

## **EnergyAustralia submission: Data Standards Body Technical Working Group - CX Consultation Draft 5: Joint Accounts #106**

EnergyAustralia welcomes the opportunity to provide comments in relation to the CX Consultation Draft 5: Joint Accounts (Consultation draft).

We see this consultation as largely relevant to the banking sector's implementation of the CDR. The Consultation draft broadly aligns with the Joint account arrangements established by the CDR Rules (banking) (as contained in Schedule 3 of the Rules - "Provisions relevant to the banking sector"). These require a data holder to provide a joint account management service for consumers with joint accounts to enable them to set preferences in relation to CDR data sharing.

As the DSB is aware, the consultation on the CDR Rules for the energy sector has not commenced. It is currently unclear whether the joint account arrangements for the banking sector will be extended or replicated in the same form to the energy sector. In particular, we understand that it is possible that the Australian Energy Market operator acting as gateway may adopt some of the dashboard type services or the authentication function. Given these unknowns, we have made general comments on the Consultation Draft. Our views may change when the CDR Rules have been further progressed for the energy sector.

### **Joint accounts in the energy sector**

The concept of joint accounts in the banking sector is different to the energy sector. In banking, a joint account may refer to where more than 2 individuals are authorised to make transactions on the account.

The CDR Rules (banking) recognises banking sector joint accounts and sets out data sharing arrangements. Specifically, the Rules provide that data holders must provide the joint account management service - where joint account holders must be able to elect to each individually make consumer data requests, and also to give and revoke authorisations to disclose CDR data to an accredited data recipient.

In the energy sector, "joint accounts" can be established via contractual arrangements. Typically, there is a Primary account holder linked to an electricity/gas account, but other persons - additional account holders - can be linked to an account in different capacities. For ease of reference, we refer to this arrangement as a joint account for the energy sector in this submission.

An additional account holder can be added to an account which has financial responsibility for payment and debt and has the same authority as the Primary account holder to manage the account (Additional account holder with financial responsibility). Approximately 12% of EnergyAustralia's electricity and gas accounts have both a Primary account holder and Additional account holder with financial responsibility.

However, there are also other types of additional account holders which operate in a non-financial capacity. For more information, see "Primary account holders and additional account holders" at the end of this submission.

Further work is needed to determine how the CDR Rules (banking) that relate to joint accounts, should be extended to the energy joint accounts. If the Rules were extended, consideration should be given to which additional account holders should have access to CDR data sharing. This would involve some standardisation across the industry as joint account arrangements for the energy sector may currently vary among retailers. We expect both these matters to be covered in the ACCC's consultation on the CDR rules for the energy sector.

One view is that the Primary account holder and Additional account holder with financial responsibility, should be the relevant joint account holders for CDR data sharing; if they both reside at the relevant premises which the CDR data relates to (so that the data is relevant to them).

### **Family violence risks**

We emphasise that the CDR rules for the energy sector and any CX consultations regarding joint accounts (across all sectors) will need to specifically address family violence risks.

While energy retailers should have existing controls in place to manage family violence risks when creating their own joint accounts/linking additional account holders, the DSB should ensure that the CDR does not raise new risks by managing the risk in the CDR environment, particularly where AEMO acts as a gateway between ADRs and Data Holders. Two examples are outlined below.

#### **Where previous joint election regarding data sharing has been provided**

One example based on the Proposals in the Draft consultation is where Person A and Person B are Primary and additional account holders for their energy account. For the purposes of data sharing under the CDR, Person A has previously agreed joint election of "1 to authorise". This allows Person A and Person B to share data independently, without the approval of each other.

Person A becomes the victim of family violence perpetrated by Person B. The risk of family violence arises if Person B is able to request real time consumption data which shows usage patterns when Person A is home; and is able to authorise the disclosure of that data to Accredited Data Recipients (ADRs) and obtain it (without Person A's permission). An even higher risk is presented if the joint account data sharing arrangements can be used by Person B to obtain new street address details for Person A, or details which could be used by Person B for fraudulent purposes.

We recognise that Proposal 1 and Proposal 2 have protections in place whereby joint account holders (including Person A) can jointly elect the permissions that will be required for sharing data e.g. "1 to authorise" or "2 to authorise" for each disclosure. However, should circumstances change (as above) it is important that the CDR environment provides a way for Person A to immediately revoke this election. Further, where Person A makes changes to the joint account/additional account holder arrangements with their energy retailer, this should flow through to the CDR arrangements to automatically remove the joint election (e.g. "1 to authorise") along with a notification of this update sent to Person A.

#### **Where no joint election regarding data sharing has been provided**

Under Proposal 1, Data holders must show unavailable joint accounts in the authorisation flow at the account selection step. We assume that this will only display accounts that a retailer has itself flagged as a joint account for that person. Accordingly, the retailer will be able to manage family violence risks in the way it flags its joint accounts/links additional account holders. However, to manage this risk entirely in the CDR environment, real time data flows should be in place to ensure changes to joint accounts/additional account holders made by retailers, flow through to the CDR authorisation flow.

For example, Person A contacts their retailer to remove Person B as an additional account holder linked to their energy account, due to family violence concerns. This updated information should automatically flow through to the CDR's authorisation flow so that Person B cannot see the joint account and does not have the option to request joint election to set up CDR data sharing arrangements for the joint account's data.

The above two scenarios also highlight the issue of inconsistent data being potentially held by an energy retailer, accredited data recipient and AEMO, and the need to ensure that data is kept up to date across all three for data accuracy and safety reasons.

### **Joint account management implementation in energy**

While it is not possible to state a preference for either proposal in the Consultation draft without further definition of how joint accounts will work in energy, there are some limitations in how both might be implemented. In some cases EnergyAustralia will not have full contact information for an additional account holder (other than name and a physical address). This will limit the ability to contact an additional account holder to set preferences in relation to CDR data sharing as part of any in-flow journey (whether notification or election).

We would therefore recommend that a further consultation is held on how the joint account journey might be best optimised for the energy sector, once the data set designation instrument, and authorisation and consent flows have been designed.

### **Primary account holders and additional account holders**

For completeness, we have set out the different roles that people can have in relation to an account.

#### *1. Account holder*

Retailers typically have an account holder who has full control of the account to manage their electricity supply, and accountability for any debt that may incur on the account. Their name will appear on all bills and correspondence.

#### *2. Additional account holders*

Retailers may also have contractual arrangements to allow additional account holders to be assigned to an account, upon request and as approved by both the existing account holder and new additional account holder.

Additional account holders can be assigned varying levels of authority and responsibility. The below categories are an example only, different retailers may have different arrangements in place.

- **Additional account holder with financial responsibility** : Person has the same level of authority as the Account Holder to manage the account e.g. arrange de-energisation and re-energisation. They may appear as a second person entry in the billing system. They are held accountable, alongside the Account Holder, for any debt that may incur on the account. Their name appears on any bills and correspondence. They are also eligible to claim concessions/rebates.
- **Fully authorised (not financially responsible)** – Person can do everything on an account that the Account Holder or Financially Responsible person can, including arranging de-energisation and re-energisation service orders etc. However, this person is not Financially Responsible for the account and therefore not held accountable for any debt. Power of Attorney has this level of authority.
- **Enquiry only (not financially responsible)** – Person can discuss with their retailer and action the following: adding life support registration to an account, extend the bill due date, make balance enquiry, request general tariff/product information; request when the next scheduled read date is; discuss a bill/bill adjustment; apply a

concession (if the retailer has the concession details); provide a credit card payment; raise a fault service order; make and record a payment and set up direct debit (but not responsible for the debt on an account).