm that could result from an</p>

		<p>inadvertent breach.</p> <p>1.8.2 The timeliness of the transaction to enable the data to be used with consumers in a near real-time fashion.</p> <p>1.9 “<i>Full name of the customer</i>” should be replaced with “<i>the customer name that appears on the account</i>” to cater for accounts that may be in the name of families, flatmates, other groups, organisations or trusts.</p>
6	Electric Kiwi	1.10 Queries whether a customer signature (electronic or otherwise) should be needed to confirm consent, as this may be problematic for many customers. It is not needed for switching, and it may be better if the consent requirements for data sharing and customer switching are more closely aligned.
7	Electricity Retailers Association of New Zealand	1.11 Any mandated process for verifying and providing agents with customer data needs to be sufficiently robust and balance the obligations of the retailer with respect to their duties to the customer while not being overly onerous for the agent. Protecting consumers remains paramount.
8	emhTrade	<p>1.12 Yes. A standardised approach across the industry is needed.</p> <p>1.13 Currently, valid claims of authorisation are being rejected in breach of the Privacy Act. This has resulted in an inefficient equilibrium because it is not viable for an individual agent to challenge this (through legal processes).</p>
9	Energy Link Ltd	<p>1.14 Yes. From an agent/broker perspective all information can be gathered efficiently.</p> <p>1.15 Open ended authorisations, however, leaves the customer with the task of revoking third party access no longer wanted. It is good practice for all authorisations to be valid for a limited period (suggest 12 months).</p>
10	Flick Energy Limited	<p>1.16 Not supportive of the proposals. There is very little benefit to consumers or retailers. Reasons are:</p> <p>1.16.1 Mandating the contents required for an information request prevents retailers from verifying customer requests against other details recorded in their system which could verify the customers more easily e.g. date of birth, account number, account password.</p> <p>1.16.2 Details such as date of birth, customer account number, and account password which are commonly used for personal identification by most retailers, have been excluded from the proposed information request sheet.</p> <p>1.16.3 If the details in the proposed information request sheet are not an exact match of what is recorded in a retailer’s system, requests could be</p>

		<p>rejected, causing delay.</p> <p>1.16.4 Customer signatures are not recorded or held by most of the retailers and cannot serve as a validation check.</p> <p>1.17 Recommends that the consumer contacts their own retailer, instead of the agent, eliminating the concerns listed above.</p>
11	Genesis Energy	<p>1.18 Yes, however there must be safeguards to protect against the unauthorised or misuse of consumer's electricity consumption data. Minimum protections include:</p> <p>1.18.1 Agents being made subject to the Code. Alternatively, an accreditation regime should be established for agents.</p> <p>1.18.2 Amend the Code to expressly state that an authorisation containing the required information constitutes reasonable grounds for believing that disclosure is authorised for the purposes of the Privacy Act (see response to question 11).</p> <p>1.18.3 Consumers (and retailers providing their consumption data to agents) have recourse to that agent, if it has not actually obtained authorisation or has otherwise breached the Code. This could be achieved by a Code amendment requiring agents to use the Authority's EIEP Hub, and inserting a contracts privacy provision.</p>
12	Mercury Energy	<p>1.19 No. If implemented, it could put retailers in breach of the Privacy Act. Legal advice provided to Mercury indicates that Code provisions cannot take precedent over the Privacy Act.</p> <p>1.20 The requirement that retailers verify customer signatures is unworkable (as retailers do not hold signatures against which to verify authenticity). It would be inefficient compared to current practice, and would not meet the requirements of the Privacy Act. Electronic signatures are insufficient to allow retailers to satisfy themselves of the reliability, and authenticity, of the agent's authority. Agents are not industry participants under the Code, which means they are not accountable to the Authority.</p> <p>1.21 Current trends indicate that a high-level protection of personal data is now required.</p>
13	Meridian/Powershop	<p>1.22 Yes. If the Code was made clear on these matters, it should enable retailers to provide the relevant information with confidence that they are not in breach of their privacy obligations to customers.</p> <p>1.23 Recommends further consultation with the Privacy Commissioner on what should reasonably be required of third party agents to establish to retailers that they have the necessary customer authorisation and that this should then form the basis of the relevant Code amendments. The</p>

		<p>Authority has not adequately engaged with the fundamental privacy concerns.</p> <p>1.24 The proposed Code amendment is inadequate and will potentially bring the industry into disrepute (see response to question 11).</p>
14	Network Waitaki Limited	1.25 Yes, it will address the current lack of clarity, consistency and standardisation of approaches applied by traders.
15	Nova Energy	<p>1.26 Yes. However the proposal is not sufficient.</p> <p>1.27 Under the proposed Code change any party can set themselves up as an agent and demand data on behalf of consumers. The Authority should require agents to certify to retailers that they have entered into agreements with their customers that protect the customer's interests, and indemnify the retailer against any use of the data that has not been authorised by the customer.</p>
16	Orion New Zealand Limited	<p>1.28 (No specific submission in relation to this question).</p> <p>1.29 Generally supportive of the Authority's proposals.</p>
17	Our Energy	<p>1.30 Yes. Directly impacted by the different requirements by retailers regarding the content of electricity data requests.</p> <p>1.31 Aware of market participants attempting to charge consumers for information requests at levels completely unrelated to their costs of providing such information. Such behaviour is unnecessary at best and anti-competitive at worst.</p>
18	Powerco	1.32 Yes. Supportive of the proposed systematic approach to authorisation. Industry participants need clarity about the interaction between the Code and the Privacy Act, and the Code amendments need to align with the Privacy Act.
19	Stephen Cope	1.33 Yes. It seems reasonable.
20	Transpower	<p>1.34 Yes. Transpower's Demand Response Programme encountered barriers in requesting medium to large consumers to collect and provide their own metering data. Asking residential consumers to do this is even more of a barrier. Having a third party agent to collect meter data on behalf of these consumers efficiently enables more innovation and applications like demand response to grow, but there are currently barriers to this as well.</p> <p>1.35 The development of the EIEP13 process is an improvement, but the authorisation process of those and similar requests should be amended.</p>
21	Trustpower	<p>1.36 Yes, but with refinements.</p> <p>1.37 Authorisations should be current, not open-ended. Important to have a timeframe for authorisation that is in step with evolving consumer preferences. An open ended authorisation may not be the right outcome given privacy</p>

		<p>concerns. The Authority should review whether other contracts have data provisions that are open ended. A one or two year period for authorisation would be a reasonable period.</p> <p>1.38 A third party accreditation regime should be reconsidered. A list of accredited third parties may also be included on the Authority's website or on the <i>whatsmynumber</i> platform. This will make it easier and safer for consumers to know when they are engaging with reputable entities and help them make informed choices.</p>
22	Vector	<p>1.39 No. The proposals retain features that create barriers to a seamless consumer experience and more real-time delivery of consumer benefits. For example:</p> <p style="padding-left: 40px;">1.39.1 E-signatures create further processes, provide a poor identification/authorisation method as retailers do not hold signatures to verify against, and could discourage consumers.</p> <p style="padding-left: 40px;">1.39.2 Manual intervention by retailers in the authentication process can be prone to error, potentially compromising the integrity of the data sharing system.</p> <p>1.40 An alternative approach is the "<i>OAuth style model</i>" which will provide more effective authentication and authorisation processes, and enable consumers to share their data more conveniently. See Vector's submissions for a full overview of the proposed OAuth style model, as summarised in table 12 below.</p> <p>1.41 Suggests adopting a process to control agent access which would provide resource holders with further assurance that only trusted people or agents can use the process to access consumer data. This may include requiring agents to agree to a set of user terms and conditions to comply with the Code and the Privacy Act, creating an agent category of industry participant, or by developing a negative licencing model whereby agents in breach of their obligations have access rights revoked.</p>
23	Vocus	<p>1.42 Supports the ACCESS initiative, however further consideration is warranted on what proof is required to demonstrate the customer has provided consent to a third party to access data.</p> <p>1.43 The requirement for a signature, electronic or otherwise, could be an impediment for some consumers and Vocus questions whether it is necessary.</p>
24	WEL Networks	<p>1.44 Yes. Amending the Code will deliver certainty for retailers and agents about the information required and assurance that it is consistent with the Privacy Act.</p>

2

Do you agree with the Authority proposal to amend the Code to prohibit retailers from requiring additional information and from requiring the information to be provided in a particular format? If so why? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	2.1 (No specific submission in relation to this question).
2	Aurora Energy	2.2 (No specific submission in relation to this question).
3	Consumer NZ	2.3 Yes. However, the benefits of this are limited (as set out in response to question 1).
4	Contact Energy Limited	2.4 No. Does not support the Authority's proposal to prohibit retailers from requiring additional information, unless it has confirmation that the agent has the proper authorisation from the consumer. 2.5 Suggested changes include that the Authority implement an agent accreditation scheme and include further criteria in the Code (see response to question 1).
5	Cortexo	2.6 Yes. The process should be standardised for all retailers with the minimum amount of data required, as determined by the Authority and the Privacy Commissioner to absolve the party releasing the information from any privacy concerns. 2.7 If the Code is not amended to prohibit retailers from requiring additional information, any retailer could request any other information to meet a notional internal standard or to deliberately make the release of data difficult.
6	Electric Kiwi	2.8 (No specific submission in relation to this question). 2.9 Supports the Authority's proposals in general, and agrees with the identified reasons behind the proposals.
7	Electricity Retailers Association of New Zealand	2.10 (No specific submission in relation to this question).
8	emhTrade	2.11 Yes. Anything else would fail to achieve standardisation.
9	Energy Link Ltd	2.12 Yes. Information provided should be sufficient for a retailer to uniquely identify the data being requested. 2.13 However, the level of accuracy of customer name and address details required by automated retailer systems may result in a high level of rejection.
10	Flick Energy Limited	2.14 No. This will leave retailers to make a judgement call on the validity of the information request. It leaves retailers in a vulnerable position and unsure whether their validation process will pass the "reasonable belief" criteria of the Privacy Act. 2.15 However, agrees that the requests for data from agents should be standardised.
11	Genesis Energy	2.16 Yes, if the proposed clause 11.32E includes amendments expressly acknowledging Principle 11(d) of the Privacy Act

		(see response to question 11), and the information is provided in the format required by EIEP 13A, 13B and 13C as applicable, and the EIEP 13C request file is used as discussed in question 4.
12	Mercury Energy	<p>2.17 No. There would be a real risk to the consumer as the individual's signature could not be verified. Disagrees with the proposal in its entirety because:</p> <p>2.17.1 Agents can currently efficiently access a customer's historical consumption data from Mercury, using a system which the Authority may consider endorsing.</p> <p>2.17.2 It is not compliant with the Privacy Act.</p> <p>2.17.3 It prevents a retailer from creating its own process that accurately verifies the customer's identity.</p> <p>2.17.4 It does not require the authorisation from the customer to be specifically for the information requested from the retailer.</p> <p>2.17.5 Mercury's existing processes utilise modern, secure, online and electronic access (as well as phone options) which give the customer complete control of their information and who has access to it. Retailers and agents should be encouraged to utilise technology to make the customer experience in accessing data as smooth and efficient as possible.</p> <p>2.17.6 Proposal 1 does not give sufficient weight to the social licence for third party access to data. A high-level protection of personal data is required.</p> <p>2.17.7 Vulnerable customers may be at most risk as they may not fully understand the authority they are releasing to an agent.</p>
13	Meridian/Powershop	2.18 Comfortable with this in principle. However, the draft Code amendment is inadequate (see response to question 11).
14	Network Waitaki Limited	2.19 Yes. It will create a level playing field for all parties to know what information is required and in what format. It will prevent parties applying different standards and formats to different participants.
15	Nova Energy	2.20 If the objective is to further the interests of consumers, then the Code should mandate the terms and conditions in the relationship between the agent and the consumer. Standardising the information conveyed between the agent and the retailer makes some sense but is only of value if the consumer has the appropriate protections over the agent's responsibility to act in the consumer's best interests.
16	Orion New Zealand Limited	2.21 (No specific submission in relation to this question).

		2.22 Generally supportive of the proposals.
17	Our Energy	2.23 Yes. For the same reasons as provided in response to question 1.
18	Powerco	2.24 (No specific submission in relation to this question).
19	Stephen Cope	2.25 (No specific submission in relation to this question).
20	Transpower	2.26 Yes.
21	Trustpower	<p>2.27 No. There may be instances, particularly in circumstances that makes confirmation from a customer difficult to obtain, when retailers will have to request additional information from the consumer's agent.</p> <p>2.28 The final responsibility, as noted by the Privacy Commissioner, rests with the retailer being reasonably satisfied that the agent has the customer's authority. Meeting the 'reasonably satisfied' test may in part require the retailer to ask the agent for additional information from either the consumer or their agent.</p>
22	Vector	<p>2.29 No. Vector proposes an alternative approach (the "<i>OAuth style model</i>") which will provide more effective authentication and authorisation processes, and enable consumers to share their data more conveniently.</p> <p>2.30 See Vector's submissions for a full overview of the proposed OAuth style model, as summarised at table 12 below.</p>
23	Vocus	2.31 (No specific submission in relation to this question).
24	WEL Networks	2.32 Yes.

3 Do you agree with the Authority proposal to amend the Code to establish timeframes for communicating a rejection or revocation of an authority? If so why? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	3.1 (No specific submission in relation to this question).
2	Aurora Energy	3.2 (No specific submission in relation to this question).
3	Consumer NZ	3.3 Yes. However, the benefits of this are limited (as set out in response to question 1).
4	Contact Energy Limited	3.4 Yes, but only if suggested changes including that the Authority implement an agent accreditation scheme and include further criteria in the Code are implemented (see response to question 1). 3.5 If no such evidence is forthcoming, the maximum five working day timeframe should be retained.
5	Cortexo	3.6 Yes. Timeframes are essential to ensure that no party is unnecessarily impeding the process. The proposed Agent Authorisation process would make the process more efficient so that the timeframe could be met.
6	Electric Kiwi	3.7 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	3.8 (No specific submission in relation to this question).
8	emhTrade	3.9 Yes. However, 20-120 seconds would be more appropriate for a rejection where authorisation was through a digital signature.
9	Energy Link Ltd	3.10 Yes. Certainty around turnaround times will improve customer confidence in third party services. Ideally the process for acceptance or rejection will improve to near real time for the majority of straight forward cases.
10	Flick Energy Limited	3.11 No. This may leave little time to determine whether an agent is properly authorised and that their request is valid. The current timeframe of five business days to provide data upon request from an agent should include the acceptance or rejection time frame.
11	Genesis Energy	3.12 Yes, but provided that the changes included at questions 1 and 2 are made, and the timeframes are reasonable.
12	Mercury Energy	3.13 No. Mercury currently aims for five working days to provide agents with data, and does not think that an additional timeframe for communicating a rejection of revocation adds anything because it is about receiving the data not whether it will be released or not. 3.14 The Authority's proposal is less efficient than Mercury's current process, where this step isn't necessary as the customer is in control at all times. As soon as the security token code is generated, the customer can instantly provide this to his or her agent.
13	Meridian/Powershop	3.15 Yes, but agents should be required to communicate

		revocation as soon as reasonably possible and at the latest within two business days. Some means should be found to make non-participant agents subject to these requirements, possibly by creating a new category of industry participant.
14	Network Waitaki Limited	3.16 Yes. Requests must be dealt with in a timely fashion to improve efficiencies and productivity.
15	Nova Energy	3.17 No. Timeframes need to be reasonable if agents are to provide a useful service to consumers, but retailers must obtain confirmation from their customers to release data. The time that takes depends on how difficult it is to reach the customer and obtain a response. Setting an absolute timeframe is pointless.
16	Orion New Zealand Limited	3.18 (No specific submission in relation to this question).
17	Our Energy	3.19 Yes. The proposals set a very clear baseline for both retailers and agents and should reduce opportunities for anti-competitive gaming. The proposed timeframe of two business days may be too long, but may be necessary for alignment with other parts of the Code.
18	Powerco	3.20 (No specific submission in relation to this question).
19	Stephen Cope	3.21 Yes. Seems reasonable and lines up with batch processing schedules. Whilst real time is preferable, and the simple yes/no response to whether a request is authorised should be done as timely as possible, it appears acceptable to communicate the reason for rejection within a few days.
20	Transpower	3.22 Yes. The timeframes will mean information is delivered that supports understanding.
21	Trustpower	3.23 (No specific submission in relation to this question).
22	Vector	3.24 No. A waiting period of up to two business days for a retailer to reject a request, a retailer to advise an agent of a consumer's revocation of the agent's authority, or an agent to notify the retailer of a consumer's revocation of the agent's authority is a barrier to a seamless consumer experience and real-time delivery of consumer benefits. 3.25 Vector's alternative " <i>OAuth style model</i> " allows sign-up and use of real data within five minutes. See Vector's submissions for a full overview of the proposed OAuth style model, as summarised at table 12 below.
23	Vocus	3.26 The rules requiring sharing of individual customer data and information should include time limits to ensure the information is transferred in a reasonable and timely manner.
24	WEL Networks	3.27 Yes. It will allow agents a set expectation of information turnaround which can translate into better customer experiences.

4 Do you agree with the Authority proposal to establish an Agent Authorisation API? If so why? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	4.1 (No specific submission in relation to this question).
2	Aurora Energy	4.2 (No specific submission in relation to this question).
3	Consumer NZ	4.3 Yes. However, the benefits of this are limited (as set out in response to question 1).
4	Contact Energy Limited	<p>4.4 Yes. Supports proposal to establish an Authorisation API using the Authority's existing infrastructure. It will create an efficient, seamless, less resource-intensive process for communicating authorisations (and acceptance/rejection) between retailers and agents.</p> <p>4.5 However, agents should be subject to an accreditation regime, and the Authority should amend the API's terms and conditions to require agents to warrant that by their use of the API they have authorisation to request personal information on behalf of customers and that they are in possession of a duly executed authorisation from the consumer which a retailer may request at any time. Should also provide that the Authority may conduct regular audits to confirm agents are complying with their obligations and the Code.</p>
5	Cortexo	<p>4.6 Yes. This would assist in resolving many issues experienced with the current ad hoc way retailers manage authorisations. The standardisation of the process will create 'one point of truth' for all requests utilising the mandatory EIEP13 series of files.</p> <p>4.7 If the Agent Authorisation API is not implemented or is not mandatory, then the benefit of transparency and audit would be reduced and retailers would require physical sighting of all authorisations regardless of the requestor, increasing transaction costs.</p> <p>4.8 Mandatory imposition will also assist in reducing the risk of improper information use from dubious third parties.</p>
6	Electric Kiwi	4.9 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	4.10 (No specific submission in relation to this question).
8	emhTrade	4.11 Yes. However, the Agent Authorisation API only allows an agent to <i>claim</i> authorisation rather than <i>evidence</i> it, but the Code amendment allows retailers the opportunity to <i>ask</i> for that evidence. Evidence will be required for virtually all requests, so the Agent Authorisation API should support that.
9	Energy Link Ltd	4.12 Yes. Strongly agree. It will enable agents and brokers to build robust, efficient and reliable systems for electricity procurement and energy efficiency purposes.
10	Flick Energy Limited	4.13 Yes, but on the basis that the Authority establish an

		<p>accreditation regime for agents, to ensure the agents are operating in the best interests of consumers and compliant with the Code. This will relieve the retailers from the responsibility of determining the validity of the agents and increase efficiency in the data delivery process.</p>
11	Genesis Energy	<p>4.14 No. This would introduce complexity and cost for little proven value. For instance, an Agent Authorisation API would require retailers to alter/develop systems and processes to track and align the separate authorisation API and data request EIEP files in conjunction with the acceptance/rejection of authority.</p> <p>4.15 A simpler, more cost effective solution would be to remove the additional authorisation file process (including the accept/reject interaction) and require instead that the new authorisation data (be it electronic signature or an alternative) is added to the existing EIEP 13C request file. A single file exchange interaction (closely aligned to the existing process) will meet the aims of the proposed change. The existing EIEP 13 response files already have provision for a response code if no authority is supplied in the request. Coupled with the changes to clause 11.32E (see response to question 11), authorisation could be provided and accepted, without the need for further contact with the customer.</p> <p>4.16 This alternative leverages systems and processes which retailers and the Authority already have in place, and could potentially be implemented quicker than an agent API.</p> <p>4.17 Genesis sets out a flow chart explaining the proposal in its submission.</p>
12	Mercury Energy	<p>4.18 No. Establishing an Agent Authorisation API is complementary to the Authority's Proposal 1 (which Mercury does not support).</p>
13	Meridian/Powershop	<p>4.19 No. An Agent Authorisation API needs to be assessed on the basis of its incremental benefits. Evaluating the impact of proposed Code changes first will enable the Authority to more robustly carry out this assessment – which for present purposes has been assessed qualitatively rather than quantitatively.</p>
14	Network Waitaki Limited	<p>4.20 Yes. The portal will ensure a machine readable format and ease of processing agent authorisation. Agents will have to subscribe and agree to the Authority's standard terms and conditions which will provide ease of access to the required information, enable proper monitoring by the Authority, and a mechanism to revoke an agent's authorisation in the event of authorisation abuse.</p>
15	Nova Energy	<p>4.21 It may be useful, but only if retailers can rely on agents having the appropriate authority from consumers. There is nothing in the proposed Code changes that creates that assurance.</p>
16	Orion New Zealand Limited	<p>4.22 (No specific submission in relation to this question).</p>

17	Our Energy	4.23 Yes. Expects this will enable better security and more efficient data exchange that ultimately benefits all parties.
18	Powerco	4.24 (No specific submission in relation to this question).
19	Stephen Cope	<p>4.25 Yes. It would be very useful for property owners and tenants and would enable an entire ecosystem of smarter monitoring solutions, and avoid the shock of a monthly bill.</p> <p>4.26 However, such useful information carries danger with it if it is misused, which would be the responsibility of the Agent Authorisation API to manage. The full lifecycle of an authorisation must be mapped out and monitored and reported on.</p> <p>4.27 Proposed further details include:</p> <p>4.27.1 Rejection/acceptance of a request be as soon as possible (preferably immediately).</p> <p>4.27.2 Reasons for rejection can be slower to come, and may be sent by human intervention to prevent malicious requesters from gaining too much insight into operations. The timeline proposed is acceptable for this.</p> <p>4.27.3 Usage reports on acceptance/rejection should be reviewed at least monthly as this will help to identify untoward behaviour. In the case of large scale data breaches there are often comments that monitoring systems were turned off or failed to work for three or more months. Reports should therefore be mandatory, and signed off by appropriate (high level) personnel of an organisation to ensure there is direct responsibility and accountability.</p>
20	Transpower	4.28 Yes. An API for authorisation codes will reduce the current barriers found in the initial EIEP13C request.
21	Trustpower	<p>4.29 Yes, but Proposal 2 should align with Proposal 1 and the Privacy Act so that retailers can ensure they are able to meet their Privacy Act obligations.</p> <p>4.30 Retailers should receive, via the API, all the details that make a request valid as specified in the Code. However, if the API does not contain the required information that would satisfy section 45 of the Privacy Act, it will be challenging for retailers to comply with their obligations to customers under the Privacy Act. If this occurs, there is a risk that the API request might repeatedly end up getting rejected as 'incomplete'.</p> <p>4.31 Ensuring alignment with Proposal 1 and Proposal 2 so that retailers are able to meet their obligations under the Privacy Act will reduce duplication of information, provide assurance of correct authorisation, and expedite consumers' requests for their data to be supplied.</p>
22	Vector	4.32 No. Vector proposes the alternative " <i>OAuth style model</i> "

		instead, as summarised at table 12 below.
23	Vocus	4.33 (No specific submission in relation to this question).
24	WEL Networks	<p>4.34 Yes. The implementation of a centralised communication portal should enable agents and retailers to obtain and track customer data requests from multiple parties more efficiently.</p> <p>4.35 The portal will also deliver useful data to the Authority about customer engagement.</p>

5 Should use of proposed Agent Authorisation API be mandatory for both agents and retailers?

No.	Submitter	Submissions
1	Alan Barraclough	5.1 (No specific submission in relation to this question).
2	Aurora Energy	5.2 (No specific submission in relation to this question).
3	Consumer NZ	5.3 Yes. However, the benefits of this are limited (as set out in response to question 1).
4	Contact Energy Limited	5.4 Yes. Agrees with the additional benefits identified by the Authority (including the creation of a central record of agent authorisations and the maintenance of a register of all acceptances, rejections and reasons for rejections).
5	Cortexo	5.5 Yes. If it wasn't mandatory, the default position of requiring to view every authorisation would prevail, slowing the flow of data.
6	Electric Kiwi	5.6 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	5.7 (No specific submission in relation to this question).
8	emhTrade	5.8 Yes, but perhaps only where a digital signature is used, and without inhibiting agents and retailers to mutually agree an alternative process, thereby allowing further innovation. The API should be a fall-back position that all agents can rely on being supported by all retailers.
9	Energy Link Ltd	5.9 Yes. The benefit of having a single, independent and auditable record of authorisation requests will increase both the efficiency of the information request process, and the confidence of all parties in the chain.
10	Flick Energy Limited	5.10 No. This would create obstacles to customers requesting data through other means such as emails. The API should only be relevant when the request is between the retailer and the agent.
11	Genesis Energy	5.11 No. Genesis does not support the proposed Agent Authorisation API (see response to question 4).
12	Mercury Energy	5.12 No. Establishing an Agent Authorisation API is complementary to the Authority's Proposal 1 (which Mercury does not support).
13	Meridian/Powershop	5.13 No. However, were an API to be introduced, this should be trialled as voluntary in the first instance.
14	Network Waitaki Limited	5.14 Yes, to ensure standardisation of procedures which is more efficient.
15	Nova Energy	5.15 Only if it proves to be the best methodology, and the Code ensures that agents are required to act in the best interests of consumers. 5.16 Use of a mandatory API may have an unintended consequence of stifling innovation. Parties that have large

		market shares or are slow to move may inhibit developments or improvements to the API or stifle new initiatives by innovative industry participants as technology changes.
16	Orion New Zealand Limited	5.17 (No specific submission in relation to this question).
17	Our Energy	5.18 Yes. Parties not opting in risks the benefits of the proposed amendments not being realised. Expects formal registration of both agents and retailers will have benefits for all parties. 5.19 Disagrees with any suggestion that parties should also need to be specifically certified to enable registration as this would create an unnecessary barrier to data access.
18	Powerco	5.20 (No specific submission in relation to this question).
19	Stephen Cope	5.21 Yes. Any optional interface will not be implemented.
20	Transpower	5.22 Yes. Standardising the approach for third-party authorisation supports efficient industry operation.
21	Trustpower	5.23 (No specific submission in relation to this question).
22	Vector	5.24 No. Vector proposes the alternative " <i>OAuth style model</i> " instead, as summarised at table 12.
23	Vocus	5.25 (No specific submission in relation to this question).
24	WEL Networks	5.26 Yes. The success of the API and the standardisation of customer data transfer will be in industry participation. Mandating the API will ensure the Authority has met its goals in improving customer data access.

6 Do you agree with the inclusion of the three additional registry fields into the ICP connection data API and My meter web portal? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	6.1 (No specific submission in relation to this question).
2	Aurora Energy	6.2 (No specific submission in relation to this question).
3	Consumer NZ	6.3 Yes, in relation to the inclusion of the field “ <i>switch status</i> ”. No view on the other two registry fields as they relate to information about businesses.
4	Contact Energy Limited	6.4 Yes. This will allow agents to tailor their service offerings to consumers and to provide assurance that the agent is dealing with the correct ICP, provided that the increase in data does not drive other third parties to use the ICP connection data API and my meter portal to market services not requested by consumers.
5	Cortexo	6.5 Yes. No issue identified with the inclusion of the fields.
6	Electric Kiwi	6.6 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	6.7 (No specific submission in relation to this question).
8	emhTrade	6.8 Further consideration of the impact of the “ <i>in-switch</i> ” flag should be given in the context of the work on “ <i>saves</i> ” and “ <i>winbacks</i> ” that has been undertaken by the Market Development Advisory Group and the Electricity Price Review. Many incumbent retailers will have contact information that can be mapped to an ICP and are likely to utilise the in-switch flag to insert themselves into a switch process – an “intercept” rather than a “ <i>save</i> ” or “ <i>winback</i> ” – which may have a negative impact on retail competition, as only some participants will have the data to map from an ICP to a potential customer and their contact details. 6.9 emhTrade thinks that this information may therefore be personal information (see response to question 8).
9	Energy Link Ltd	6.10 Yes. The additional fields all have obvious uses, reducing the number of procurement related queries
10	Flick Energy Limited	6.11 No. No benefit will come out of adding these additional fields in the <i>My Meter</i> web portal as customers are already aware of this information and can supply it to their agents. 6.12 Flick queries the assumption that “ <i>switch status</i> ” is not private information.
11	Genesis Energy	6.13 Yes.
12	Mercury Energy	6.14 No. The additional data does not assist the consumer to access their consumption data. It will instead enable scraping of the registry for marketing purposes. The risk of re-identification of consumers increases with more information accessible.
13	Meridian/Powershop	6.15 Yes, in principle. A process of data cleansing will need to be

		run for the “ <i>address_property_name</i> ” category prior to implementation. In isolated instances Meridian/Powershop is aware the information in this field can reference customer names – present and former. Thorough data cleansing is required to ensure there are no inadvertent privacy breaches.
14	Network Waitaki Limited	6.16 Yes. The fields might not be that valuable to everyone, but to those requiring it for specific purposes or service it could provide value.
15	Nova Energy	6.17 Yes.
16	Orion New Zealand Limited	<p>6.18 Questions the usefulness of the inclusion of the “<i>address_property_name</i>” registry field, although has no objection to it being included. Unlike the other two data elements, that field is initially populated and maintained (if it is populated and maintained at all) by distributors. Analysis of Orion’s own data in this field suggests it is not routinely maintained and it is generally set up when the connection is established for very distributor-centric purposes. Further, it may well refer to businesses that are no longer at an ICP/address, therefore potentially creating confusion rather than assistance. Suggests distributors may be invited to cleanse that information prior to the API changes coming into effect.</p> <p>6.19 It might be useful for the Authority to set out the sorts of problems this data is intended to solve in switching, as distributors may then be able to populate more useful information and/or set up processes by which it is reviewed from time to time.</p> <p>6.20 Although the information is already available to registry users, inclusion of it in the data returned by the API does seem to make it more public. Orion notes that there are some names of natural persons in the “<i>address_property_name</i>” field on analysis of its own information. Any such names should be deleted by distributors before the API changes come into effect.</p>
17	Our Energy	6.21 Yes.
18	Powerco	6.22 Clarity about the Authority’s position on the use of data could be useful. It is not clear how this proposal makes it easier for consumers to share their consumption data with businesses they trust. The Consultation Paper suggests that the “ANZSIC” code information would be “ <i>beneficial to retailers and agents so as to offer more tailored service offerings</i> ”, however this appears to be a different view than previously communicated by the Authority about the use of registry data (“ <i>The registry is not to be used for any non-Code related purpose, including as a source of data for direct marketing, cold calling or other marketing activities</i> ”, as per the Authorities memorandum <i>Use of the registry for non-Code purposes</i> 17 September 2014).
19	Stephen Cope	6.23 (No specific submission in relation to this question).

20	Transpower	6.24 Defers to industry participant responses.
21	Trustpower	6.25 Supportive of the Authority including “ <i>customer name</i> ” alongside the details provided by the API. It is important that retailers are able to identify the correct customer easily and efficiently. 6.26 “ <i>Switch status</i> ” is not required for the process of providing customer consumption data to agents. It is not clear what the benefits might be. A switching flag ought not to be used to design tailored offerings. Encourages reconsideration.
22	Vector	6.27 No. Vector proposes the alternative “ <i>OAuth style model</i> ” instead, as summarised at table 12.
23	Vocus	6.28 (No specific submission in relation to this question).
24	WEL Networks	6.29 Yes.

7 Do you consider that there are other fields that have not been identified that should be added to the ICP connection data API and *My meter* web portal? If so why?

No.	Submitter	Submissions
1	Alan Barraclough	<p>7.1 The <i>My Meter</i> portal should allow a consumer to authorise who has access to consumption data. All consumers should be able to access their own data through an API for use by demand-levelling devices in their home, as well as download their own data for a time period in a CSV format.</p> <p>7.2 The API needs improving to make it simple and usable by consumers and their devices. It should be password protected and consideration should be given to providing a web page http access to the data returning a json style or XML readable return message format for use by consumers and manufacturers of home demand-levelling devices. Government departments such as Inland Revenue and the Census manage to have consumers access their own data with their own passwords. This is not very private data so the systems for providing passwords do not need to be complex. A password could simply arrive in the mail for those who want one.</p>
2	Aurora Energy	7.3 (No specific submission in relation to this question).
3	Consumer NZ	7.4 Yes. However, not relevant to submission.
4	Contact Energy Limited	7.5 No.
5	Cortexo	<p>7.6 Yes. Include trader history for the last two years. It would be more accurate to know who the trader was from the registry, rather than from the customer, so that the correct retailer can be approached. A large number of customers are unsure about their previous retailers and any associated account number.</p> <p>7.7 All registry information should be available unless it breaches some aspect of the Code or law. For efficiency, this could be provided with two (or more) API calls – one summary, one detailed.</p>
6	Electric Kiwi	7.8 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	7.9 (No specific submission in relation to this question).
8	emhTrade	7.10 (No specific submission in relation to this question).
9	Energy Link Ltd	<p>7.11 Yes. A field should be included to indicate the profile code or profile class applicable to the ICP (or any other field clearly identifying the reconciliation method for the ICP).</p> <p>7.12 Consumption at ICP's smart meters may be reconciled half hourly or against a residual profile shape (for example an ICP may have a single meter typed as 'HHR' and flagged as AMI and still be reconciled against an RPS – Energy Link Ltd has also seen cases where metering is typed as 'NHH' yet billed on a HHR basis). This has implications during procurement both for how profile information is provided to retailers when requesting offers and in what</p>

		<p>form (and in some cases if) retailers make a response.</p> <p>7.13 The ability to present historical consumption data and request pricing in a form appropriate to an ICP's profile type would help the procurement process by reducing the number of related queries and improving the comparison of competing offers.</p>
10	Flick Energy Limited	7.14 Yes. The inclusion of the related user group " <i>Low/Standard</i> " will enable the agent/customer to make an informed decision and establish whether the customer is on the correct load group according to their usage.
11	Genesis Energy	7.15 No.
12	Mercury Energy	7.16 No.
13	Meridian/Powershop	<p>7.17 Yes. The following fields would be of potential value:</p> <p style="padding-left: 40px;">7.17.1 <i>ICP_Creation_Date</i></p> <p style="padding-left: 40px;">7.17.2 <i>Profiles</i></p> <p style="padding-left: 40px;">7.17.3 <i>Metering_Component Type</i></p> <p style="padding-left: 40px;">7.17.4 <i>Settlement Indicator</i></p>
14	Network Waitaki Limited	7.18 Yes. Further access to half hourly smart meter data should be optionally available if the ICP owner request and agree to it.
15	Nova Energy	<p>7.19 Yes. There is no field in the proposal that says when the owner took ownership of the ICP. It would be useful if the customer could provide a declaration of how long or a date from which they have been the 'owner' of the ICP.</p> <p>7.20 Otherwise situations may arise where information is given out to parties that were not the contracted party or authorised representative of the contracted party at the time the request covers. I.e. the owner of a business moves out of a property and a new business moves in. The retailer should only be releasing information to the new business for when they owned the ICP, not for the prior businesses use.</p> <p>7.21 Similarly, if the residential customer of the retailer moves out (and no one else is an authority on the account) and a new person (i.e. flatmate) opens a new account, should the information be available beyond the period where the flatmate took ownership of the ICP? If "<i>date of ownership of ICP</i>" is established by the Agent, then it's likely a relatively simple check can be completed within the retailer's system to verify that this date matches the date of the customer contracting with the retailer.</p>
16	Orion New Zealand Limited	7.22 (No specific submission in relation to this question).
17	Our Energy	7.23 No.

18	Powerco	7.24 (No specific submission in relation to this question).
19	Stephen Cope	7.25 (No specific submission in relation to this question).
20	Transpower	7.26 Defers to industry participant responses.
21	Trustpower	7.27 Yes. The inclusion of <i>account / customer number</i> would significantly reduce transaction time.
22	Vector	7.28 No. Vector proposes the alternative “OAuth style model” instead, as summarised at table 12.
23	Vocus	7.29 (No specific submission in relation to this question).
24	WEL Networks	7.30 (No specific submission in relation to this question).

8 Do you agree that the proposals do not breach the obligations imposed by the Privacy Act of 1993? If not why not?

No.	Submitter	Submissions
1	Alan Barraclough	8.1 (No specific submission in relation to this question).
2	Aurora Energy	8.2 (No specific submission in relation to this question).
3	Consumer NZ	8.3 Yes, as long as the consumer has agreed for the agent to access their information on their behalf.
4	Contact Energy Limited	8.4 Recommends that the Privacy Commissioner provides its view on the Authority's recommendations prior to implementation.
5	Cortexo	8.5 Yes. However, supports the Authority seeking a determination from the Privacy Commissioner on how 'sensitive' electricity consumption data is and what 'serious harm' to the person is done by its release; these being the yardsticks to measure the effect of a privacy breach. 8.6 The proposed Code amendments provide safeguards appropriate to the sensitivity of the data involved.
6	Electric Kiwi	8.7 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	8.8 Some of ERANZ's members have received initial feedback from the Privacy Commissioner which leaves them in doubt as to whether the current proposal will enable retailers to comply with their obligations to customers under the Privacy Act, and therefore risks exposing the industry to criticism it has failed to sufficiently protect and ensure the security of customer data. 8.9 The Authority should fully engage with ERANZ members. Unless there is change through the submissions process, ERANZ is concerned that the Authority's proposal risks erosion of customer confidence in the industry.
8	emhTrade	8.10 Active engagement with the Privacy Commissioner to design a process which respects both a consumer's right to privacy, as well as their right to authorise agents to access their data, is key to resolving the issues with Third Party Provider authorisation. 8.11 The fact an ICP is in-switch could become personal information if provided to any party that was able to map a customer or person to that address. The act of switching power companies is personal information (as opposed to say the ANZSIC code of the property).
9	Energy Link Ltd	8.12 (No specific submission in relation to this question).
10	Flick Energy Limited	8.13 There are inconsistencies between the proposal and the Privacy Act. Recommends that the proposal is subject to a preliminary ruling by the Privacy Commissioner and that this ruling be displayed on the Authority's website.
11	Genesis Energy	8.14 Yes, if the Authority amends the proposed clause 11.32E to contain the express Privacy Act acknowledgement

		<p>concerning Principle 11(d) of the Privacy Act (see response to question 11).</p> <p>8.15 Supports the Authority seeking an advisory opinion from the Privacy Commissioner on whether electricity consumption data in the form provided under clause 11.32E of the Code is likely to be “<i>personal information</i>” under the Privacy Act, and whether the information provided under clause 11.32E of the Code evidencing authorisation of an Agent would provide a retailer with reasonable grounds for believing that disclosure is authorised for the purposes of the Privacy Act.</p>
12	Mercury Energy	<p>8.16 No. The proposals in the Consultation Paper are not robust or consistent with the requirements of the Privacy Act when compared with the verification process Mercury has established. The proposals do not adequately protect an individual’s personal information and do not provide an adequate basis for retailers to be satisfied as to the identity of the individual and the agent’s authorisation.</p> <p>8.17 Legal advice received by Mercury is that the Code cannot take precedence over the Privacy Act. Section 45 of the Privacy Act requires that, when personal information is requested by an agent, that the retailer only gives access to information where it is satisfied as to the identity of the customer making the request, any agent has the customer’s written authority to obtain information or is otherwise “<i>properly authorised</i>”, and that it has appropriate procedures in place to ensure the information is received only by the customer or agent. See also principle 11 of the Privacy Act.</p> <p>8.18 Granular half hourly consumption data can be personal information. The Privacy Commissioner released guidance to the electricity sector in 2017 regarding smart meter data confirming this, and that such information has the potential for misuse.</p>
13	Meridian/Powershop	8.19 Further input should be obtained from the Privacy Commission. As drafted the proposed Code is problematic.
14	Network Waitaki Limited	8.20 Yes.
15	Nova Energy	8.21 The proposals themselves may not breach the Privacy Act, but nor do they provide retailers with a measure of comfort that they are unlikely to inadvertently breach customers’ privacy. The Authority’s initiatives do not cover-off the fundamental issue for retailers; that is, ensuring that the consumer’s electricity consumption data is not going to be released to unauthorised persons.
16	Orion New Zealand Limited	<p>8.22 Although information in the “<i>address_property_name</i>” field is already available to Registry users, inclusion of it in the data returned by the API does seem to make it more public.</p> <p>8.23 There are some names of natural persons in the “<i>address_property_name</i>” field on analysis of Orion’s own information. Any such names should be deleted by distributors before the API changes come into effect.</p>

17	Our Energy	8.24 Yes.
18	Powerco	8.25 If a legal opinion is required, the Authority could coordinate this on behalf of consumers as it's inefficient to develop multiple legal opinions from multiple parties. This advice would also be available to future participants and data agents.
19	Stephen Cope	8.26 See response to question 4. Usage reports on acceptance/rejection should be reviewed at least monthly and signed off by appropriate (high level) personnel of an organisation to ensure there is direct responsibility and accountability in relation to the use of the API.
20	Transpower	8.27 Defers to industry participant response.
21	Trustpower	8.28 If the API does not contain the required information that would satisfy section 45 of the Privacy Act, it will be challenging for retailers to comply with their obligations to customers under the Privacy Act (See responses to questions 2 and 4).
22	Vector	<p>8.29 Vector proposes the alternative "<i>OAuth style model</i>". However, Vector notes that the overall privacy risk (for both the Authority's proposals and its alternative proposal) depends on whether consumption data, when associated with an ICP and not an identifiable individual, is deemed to be personal information under the Privacy Act. Vector has generally taken the view that it is, and has managed data in compliance with the Privacy Act, but notes that the question is not settled.</p> <p>8.30 It may be helpful for the Authority to obtain clarity on this point by seeking an advisory opinion from the Privacy Commissioner.</p> <p>8.31 Assuming that consumption data is personal information, both the Authority's proposals and Vector's alternative model comply with the Privacy Act.</p> <p>8.32 The major risk in the process is raised by section 45 of the Privacy Act, which requires the retailer to take reasonable precautions to ensure an agent is properly authorised. A key concern with the Authority's proposals is whether a retailer can be reasonably satisfied that an agent was properly authorised. The OAuth style model would mitigate this risk. See Vector's submissions for a full overview of the proposed OAuth style model, as summarised at table 12 below.</p>
23	Vocus	8.33 (No specific submission in relation to this question).
24	WEL Networks	8.34 The proposals carefully address Privacy Act issues and appear to be consistent with obligations under the Privacy Act.

Do you agree with the costs and benefits of each of the proposals? If not, why not?

No.	Submitter	Submissions
1	Alan Barraclough	9.1 (No specific submission in relation to this question).
2	Aurora Energy	9.2 (No specific submission in relation to this question).
3	Consumer NZ	9.3 The benefits of the proposals are limited (as set out in response to question 1).
4	Contact Energy Limited	9.4 (No specific submission in relation to this question).
5	Cortexo	9.5 Yes.
6	Electric Kiwi	9.6 Agrees that the proposals should be relatively straightforward and require minimal time and resources to implement. This is important, as there are other projects which should drive much more substantial improvements in competition, consumer choice and better consumer outcomes.
7	Electricity Retailers Association of New Zealand	9.7 Care must be taken so that costs imposed through implementing a mandatory regime are proportional to the benefits gained, and the scale of the problem it seeks to resolve. See also response to question 10.
8	emhTrade	9.8 (No specific submission in relation to this question).
9	Energy Link Ltd	9.9 (No specific submission in relation to this question).
10	Flick Energy Limited	9.10 No. The costs and benefits do not factor in retailer costs. Flick has not seen any engagement with the retailers from an operational perspective on the changes required to implement the proposal and what this means for costs and benefits.
11	Genesis Energy	9.11 Not in relation to the establishment of an Agent Authorisation API, as there is a simpler and less complex alternative (see response to question 10), which together with Genesis' suggested changes to the proposed clause 11.32E (see response to questions 1 and 11) is efficient and addresses the agent authorisation issues.
12	Mercury Energy	9.12 No. The proposals increase costs to retailers for no real benefit. The proposed authority process under Proposal 1, would effectively make Mercury's sophisticated data access portal redundant.
13	Meridian/Powershop	9.13 In relation to the establishment of an Agent Authorisation API, \$50,000 is at the lower end of what Meridian/Powershop would anticipate development costs could be. This would not appear to allow for automatic verification checks of data, for instance.
14	Network Waitaki Limited	9.14 Yes. The cost appears to be minimal and improvement in consistency, standardisation and increased transparency will be beneficial.

15	Nova Energy	9.15 (No specific submission in relation to this question).
16	Orion New Zealand Limited	9.16 (No specific submission in relation to this question).
17	Our Energy	9.17 Yes. If anything, the potential benefits are underestimated, or possibly even unknown.
18	Powerco	9.18 It is not clear how Proposal 3 makes it easier for consumers to share their consumption data. See response to question 6.
19	Stephen Cope	9.19 (No specific submission in relation to this question).
20	Transpower	9.20 Defers to industry participant responses.
21	Trustpower	9.21 (No specific submission in relation to this question).
22	Vector	9.22 Vector proposes the alternative " <i>OAuth style model</i> " instead, as summarised at table 12 below.
23	Vocus	9.23 (No specific submission in relation to this question).
24	WEL Networks	9.24 Yes.

10 Are there any other costs or benefits we have not identified?

No.	Submitter	Submissions
1	Alan Barraclough	10.1 (No specific submission in relation to this question).
2	Aurora Energy	10.2 (No specific submission in relation to this question).
3	Consumer NZ	10.3 No.
4	Contact Energy Limited	10.4 Contact will need to change its current processes both at a system and staff training level. This will incur additional costs which will need to be factored into budgets, technical development/testing and training timelines.
5	Cortexo	10.5 (No specific submission in relation to this question).
6	Electric Kiwi	10.6 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	<p>10.7 Codifying the process for agent requests for consumers' data could result in higher operational costs as a result of retailers needing to build and maintain new systems, or change existing systems, to comply with mandated requirements. Dependent on the final processes chosen, those costs could be significant and would ultimately be borne by electricity users.</p> <p>10.8 As consumers can increasingly access and share their data without retailer involvement (including due to many retailers developing their own portals allowing consumers to access their own consumption data at any time), ERANZ is concerned that the costs of moving to a mandated process may be disproportionate to the scale of the problem the proposals seek to mitigate.</p>
8	emhTrade	10.9 (No specific submission in relation to this question).
9	Energy Link Ltd	10.10 (No specific submission in relation to this question).
10	Flick Energy Limited	10.11 Yes. Operational costs and reputational costs to retailers in meeting the obligatory requirements have not been identified.
11	Genesis Energy	<p>10.12 Yes. The proposal to establish the Agent Authorisation API understates the potential costs of the changes.</p> <p>10.13 There is a simpler alternative that is efficient from a cost and operational perspective, and which leverages existing systems and processes (which retailers and the Authority have already invested considerable time and resources in developing and refining) (see response to question 4 above).</p> <p>10.14 The time and costs required to ensure existing systems and processes can integrate with the new API/authorisation confirmation and to manage all the files associated with the data requests are not insignificant. Further, if the proposed changes concerning the Privacy Act are not made, responsible retailers would continue to contact consumers to confirm authorisation notwithstanding the Agent API in order to manage the financial and reputational risks of</p>

		unauthorised disclosure. This does not come without cost, which would ultimately be borne by consumers.
12	Mercury Energy	10.15 Yes. The proposals increase costs to retailers for no real benefit (see response to question 9).
13	Meridian/Powershop	10.16 Yes. The potential cost to the industry of consumer concern or alarm that their confidential information is not being adequately protected by retailers has not been adequately factored in.
14	Network Waitaki Limited	10.17 No.
15	Nova Energy	10.18 (No specific submission in relation to this question).
16	Orion New Zealand Limited	10.19 (No specific submission in relation to this question).
17	Our Energy	10.20 Generally, the Consultation Paper identifies the costs and benefits associated with the proposals sufficiently well. Our Energy understands the need to consult with stakeholders on the proposed changes, but encourages the Authority to not 'over consult' on areas that have been characterised as 'quick wins'. Consultation processes are not costless and may be of limited value where the potential benefits of changes are obvious and/or generally accepted already.
18	Powerco	10.21 (No specific submission in relation to this question).
19	Stephen Cope	10.22 (No specific submission in relation to this question).
20	Transpower	10.23 Defers to industry participant response
21	Trustpower	10.24 (No specific submission in relation to this question).
22	Vector	10.25 Vector proposes the alternative " <i>OAuth style mode</i> " instead, as summarised at table 12 below.
23	Vocus	10.26 The minor nature of the ACCESS initiative means the Authority should be able to rely predominantly on qualitative analysis. Although quantitative Cost-Benefit Analysis is not needed, Vocus would like to see details of the cost of the API platform the Authority is proposing.
24	WEL Networks	10.27 (No specific submission in relation to this question).

11 Do you have any comments on the drafting of the proposed amendment?

No.	Submitter	Submissions
1	Alan Barraclough	11.1 (No specific submission in relation to this question).
2	Aurora Energy	11.2 (No specific submission in relation to this question).
3	Consumer NZ	11.3 The benefits of the proposals are limited (as set out in response to question 1).
4	Contact Energy Limited	11.4 The Authority should specify criteria on which an agent will be deemed to have authorisation and incorporate this into the proposed clause 11.32E amendment. 11.5 The Authority should amend the Code to allow for an accreditation regime for agents.
5	Cortexo	11.6 (No specific submission in relation to this question).
6	Electric Kiwi	11.7 (No specific submission in relation to this question).
7	Electricity Retailers Association of New Zealand	11.8 See response to question 8 (no specific submission in relation to this question).
8	emhTrade	11.9 (No specific submission in relation to this question).
9	Energy Link Ltd	11.10 (No specific submission in relation to this question).
10	Flick Energy Limited	11.11 Recommends the following words be deleted from the proposed clause 11.32E(2): <i>"...or otherwise provides evidence to the retailer that the agent is properly authorised by that consumer to obtain the information"</i> . 11.12 This statement introduces ambiguity, uncertainty and inconsistency.
11	Genesis Energy	11.13 The proposed 11.32E of the Code should: 11.13.1 Contain an express acknowledgement that an authorisation which contains the information required by clause 11.32E constitutes reasonable grounds for believing that disclosure is authorised for the purposes of the Privacy Act. Applying principles of statutory interpretation to clause 11.32E of the Code and Principle 11(d) of the Privacy Act may result in this conclusion. An express acknowledgement, however, removes any uncertainty and would help to address concerns that has led retailers to seek confirmation from customers notwithstanding the authorisations provided by agents. 11.13.2 Require that agents use the Authority's EIEP Hub to provide their information request and authorisation to retailers, instead of the Authority establishing an API.
12	Mercury Energy	11.14 Mercury does not support the amendment in its entirety. The way that clause 11.32E(3) is drafted means that there is no requirement for the agent to provide evidence that the

		customer has authorised the release of the information actually being requested.
13	Meridian/Powershop	<p>11.15 The proposed amendment is inadequate:</p> <p>11.15.1 Proposed clause 11.32E(2) does not detail what the “<i>written authority</i>” from the consumer should say to confirm authorisation, or what other “<i>evidence...that the agent is properly authorised</i>” retailers should require. When dealing with agent requests, Meridian/Powershop require clear and unambiguous confirmation from the agent or directly from the customer in order to protect customer’s information and prevent unauthorised disclosure.</p> <p>11.15.2 Proposed clause 11.32E(3) does not specify the form of words that agents must use to evidence that they have the consumer’s authority. Clear authorisation wording should be included.</p> <p>11.15.3 Proposed clauses 11.32E(5) and (6), on the face of it, mean that a supposed authorisation only need contain the information required by proposed clause 11.32E(3) with no statement to the effect that the consumer has actually authorised the agent. If consumer information became widely circulated on the basis of such inadequate documentation this has the potential to significantly damage the industry’s reputation.</p> <p>11.15.4 Another reading of the proposed amendments does allow retailers to reject supposed authorisations that contained only the information specified in proposed clause 11.32E(3). This is because proposed clause 11.32E(2) provides that proposed clause 11.32E(1) “<i>applies only if the agent provides the retailer with a written authority from the consumer...</i>”. Therefore if a supposed written authority contained only the information set out at proposed clause 11.32E(3) a retailer could reject it on the basis that it did not contain the key words of authorisation from the consumer. The Code should be plainer and easier to understand on this point.</p> <p>11.15.5 Proposed clause 11.32E(3)(d) as drafted would seem to allow agents to sign “<i>on behalf of</i>” consumers. This should be deleted or clarified.</p> <p>11.15.6 Proposed clauses 11.32E(9) and possibly (8) need amendment. A retailer that continues to provide customer information to an agent after it has received notification that the consumer has revoked the agent’s authority is in breach of its privacy obligations to the customer. It is therefore not clear what purpose is served by proposed clauses 11.32E(8)(a) and (b) except as a statement of the obvious. The obligation on</p>

		<p>agents that are participants in proposed clause 11.32E(9) should be to advise the retailer as soon as reasonably possible once their authorisation is revoked. Proposed clauses 11.32E(9)(a) and (b) are then repeats of the obligations on retailers already placed on retailers by proposed clauses 11.32E(8)(a) and (b). This is nonsensical. The obligations at proposed clauses 11.32E(9)(a) and (b) should be on the agents who are participants.</p> <p>11.16 Suggested amendments to the proposed code:</p> <p>11.16.1 Proposed clause 11.32E(2): “Subclause (1) applies only if the agent provides the retailer with a written authority from the consumer to obtain the information or otherwise provides evidence to the retailer that the agent is properly authorised by that consumer to obtain the information. <i>[in the form set out in Schedule 11.6].</i>”</p> <p>11.16.2 Proposed clause 11.32E(3): “Each written authority, for the purposes of subclause (2), must <i>[also]</i> contain the:</p> <p>...</p> <p>(c) <i>[full legal]</i> name <i>[,date of birth (where applicable), and customer number]</i> of the consumer <i>[and, where the consumer is a company, title and name of authorising company representative];</i></p> <p>(d) electronic signature or physical signature of the consumer or on behalf of the consumer <i>[where the consumer is a company, of the authorising company representative];</i></p> <p>(e) <i>[contact details and]</i> name of the agent; and</p> <p>...”</p> <p>11.16.3 Proposed clause 11.32E(5): “A retailer may not require an agent to provide information other than that listed in subclause[s (2) and] (3) and must not require that information is provided in a particular format <i>[(except as specified in Schedule 11.6)].</i>”</p> <p>11.16.4 Proposed clause 11.32E(6): “A retailer may only reject a written authority if any of the information required by subclause[s (2) and] (3) is not provided or if the retailer believes on reasonable grounds that any of the information required by <i>[those]</i> subclause[s (3)] is incorrect or invalid.”</p> <p>11.16.5 “Proposed clause 11.32E(9): If an agent that is a participant receives notification from a consumer that the consumer has revoked the agent’s authority, the agent must notify the retailer <i>[as soon as reasonably possible and at the latest]</i> within 2 business days that the authority is revoked and <i>[depending on the terms of the revocation destroy all the consumer’s information held by the agent and /</i></p>
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		<p>or return it to the retailer and confirm this in writing to the consumer and retailer]. [DELETE REST OF PROPOSED CLAUSE].”</p> <p>11.16.6 New Schedule 11.6: <i>“Form of authority for the purpose of clause 11.32E(2)</i></p> <p><i>(1) The form of authority for the purpose of clause 11.32E(2) shall contain the following: “I [Consumer Name], authorise [name of retailer] to release information about consumption of electricity for [the property at _____ OR Installation Control Point (ICP) _____] to [name of agent].”</i></p>
14	Network Waitaki Limited	11.17 No.
15	Nova Energy	<p>11.18 Clause 11.32E(1) does not give a retailer protection if the consumer has not, in fact, authorised the agent to request consumption data.</p> <p>11.19 If the Authority is not prepared to deem that retailers can rely on agents’ representations that they hold appropriate authority from consumers, then retailers must carry out a check with the consumer themselves.</p>
16	Orion New Zealand Limited	11.20 (No specific submission in relation to this question).
17	Our Energy	11.21 Questions the rationale for the two business day requirement, but does not view it as imposing significant costs or negating potential benefits of the proposed amendment.
18	Powerco	11.22 No specific submission on this question, however any amendment needs to align with the Privacy Act.
19	Stephen Cope	11.23 (No specific submission in relation to this question).
20	Transpower	11.24 (No specific submission in relation to this question).
21	Trustpower	11.25 (No specific submission in relation to this question).
22	Vector	11.26 No. Vector proposes the alternative “OAuth style model” instead, as summarised at table 12 below.
23	Vocus	11.27 (No specific submission in relation to this question).
24	WEL Networks	11.28 (No specific submission in relation to this question).

12 Other comments?

No.	Submitter	Submissions
1	Alan Barraclough	<p>12.1 A recent issue has been that, on changing retailer, the previous retailer was prevented from obtaining historic consumption data for the purposes of producing a final bill, with only the new retailer now having access to it. Historic data should be available to the retailer who a consumer was signed up with at that time. Not allowing this has led to enormous confusion and debate with Mr Barraclough's own retailer.</p> <p>12.2 With the Zero Carbon Bill introduction and the need to save carbon emissions it is very important to many consumers that they use power in non-peak periods. This will allow closure of gas generation units which are only there to meet peak demand. For this to happen consumers will have to move rapidly to flexible price plans and monitor electricity usage. This is quite critical to the way forward for New Zealand.</p>
2	Aurora Energy	<p>12.3 Agrees with the Authority taking pro-active steps to explore the ways in which the industry can facilitate a more efficient exchange of data and is proactively making recommendations as to how that exchange can be improved.</p> <p>12.4 The Authority's proposals are a good first step to address these issues, with further work to be done around making data more readily available to existing industry participants.</p>
3	Consumer NZ	12.5 N/A
4	Contact Energy Limited	12.6 Encourages the Authority to consider the current discrepancy in respect of timelines to communicate rejection or revocation of authority under the code (five working days) and under the Privacy Act (20 working days).
5	Cortexo	<p>12.7 Apparent that most retailers do not have fully automated systems that receive the EIEP13C request files and generate the resulting EIEP13A or B files. Average wait time for Cortexo, over all retailers, is 17 working days which is well outside the Code stipulation of five working days after the day of receipt of the request.</p> <p>12.8 Currently, it appears that the Privacy Act is used to block access to information that the holder considers valuable to themselves. This stifles innovation.</p>
6	Electric Kiwi	<p>12.9 Supportive of the work being undertaken to facilitate consumer choice, including the Innovation and Participation Advisory Group work in relation to data and metering.</p> <p>12.10 Welcomes the Authority's post implementation review of the 2016 reforms, and that it has considered relevant evidence from the Electricity Price Review. Encourages the Authority to draw on the Electricity Price Review for other projects, including "saves" and "winbacks", where relevant.</p>
7	Electricity Retailers	12.11 Many retailers have either built, or are in the process of

	Association of New Zealand	<p>building, online portals via which consumers can access their data directly, at any time, without any need for involvement with their retailer.</p> <p>12.12 In 2017, ERANZ set up Data Working Group, which focuses on issues involving the use, security, and sharing of data with a view to improving retailer and sector-wide understanding and processes.</p> <p>12.13 International trends regarding data should be considered, as processes must be fit for the future and not only now. Technology developments mean that more safeguards are required to ensure information privacy and data protection.</p> <p>12.14 Technology will likely diminish the need for consumption data solely via smart meters. Smart meters enable more timely collection and remote reporting of electricity consumption data without estimation, but have inherent constraints. Smart meters may be leapfrogged by other more advanced technology. Regulatory treatment should allow for the possibility of this longer-term outcome and ensure regulation does not impede it or create costly ongoing obligations.</p>
8	emhTrade	12.15 The Authority should monitor whether five working days remains an appropriate turnaround time for consumption data. If the matters set out in the Consultation Paper are successful, this is likely to be the next constraint to further development of digital service that utilise consumption data.
9	Energy Link Ltd	12.16 It is common for many retailers to offer combination deals with gas and/or LPG. Energy Link Ltd questions whether thought has been given to how access to data might be facilitated for alternative energy sources provided to the customer by the incumbent electricity retailer.
10	Flick Energy Limited	12.17 N/A
11	Genesis Energy	12.18 N/A
12	Mercury Energy	<p>12.19 Concern that the real benefit from Proposal 3 is to businesses to make use of the increased information for marketing purposes. Mercury notes the Authority's previous advice (by memorandum) that the registry is not to be used for non-Code related purposes, including as a source of data for marketing activities.</p> <p>12.20 Mercury suggests that the Authority endorses systems similar to its own: Mercury has an online system, Good Energy Monitor, where customers can see how much power they used in the last week (broken down by day), and a projected bill estimate. For more granular consumption data, customers can log in to a secure online portal. Where the customer uses an agent, the customer will request a security token code from Mercury (through our secure online portal available 24/7 or via our contact centre after passing our standard security checks) which they provide to the agent. The agent quotes the security token code back to Mercury and this provides confidence that the request is</p>

		properly authorised. Mercury is confident its process is Privacy Act compliant, expedient and efficient, and gives keeps the flow of data control in the hands of the customer.
13	Meridian/Powershop	12.21 All agents should be participants under the Code. Non-participant agents could bring the industry into disrepute. The Authority should consider how this can be addressed, possibly by creating a new class of industry participants.
14	Network Waitaki Limited	12.22 N/A
15	Nova Energy	12.23 N/A
16	Orion New Zealand Limited	12.24 Generally supportive of the proposals.
17	Our Energy	<p>12.25 Our Energy see the proposed amendments as a starting point to addressing the long-term, systemic issues that are impacting the electricity sector now and that will continue to do so for decades to come as a result of rapidly changing technology, consumer expectations and business environments generally.</p> <p>12.26 Efficient sharing of data is important for increased customer choice, the building and maintenance of strong communities, managing risks and capitalising on opportunities associated with climate change and the necessary shift to a low emissions and zero carbon economy, and supporting investment decision that enable better overall system resilience.</p> <p>12.27 Encourages the Authority to consider the changes as uncontroversial, and to be sceptical of the motivations of any party opposing them.</p>
18	Powerco	12.28 Powerco appreciated the industry discussion on 27 May, and the summary notes. A future option is to convene a discussion within one to two weeks of a consultation paper being released in order to maximise the chance to get parties aligned with the Authority's views and thinking, and offer the Authority some initial feedback.
19	Stephen Cope	12.29 N/A
20	Transpower	<p>12.30 The number of third party requests is currently authorised to four times per year (as per clause 11.32B(3) of the Code). Transpower proposes that this should be increased to 12 times per year so requests for monthly data can be made on behalf of consumers.</p> <p>12.31 Suggests other quick wins could also be advanced such as expanding the transfer hub to enable API integrations.</p>
21	Trustpower	12.32 N/A
22	Vector	12.33 Vector proposes the "OAuth style model", explained in detail in its submission. It is based on a modern 'delegated authority' approach which will deliver the 'quick wins' the Authority is seeking and remove the identified barriers.

		<p>12.34 The model is decentralised and uses token-based authentication and authorisation processes under the OAuth 2.0 standard, developed by the Internet Engineering Task Force OAuth working group, and which is now the leading standard for delegated authorisation. It is widely used by international private companies and government departments. In New Zealand, OAuth is recommended by digital.govt.nz and is used by the Ministry of Business, Innovation and Employment.</p> <p>12.35 The OAuth style model enables the delivery of greater benefits to consumers. Its benefits include that it is secure, it provides instant access services and meets consumer expectations.</p> <p>12.36 It is also sufficiently flexible for the integration of future metering and data services (enables a path for third parties to access data services and APIs to build a user experience where the sources of those APIs is not limited to the retailer). Metering service providers are well suited to developing a wide variety of data services and real-time interactions with the meter.</p> <p>12.37 Retailers, agents, and resource holders will need to do some work to integrate to the OAuth style model. It is reasonable to assume that many of them are, or will be, using this technology in other areas of their business.</p> <p>12.38 For smaller retailers and agents who may not be able to integrate directly with the authentication and authorisation processes, the OAuth style model incorporates a portal that would allow these parties to participate. The portal could be provided by the Authority or by an independent party.</p>
23	Vocus	<p>12.39 While projects such as saves and win-backs, hedge market development (mandatory market making), spot trading conduct and improved wholesale disclosure requirements should be treated as the Authority's most important priorities, the ACCES initiative has the opportunity to deliver some 'low hanging fruit'.</p> <p>12.40 Agrees with the Roundtable discussion key points (27 May 2019), "<i>The proposed Code amendment appears to enable data portability. It is supportive of the principle that individuals should have access to their information (principle 6 of the Privacy Act) and the ability to transfer it via standard formats. Individuals' right to access their own information is an important fundamental right</i>".</p>
24	WEL Networks	12.41 N/A