



Tasmanian Council of Social Service Inc.

Submission to Department of Energy and Environment

Consumer Data Right – energy sector.

March 2018



**INTEGRITY
COMPASSION
INFLUENCE**

About TasCOSS

TasCOSS is the peak body for the community services sector in Tasmania. Our membership includes individuals and organisations active in the provision of community services to low income, vulnerable and disadvantaged Tasmanians. TasCOSS represents the interests of its members and their clients to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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The views expressed in this document do not necessarily reflect the views of Energy Consumers Australia.

The Tasmanian Council of Social Service (TasCOSS) welcomes the opportunity to comment on the development of Consumer Data Rights in the Energy Sector.

TasCOSS is the peak body for the community services sector in Tasmania. Consultation with members has informed this submission. TasCOSS advocates for the interests of the sector and of the vulnerable and disadvantaged Tasmanians that the sector supports. After housing costs, energy costs are the main cost-of-living challenge facing low income Tasmanian households, so energy is a major focus of TasCOSS concern and advocacy.

We note the potential for customer data to improve people's access to cheaper electricity offers, and to manage their own use more effectively. However, access to energy data raises issues beyond market participation and decision-making. In this submission, we recommend additional focused consideration of and appropriate consultation about specific issues for people facing family violence, and related hostile behaviours.

We note that privacy considerations specific to the energy sector have already attracted some attention. For example, the HoustonKemp draft report on Facilitation Access to Consumer Electricity Data identifies the "risk that meter data could be used to assess patterns of when someone is at home or not, particularly for 'real time' data on an ongoing basis."¹

Information drawn from meter data presents a potential risk for a person who has ended a relationship involving family violence, as the threatening person may have access to the data through 'smart home' systems or through access to the home's energy account. The information can be used to target the person after separation. Within homes, energy data monitoring, with real time energy management functions can allow forms of control and abusive behaviour.

Appropriate design of the privacy protections for consumer data rights with respect to energy use need to take account of the particular risk that data can be misused in the contexts of family violence and hostile behaviours. Appropriate consultation with experts in family violence will ensure the design of effective measures to minimise and mitigate the risk of harm. Such measures could include an education component for accredited third parties, as well as ensuring the technological framework is able to implement protective measures when needed.

Such safeguards as enabling the removal of permissions to access data when multiple members of a household have had access, while ensuring that the offender cannot block the victim's access, need to be planned for. In family violence cases, speedy resolution of such issues is imperative, and swift simple pathways need to be enabled, without imposing the obstacles and delays of legal or police involvement.

¹ HoustonKemp Economists *Facilitating access to consumer electricity data – a draft report for the Department of Environment and Energy, February 2018* p 13.

While abusive behaviours that exploit consumer energy data will likely be low in number, their effects can be catastrophic. Building in appropriate safeguards from the outset is more effective and less costly than retro-fitting them, and avoiding risks of serious harm is worthwhile in its own right.

For these reasons, we urge that attention to privacy protections for consumer energy data include the lens of family violence, and the need to include specific safeguards for people who are vulnerable to abusive behaviour. Appropriate consultation with organisations working directly with victims of family violence, including familiarity with the kinds of behaviours that apps and spyware currently enable, will allow consumer data rights to be implemented in ways that maximize good outcomes and minimize and mitigate risk.