WESTERN SYDNEY
UNIVERSITY

Prepared for:	Australian Energy Market Commission
Purpose:	Response to 'Real-time data for consumers framework' directions paper
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Overview **Real-time data for consumers is a crucial step in the transition. Informed prior consent requires that people have information to make informed decisions. Researchers, utilities, and other service providers have an important role in helping consumers understand their data and inform decisions around time varying pricing and consumer energy resources.**

Question 1: Do you agree with a staged implementation approach for when consumers pay for access to real-time data?

No – consumers are being asked to make decisions without the required information. 15 years is too far in the future as consumers are making decisions to opt into time varying pricing and invest in consumer energy resources.

In addition to real-time data, researchers, utilities, and other service providers have an important role in helping consumers understand their data to inform decisions via various tools, resources and phone apps. This needs to be accounted for in this framework. Some may want access to their own data, but many may want to subscribe to a service where they can get their data analysed for them and displayed in easy-to-understand formats via a password secured phone app or website. Utilities should be following best practice set by other sectors and providing more data to consumers who have smart meters.

The smart meter roll-out and meter reading issues are another beast and not focused on in this submission.

Question 2: Should the prices for real-time data access be published by the AER?

Yes and No – full disclosure should be provided – but these data should be accessible as part of a consumers right to data. Other industries, such as banking, provide details transactional level data for consumers as part of their baseline service.

If we hope to modernise our energy sector, then the data required for complex decisions needs to be provided to all consumers and not just made available to those who can afford it.

Question 4: Do you agree with the obligation on retailers to provide real-time data access?

Yes – we consumers live in a data rich world (in other transactional engagements) and the energy sector needs to catch up. This obligation needs to be comparable with other sectors.

Question 6: Which consumer consent pathway do you consider to be the most practical and why? Question 7: What should third party access consent look like? Question 8: Should additional requirements be placed on third parties that request access to consumer data?

It is important that consent processes are consistent with other types of data – especially in the case of academic research where a Human Ethics Research Committee has approved a request for a Waiver of Consent.

The current discussion of third parties does not separate commercial entities from academic researchers where a Human Ethics Research Committee has approved a request for a Waiver of Consent. The National Statement on Ethical Conduct in Human Research (2023) contains of a series of guidelines made in

accordance with the National Health and Medical Research Council Act 1992, which is also used for assessing social science research that will be relevant to consumers.
https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2023#block-views-block-file-attachments-content-block-1

Below are relevant snapshots of key sections of the National Statement on Ethical Conduct in Human Research that need to be considered in a revision of the Real-time data for consumers framework. Researchers have an important role in helping consumers understand their data to inform decisions around time varying pricing and consumer energy resources. The current specification could be confusing and create situations where researchers are treated differently based on individual interpretations of the framework by data custodians and Human Ethics Research Committees.

Waiver

2.3.9 Only an HREC may grant waiver of consent for research using personal information in medical research, or personal health information. Other review bodies may grant waiver of consent for other research.

2.3.10 Before deciding to waive the requirement for consent, an HREC or other review body must be satisfied that:

a) involvement in the research carries no more than low risk to participants (see Chapter 2.1).

b) the benefits from the research justify any risks of harm associated with not seeking consent

c) it is impracticable to obtain consent (for example, due to the quantity, age or accessibility of records)

d) there is no known or likely reason for thinking that participants would not have consented if they had been asked

e) there is sufficient protection of their privacy

f) there is an adequate plan to protect the confidentiality of data

g) in case the results have significance for the participants' welfare there is, where practicable, a plan for making information arising from the research available to them (for example, via a disease-specific website or regional news media)

h) the possibility of commercial exploitation of derivatives of the data or tissue will not deprive the participants of any financial benefits to which they would be entitled

i) the waiver is not prohibited by State, federal, or international law.

2.3.11 Before deciding to waive the requirement for consent in the case of research aiming to expose illegal activity, an HREC must be satisfied that:

a) the value of exposing the illegal activity justifies the adverse effects on the people exposed (see 4.6.1)

b) there is sufficient protection of their privacy

c) there is sufficient protection of the confidentiality of data

d) the waiver is not otherwise prohibited by State, federal, or international law.

2.3.12 Given the importance of maintaining public confidence in the research process, it is the responsibility of each institution to make publicly accessible (for example in annual reports) summary descriptions of all its research projects for which consent has been waived under 2.3.10 and 2.3.11. Waiver decisions under 2.3.11 should not be made publicly accessible until the research has been completed.