

# PROCEDURE CHANGE REQUEST (PCR)

## Summary Section

<b>Issue Number</b>	IN006/18W		
<b>Impacted Jurisdiction(s)</b>	1.0		
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<b>Date proposal (GMI) sent to AEMO</b>	Monday, 30 July 2018	<b>Date PCR issued/received</b>	Monday, 14 October 2019
<b>Short Issue Title</b>	Remove the requirement to delete information around explicit informed consent (EIC)		

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VERSION #	PRESENTED TO	DATE
1.0	GRCF	14 October 2019



## PROCEDURE CHANGE REQUEST (PCR) – DETAILED REPORT SECTION

### 1. DESCRIPTION OF CHANGE(S) AND REASONS FOR CHANGE(S)

#### Purpose:

The purpose of this PCR is to remove the requirement to delete information relating to explicit informed consent (EIC) from clauses 55A(3), 72(4) and 166A(3) of the Retail Market Procedures WA (RMP WA).

#### Issue:

Clauses 55A(3), 72(4) and 166A(3) establish a requirement on a Retailer 'to the extent reasonably practicable' to delete information in a retailer's system relating to a customer's account when their EIC no longer applies.

Firstly, the process is not reasonably practical as Retailer IT systems are built to maintain data integrity and archive out of date / closed account data rather than delete the information. Deleting the information is likely to have unintended consequences and Retailers may be inadvertently breaching the provision despite best endeavours.

Secondly, and more importantly, if the data were to be deleted, then the Retailer would have no records to provide when required to do so, such as in the case of a dispute, in Ombudsman cases, or in the annual EIC audit. This lack of data would make such matters difficult to resolve and, in turn, potentially mean the Retailer's breaching other record retention requirements.

### 2. REFERENCE DOCUMENTATION

#### **Procedure Reference**

RMP WA

### 3. THE HIGH LEVEL DETAILS OF THE CHANGE TO THE EXISTING PROCEDURES

Amend RMP WA clauses 55A(3), 72(4) and 166A(3) to remove the requirement on a Retailer to delete all copies of the customer's EIC when it no longer applies.

A marked up version of the Procedure change is provided in Attachment A.

### 4. CONSEQUENCES FOR MAKING OR NOT MAKING THE CHANGE(S)

If the RMP WA are not updated the following consequences are likely:

- If Retailers follow the requirements of the current procedures, Retailers may be in breach due to the inability of retailer systems to satisfy the requirements of the obligation.
- Customer disputes and escalations will be more difficult to resolve due to previous records relating to explicit informed consent being deleted from customer records.
- General queries between Retailers and Network Operator due to incorrect data will be difficult to manage.
- Retailers will be unable to do a full end to end audit and may be in breach of other record keeping requirements.
- AEMO and the Network Operator would be required to assist Retailers in obtaining information previously provided, creating unnecessary workload and inefficiencies on all parties.



## **5. EXPLANATION REGARDING THE ORDER OF MAGNITUDE OF THE CHANGE(S)**

The proposed changes may have minor impacts on Retailers' internal processes and systems. There will be no impact on AEMO or the Network Operator.

AEMO considers the order of magnitude of this change is 'non-substantial'.

## **6. LIKELY BENEFITS FOR INDUSTRY AS A WHOLE**

By removing the requirement to delete information provided by both AEMO and the Network Operator, Retailers can manage investigations and escalations more efficiently due to the availability of complete customer records. This will also allow Retailers to meet their obligations under clause 350 of the RMP WA which outlines the requirement to undertake an annual EIC audit.

## **7. THE LIKELY IMPLEMENTATION EFFECT OF THE PROPOSAL ON INDUSTRY IN GENERAL AND/OR ANY IDENTIFIED PARTIES**

Retailers may need to amend their processes and systems to not remove the record of customer's explicit informed consent when it no longer applies.

## **8. TESTING REQUIREMENTS**

Any Retailer needing to change their system will perform their own testing.

## **9. SUPPORTING DOCUMENTATION**

Refer to Attachment A

## **10. IF APPLICABLE, A PROPOSED EFFECTIVE DATE FOR THE PROPOSED CHANGED PROCEDURES TO TAKE EFFECT AND JUSTIFICATION FOR THAT TIMELINE.**

Subject to all necessary approval's, AEMO proposes the following timeframe.

- Issue PCR 14 October 2019.
- Submission on PCR close 28 October 2019.
- Issue IIR 11 November 2019.
- Submission on IIR close 9 December 2019.
- AEMO decision on whether to proceed with Economic Regulation Authority (ERA) submission by middle of January 2020.

If AEMO decides to proceed with an ERA submission for IN006/18W, AEMO will align it with the next ERA submission in the interest of efficiency.



## ATTACHMENT A – DOCUMENTATION CHANGES (SEE SECTION 3)

Blue represents additions Red and strikethrough represents deletions – Marked up changes

Extract from RMP WA

### 55A. Explicit informed consent required

- (1) Before lodging a request with AEMO for *historical AEMO standing data* for a *delivery point* that relates to a period for which the *user* was not the *current user*, a *user* must obtain the *customer's explicit informed consent* to the receipt by the *user* of the requested data.

{Note: The *user* should ensure that the *customer's* consent extends to all actions the *user* may need to undertake to complete the request for the *historical AEMO standing data*.}

- (2) If at any time before AEMO has provided information to a *user* under clause 57(2), a *customer's explicit informed consent* under clause 55A(1) ceases to apply (for example because it is withdrawn), then the *user* must withdraw the request to the extent that the request relied upon the *customer's explicit informed consent*.
- (3) If at any time after AEMO has provided information to a *user* under clause 57(2), a *customer's explicit informed consent* under clause 55A(1) ceases to apply (for example because it is withdrawn), then the *user* must not use the information for any purpose other than purposes required by these procedures or required by law ~~and must to the extent reasonably practicable delete all copies of the information.~~

### 72. Explicit informed consent required

- (1) Before lodging a *MIRN discovery request* with a *network operator*, a *user* must obtain the *customer's explicit informed consent* to the receipt by the *user* of the *MIRN standing data* that relates to the *customer's delivery point*.

{Note: The *user* should ensure that the *customer's* consent extends to all actions the *user* may need to undertake to complete the *MIRN discovery process*, for example, subsequent lodgements if the first *MIRN discovery request* is rejected, liaison with the *network operator* under clause 76 and the subsequent report that the *network operator* is required to provide AEMO under clause 73(1).}

- (2) By lodging a *MIRN discovery request* with a *network operator*, the *user* represents and warrants to the *network operator* that the *user* has complied with clause 72(1).  
  
{Note: Under clause 376A(2), a breach of this warranty will expose the *user* to liability for more than just direct damage.}
- (3) A *user* makes the warranty in clause 72(2) anew on each day that the *MIRN discovery request* is open.
- (4) If at any time after the *network operator* has provided information to a *user* under clause 75, a *customer's explicit informed consent* under clause 72(1) ceases to apply (for example because it is withdrawn), then the *user* must not use the information for any purpose other than purposes required by these procedures or required by law ~~and must to the extent reasonably practicable delete all copies of the information.~~
- (5) This clause 72 does not apply where the *user* is a *self-contracting user*.



- (6) To avoid doubt, a *user* does not require the *customer's explicit informed consent* for receipt of the information referred to in clause 75(2)(b)(ii).
- (7) To avoid doubt, a *current user* for a *delivery point* does not require the *customer's explicit informed consent* for receipt of the *MIRN standing data* for the *delivery point*.

166A. Explicit informed consent required

- (1) Before lodging a request with a network operator for historical metering data or historical meter reading data for a delivery point that relates to a period for which the user was not the current user, a user must obtain the customer's explicit informed consent to the receipt by the user of the requested data.

{Note: The user should ensure that the customer's consent extends to all actions the user may need to undertake to complete the request for the historical metering data or historical meter reading data.}

- (2) If at any time before the network operator has provided information to a user under clause 167(4), a customer's explicit informed consent under clause 166A(1) ceases to apply (for example because it is withdrawn), then the user must withdraw the request to the extent that the request relied upon the customer's explicit informed consent.
- (3) If at any time after the network operator has provided information to a user under clause 167(4), a customer's explicit informed consent under clause 166A(1) ceases to apply (for example because it is withdrawn), then the user must not use the information for any purpose other than purposes required by these procedures or required by law ~~and must to the extent reasonably practicable delete all copies of the information.~~