

Consumer Data Right

Data Standards Advisory Committee

Minutes of the Meeting

Date: Wednesday 9 September 2020

Location: Held remotely via WebEx

Time: 10:00 to 12:00

Meeting: Committee Meeting No: 9

Sector: Energy

Attendees

Committee Members

Andrew Stevens, DSB Chair
Lawrence Gibbs, Origin Energy
Peter Giles, CHOICE
Melinda Green, Energy Australia
Joanna Gurry, NBN Co
David Havyatt, ECA

Joe Locandro, AEMO
Frank Restuccia, Finder
Lisa Schutz, Verifier
Aakash Sembey, Simply Energy
Dayle Stevens, AGL

Observers

Barry Thomas, DSB
James Bligh, DSB
Rob Hanson, DSB
Terri McLachlan, DSB
Michael Palmyre, DSB
Mark Staples, Data61

Bruce Cooper, ACCC
Michelle Looi, ACCC
Fiona Walker, ACCC
Athena Jayaratnam, OAIC
Aaron Lester, Treasury
Scott Farrell

Apologies

Ben Johnson, ERM Power
Van Le, Xinja Bank

Ed Shaw, Ausgrid
Lauren Solomon, CPRC

Chair Introduction

The Chair of the Data Standards Body (DSB) opened the meeting and thanked all committee members and observers for attending meeting no 9.

The Chair noted that it has been another busy month for the Consumer Data Right (CDR).

The Chair noted that one of the actions items raised at the last meeting was to look at the “Key Issues” moving forward. After further discussion, and as this is an Advisory Committee, the DSB will reach out to members after each meeting to identify issues of relevance, important priorities that could inform our work over the next 1 to 2 months, and bring those back to the Advisory Committee at the next meeting for comment. This is consistent with our open approach and we will look to the committee members for input.

The Chair noted that there is a list of a Stakeholder Engagements in Agenda Item 4 which is very vibrant. As we are seeing in the weekly Implementation Calls, and as we are getting towards a new compliance date for some aspects of rules and standards, the level of interest and attendees is increasing.

The Chair noted that over the next month he will be looking at the composition of the Advisory Committee going forward, and if appropriate and necessary will refresh. The Advisory Committee renewal date is 13 November 2020.

The Chair noted that Ben Johnson from ERM Energy has resigned from the committee as at 1 September 2020 as he has a new role within ERM. He thanked Ben for his work on the committee.

The Chair welcomed Neale Morison to the DSB. Neale is a technical writer and has previously been involved in documenting API's for Atlassian. His role will span content creation and editing as well as higher-level information architecture work required to establish a reader-friendly knowledge base published via our online portal (Zendesk).

The Chair noted that Bruce Cooper from the Australian Competition & Consumer Commission (ACCC) has been seconded to the Office of the Australian Information Commissioner (OAIC) office for a 12-month period (not CDR related). He noted that Bruce has worked on the CDR since its inception and he has worked very close with him since May 2018. On behalf of us all, and also personally, he would like to thank Bruce for his contributions and wish him well on the secondment and hope that we have the opportunity to work with him again.

The Chair noted that Ben Johnson (ERM Power), Van Le (Xinja Bank), Ed Shaw (Ausgrid) and Lauren Solomon (CPRC) are apologies for this meeting.

The Chair would also like to wish everyone well, especially those in Victoria given the challenges they are currently facing.

Minutes

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The Chair thanked the Committee Members for their comments and feedback on the Minutes from the 12 August 2020 Advisory Committee meeting. The Minutes were taken as read and formally accepted.

Action Items

The Chair noted that the Action Items were either completed or would be discussed later at this meeting.

Working Group Update

A summary of the Working Groups progress since the last committee meeting was provided in the Committee Papers and was taken as read.

Data Quality Update

A further update was provided on Data Quality by Barry Thomas as follows:

The DSB noted that data quality is an area of increasing focus for the DSB. It is not an immediate relevance to the work in the energy sector, but it will be, so it is worth being prepared. They noted that data quality is a misleading term because it can mean a number of different things.

Fundamentally, we are talking about all the scenarios where a recipient of data feels there is something wrong with that data. This can be caused by a vast array of problems from a recipient's point of view, and the reason why it is wrong may not be clear to them.

The DSB noted that in the banking sector, they have 4 data holders active and they are already seeing issues, and as we expand to many more data holders, everyone will have their own interpretations on how they map their existing systems and people will do things differently.

The DSB noted there is going to be situations where the data is wrong from the perspective of the data recipient because it is not useful for their use case. That could be use caused by the Standards being, in some sense, insufficiently descriptive and there maybe situations from a recipient's point of view where they might say they can't implement this use case until the designation changes as they need more data.

The DSB noted that across this spectrum the boundaries are always blurred. They recognise that it is a wide-ranging problem and they are actively engaging with it now. They are in the early stages, but they have received some concrete feedback which they are reviewing, and it will be an ongoing process across all sectors. They encouraged everyone to read the presentation included in the papers and reach out directly if you need more information.

The Chair noted that some participants and outside people have raised with the DSB that they believe there are some data quality issues. The DSB need to ensure that the standards are complete, and not overly flexible or ambiguous. They also note that the compliance, audit and enforcement obligation under the regime sits with the ACCC and they are working hand in hand with them on this.

One member asked what the best way is to get engaged on the data quality topic.

The DSB noted that they have a variety of channels to engage on this topic. They are via attending the workshops which are promoted via the [CDR website](#), via the weekly [ACCC & DSB Consumer Data Right Implementation Call](#) or by creating a support ticket on [Zendesk](#).

One member noted, in regard to the enforcement mechanisms and when a data holder doesn't quite get it right despite their best efforts, does the DSB play a role in the enforcement and do you have a budget, or is this role for AEMO- as part of the gateway solution?

The DSB noted that enforcement is not part of the DSB's role, but some questions will require a lot of analysis and they would advise ACCC on any potential compliance and enforcement issues. The broader question of where AEMO fits into this is an interesting one worth exploring.

One member noted that the meter data service providers provide the raw data into AEMO which they validate and send to the appropriate retailers. Each retailer has a meter data management solution, which does another verification before it goes to billing. The member noted that they are continually upgrading their data quality data verification. They noted that one thing to look at is what is the process of verification that happens now and the settlement period which occurs weekly/monthly and that's another reconciliation that's done in the market where they reconcile the meter reads and charges etc. They noted that it is a fairly robust system and they would be happy to share the data flow to show how it goes from meter data readers out in the field all the way through to the retailer and billing and the various checkpoints in between.

The Chair noted that it would be helpful for the member to share the data flow on GitHub for the community. He noted that the role of the DSB is to look at the data and the data quality as part of the investigation and clarification of it.

The DSB noted that the energy sector has an advantage over the banking sector as we haven't got anything set in stone. One thing to highlight is that with the data quality work, the areas marked as standards issues like ambiguity and requiring clarification, we are now facing into those in the banking sector, because stakeholders didn't particularly engage early in the standards development process. Seeking clarification during implementation, or after you've implemented, is a lot more painful than doing it beforehand.

One member noted that around data quality, it is a job for life, and it is never resolved. They would encourage us to think about how we can get insight quite early into recording or classifying the nature of the data quality issues and the volume of the data quality issues and even making them available to lots of different groups in a very open way. That is not the actual records involved which would raise privacy concerns, but tracking quite early on the types of issues, whether they're mapping issues, interpretation issues, metadata issues, or just record fall outs in the exchange or nulls where they should be completeness existence and accuracy. If we could start to find some way to get insight into what the patterns look like from the banking sector, they could really help inform the approach for energy.

One member noted that the energy sector does have a lot of regulations and rules on the way that data is treated. They noted that they process 7,000,000 records a day and it will go out to 20,000,000 a day by 2025 and once you get to 5-minute settlements and the data they hold will go to 3,000,000,000,000 records. They have been working on data quality, data cleansing and other issues.

Another member noted they are going to have less data quality issues over the metering data and that there is a big project underway with standing data which will provide further clarification. The big risk they see is all the retailer held data.

The Chair asked the DSB whether it is worth putting this onto the agenda to have a further discussion or are we too early?

The DSB noted that they would be very interested in having an off line conversations with some of the committee members to gain further insight and come back to the committee a little bit down

the track with some stats on what they're finding out about the data quality work in banking which will help guide any further discussion about where we need to focus our attention.

ACTION: The DSB to reach out to committee members to gain further insight about types of data quality issues

Technical Working Group Update

A further update was provided on the Technical Working Group by James Bligh as follows:

The DSB noted that it has been a busy month. They have just released a consultation on account data ([Decision Proposal 114 – Accounts Payloads](#)). This came out of the retailer workshop and they've been having ongoing conversations through the industry groups and working closely with the CX team on that consultation to align with the CX research and the workshop on data cluster language. The consultation is open till 2 October 2020.

The DSB noted that the data cluster and billing data cluster are the two data clusters which they are most concerned about from a data quality perspective and so the more people reviewing these payloads the better. The reason for this is in the banking sector all the payloads were across many data holders. In the energy sector, usage and NMI standing data is essentially only one data holder so the conversations around quality and interpretation are really with only one party which makes it a lot easier. For generic tariff data, it's two parties (Energy Made Easy (EME) and Victorian Energy Compare (VEC)) and in both of those cases there's a precedent, there's an existing data set that we're sharing, so we're not starting with a clean sheet of paper, and the EME and VEC data is designed for comparison already. They noted that accounts and billing have never been shared, there is no existing standard, so we are literally starting with a clean sheet of paper.

The DSB noted that the other consultation that is imminent is the usage data payloads (<https://github.com/ConsumerDataStandardsAustralia/standards/issues/112>) and they are working closely with AEMO to get the first draft of that done. This will be up before the end of the week.

Consumer Experience Working Group Update

A further update was provided on the CX Working Group by Michael Palmyre as follows:

The DSB noted that the first report from the engagement with Consumer Policy Research Centre (CPRC) is available on our [website](#). The report assesses the standards and guidelines to understand how well they deliver on consumer needs and expectations.

The DSB noted that the Phase 3 CX Round 6 Report on adding and removing accounts from an existing consent is also available on our [website](#). This was ongoing work, part of the amending consent series.

The DSB noted that the CX team have held three workshops over the last month or so. The first one was around energy data language. They have analysed the outputs and will put forward some recommendations on language in groupings on GitHub shortly. Another workshop was on error handling which was around broader error states. They have identified a number of things that they hadn't thought about, while other things they were familiar with and worth clarifying.

The DSB noted that the last CX workshop was held yesterday and that was on amending consent, which was a high-level workshop. The workshop was fantastic with a high level of attendance and a

lot of great feedback on the concepts. They noted that they have a duplication of the public [miro board](#) (which was used at the workshop) for those who were unable to attend the workshop. This board is open until 16 September 2020.

Stakeholder Engagement

A summary of stakeholder engagement including upcoming workshops, weekly meetings and maintenance iteration cycle was provided in the Committee Papers and was taken as read.

The DSB noted that they wanted to highlight how they interact with the community on a week to week to basis. They hold an ACCC & DSB Consumer Data Right Implementation weekly call which consistently gets 130 people and is increasingly popular as the next wave of banks come into the regime. Subject matter experts are on the calls and people are able to pre submit questions and we take questions from the floor. All the outputs from the calls go into the [support portal](#) (Zendesk) to be captured for posterity.

The DSB noted that they also hold maintenance iterations on a repeating 8-week cycle where they look at things they need to improve in the standards. A lot of the time they are correcting errata or providing clarification. It is important to note that while the maintenance cycles may lead to changes to the standards the build obligations are a different consideration. The fact that we publish the standards on a regular cycle doesn't necessarily mean we impose new obligations every time we publish. The DSB is largely aligned to the phasing dates at the moment, unless there are compelling reason not to be in specific cases.

The DSB noted that they also run frequent workshops on a wide range of topics and they encourage people to visit our [website](#) for details of future workshops.

The DSB wanted to highlight the noting paper on stakeholder engagement which is about how we engage with the community now and moving forward. This was driven by the Rules change from 1 August in terms of the consultation periods we're required to provide. This provided a catalyst for us to look more closely at how we engage and what the process looks like.

Consent Comparison Discussion Paper

The Chair noted that a couple of meeting ago, a member raised an issue about consent and putting the consumer at the centre. Following that discussion, the DSB put together a discussion paper. Barry Thomas from the DSB provided an overview.

The DSB noted that the discussion paper is a work in progress and it's a starting point for the conversation. He also noted that the discussion paper did not hit all the points that the member originally requested be addressed.

The DSB noted they have a very active role in consulting widely on how consent works in practice but ultimately how consent works is set by the Rules, and the DSB sits within the Rules. This paper needs to be read with that understanding, it's exploratory and it looks at opportunities and challenges, but it is in the same spirit with which we approach all our CX research around consent.

The ACCC noted that they take heed of the work that is being done through consent and to the extent that it impacts on privacy laws and the suggestion that it should be consistent with international General Data Protection Regulation (GDPR), that raises wider questions in terms of the

of Australian Privacy Law, which is currently under review. To some extent, we're all fitting within a framework and working to make sure that consumers give real consent when they share their data.

A member thanked everyone for putting the time into really thinking about consent because it's a crucial piece. The paper was an interesting mapping to the other regimes, and we have to acknowledge that people give consent every day in all sorts of different ways. They would like to see the next bit of the paper study consent in the wild, a bit like an anthropologist, because consent is a social system and we would do the Australian community a disservice if we didn't try and innovate. The starting point is let's see what's in the human social system already – that would be a really good foundation. With due respect to the lawyers on the call, legal abstraction of consent is all well and good but let's just start with what socially were okay with.

They also noted that we need to remember that consent is about the supply of data, but that is only half the story. There are some types of consent we don't let people give; some things we negotiate at an industry level because the asymmetry is not fair; and some things are free. We need to think at the CDR level and recognize that we're actually regulating the supply of data and the way that that gets done. The CDR doesn't have to solve the use of data or other set ups for that.

The member also noted that we need to be very conceptually clear that consent to share data isn't the whole story, it might be we can get more efficient on the consent to supply data if we know the controls on the use of data are stronger. We need to abstract up a level and start to think about it like that because that will mean we'll get more flexibility.

They also noted that what they were hoping from the discussion paper - was not possible to deliver - it is actually a research program! Maybe there is an opportunity for the DSB to find some academics who want to explore this!

Another member noted that we should recognize in this environment, we have the option of being very specific about consents. Because we are designing it, we can start specifying specific rules. They also noted that the most important behavioural characteristic is that consumers have demonstrated that when they go into a shop to buy things, they feel it's safe, otherwise the seller wouldn't be allowed to sell it. One of the problems is that when you build something which is regulated, consumers immediately rely upon the regulation as the reason for saying "I'll accept this".

One member noted that as someone in the industry, and as a prospective ADR who takes their responsibilities very seriously, we have to be mindful of what we create and what the future contents are going to be. They think it would be helpful to have some use cases with parameters but are conscious of being a little too tight with the rules. We need to focus on the work on the framework.

One member noted that they would support a principles-based approach and they are worried that a black letter consent will stifle innovation and hoping the framework might loosen it up.

The Chair noted that a black letter prescription or an entirely technologically driven prescription is probably not going to cut it and whatever we do we've got to make sure that the consumers are at the centre. We will continue to work with the other agencies on this.

One member noted that if we allowed access to all the data, some bad things could happen. We do have a trade-off. We could have some sort of safety in what's being done with the data, and we can loosen off on the consent side. Finding the balance is the crux of it and we need to work through that.

The DSB noted in the Future Planning Noting Paper we have highlighted a role for the Advisory Committee in helping us shape the problem statements that we're working on. Maybe we can use consent and consent taxonomy as a bit of a test case for that future planning process and the engagement of the Advisory Committee.

The ACCC noted that the CDR rules deal with consent and queried if the discussion was dealing with a standards issue or a rules issue.

ACCC Update

Bruce Cooper from the ACCC provided a general update as follows:

The ACCC thanked everyone who put in submissions on the consultation for the energy rules framework. They received 41 submissions which will be put up onto the CDR website in due course. They plan to have the draft rules out by the end of the year or early next year.

One member asked given the range of options in the draft paper, are they considering a short consultation engagement before the draft rules are issued?

The ACCC noted that is not their intention but there will be an opportunity for people to comment on the draft rules.

Another member asked are there any early feelings in terms of the cohesiveness of the responses or issues that ACCC need to work through in developing the draft rules?

The ACCC noted that they are still going through the submissions and trying to group themes of responses together. That is all they can provide at this point in time.

One member asked what is the latest on the idea of having two tiers of accreditation. Are they still considering a basic level of data that they could basically build a light version for the consent for the consumer?

The ACCC noted that they are committed to introducing lower tiers of accreditation. They expect, in the context of updating the existing rules, to come out with a draft set of what they're calling Version 2 of the of the rules in about a month's time and that will have an impact on both the energy and banking sectors.

One member asked if there was a view on the go live date in energy, as they continue to work towards the ACCC date.

The ACCC noted that this will be covered off in the Treasury update.

Treasury Update

Aaron Lester from Treasury provided an update as follows:

Treasury noted that, in regard to the go live date in energy, they are still looking at 2022 but it depends on IT development time and the government decision making processes.

Treasury noted that the CDR is still under consideration in the budget, which is only about four weeks away, and there might be more exciting updates coming after that once they have some decisions and certainty.

One member asked what kind of lead time will they receive? They appreciate the decision-making process, but will they have at least twelve months lead time before they have to implement?

Treasury noted that they are not sure when there will be a specific announcement about when they intend to go live. They anticipate once budget decisions are made and announced it should be easier to nail down a timetable that they can then start working towards.

One member noted that the ACCC energy rules framework paper stated that Treasury was looking at the external dispute resolution solutions for the energy sector. Will there be engagement on that?

Treasury noted that they are looking at whether and how the State Energy Ombudsman's would fit as EDRs into a CDR regime given that, in many circumstances, the specific issues that are likely to come up are not closely related to the energy sector. They are talking to the ombudsman and also looking at alternative arrangements as well that might produce a more CDR-oriented EDR system that can concentrate expertise with CDR matters rather than industry specific matters.

The member asked whether there will be a consultation or engagement for stakeholders on that?

Treasury noted that they would expect some level of engagement prior to a final decision being made to ensure that we're not setting people up for something that they can't do. They are not sure what form it would take at this point.

One member noted that they put some comments in the ACCC submission on how the dispute resolution should work. Because of the way the model is set up in energy compared to banking, they see the complexity about where the data come from if there was a breach. AEMO is a data holder as well as a gateway so they think it does require some consultation to iron out how this will work.

Meeting Schedule

The Chair advised that the next meeting will be held remotely on Wednesday 14 October 2020 from 10am to 12:00pm.

The Chair noted that the proposed meeting dates for the first half of 2021 have been published in the papers for noting.

Other Business

The Chair noted that he needs to look at the tenure and composition of the Advisory Committee which is up for renewal on the 13 November 2020. He will advise the committee at the next meeting.

The Chair noted that it was a pleasure having Scott Farrell attend the meeting and he invited him to say a few words.

Scott Farrell noted that he found the discussions at the meeting very interesting and it's always good to hear new perspectives. He also noted that the Inquiry into Future Directions for the Consumer Data Right is going particularly well and all of the breadth of possibilities and opportunities, both internationally and domestic, for it to be a fundamental part of digital economy has been brought together with the submissions. He noted that it is not too late to reach out and he would welcome any feedback.

The Chair noted that the DSB team will reach out to see if there are any issues they would like raised at the next meeting.

Closing and Next Steps

The Chair thanked the Committee Members and Observers for attending the meeting.

Meeting closed at 11:20