Consumer Data Right

Data Standards Advisory Committee

Minutes of the Meeting

Date: *Wednesday 10 February 2021*

Location: *Held remotely via WebEx*

Time: *10:00 to 12:00*

Meeting: *Committee Meeting No: 13*

Sector: *Energy*

Attendees

Committee Members

Andrew Stevens, Data Standards Chair
Louise Benjamin, ECA
Jill Berry, Adatree
Lawrence Gibbs, Origin Energy
Peter Giles, CHOICE
Melinda Green, Energy Australia
Joanna Gurry, NBN Co

Joe Locandro, AEMO
Frank Restuccia, Finder
Lisa Schutz, Verifier
Aakash Sembey, Simply Energy
Ed Shaw, Ausgrid
Lauren Solomon, CPRC
Dayle Stevens, AGL

Observers

Barry Thomas, DSB
James Bligh, DSB
Rob Hanson, DSB
Terri McLachlan, DSB
Michael Palmyre, DSB
Mark Staples, Data61
Mark Verstege, DSB
Paul Franklin, ACCC
Michelle Looi, ACCC

Jodi Ross, ACCC
Fiona Walker, ACCC
Athena Jayaratnam, OAIC
Kylie Balogh, Treasury
Aaron Lester, Treasury
Indiana Lowe, Treasury
Daniel McAuliffe, Treasury
Kate O'Rourke, Treasury
Jessica Robinson, Treasury

Apologies

N/A

Chair Introduction

The Data Standards Chair opened the meeting and thanked all committee members and observers for attending meeting no 13 of the energy sector Advisory Committee.

He noted that he attended the first Consumer Data Right (CDR) Board meeting for 2021 on 9 February and Barry Thomas will attend the CDR Operational Committee meeting on 2 March 2021.

The Chair noted that the Technical Working Group have completed Maintenance Iteration # 5 and are about to initiate Maintenance Iteration # 6. They are also expecting to consult on the Direct to Consumer model alongside with the ACCC.

The Chair noted that the CX Working Group have released a significant revamp of the CX artefacts on a new platform and work on the new v2 rules CX artefacts are currently underway, including joint account guidelines.

The Chair noted that a new member of the team will be commencing at the end of February. The Business Analyst will provide technical analyst and requirement mapping between legislation, CDR rules, major payment system standards and technical requirements.

Minutes

Minutes

The Chair thanked the Committee Members for their comments and feedback on the Minutes from the 9 December 2020 Advisory Committee meeting. The Minutes were taken as read and formally accepted.

He also noted that one member has asked about the governance process around decision making in this forum. These committees are advisory committees and they are advisory in relation to data standards and the establishment and enhancement of data standards. As we operate in a context of legislation, designation and rules, occasionally issues are raised by members which effect some or all of those. The Data Standards Body (DSB) don't have a governance responsibility but an advisory responsibility in relation to the data standards. He is happy to allow discussions about our context.

Action Items

The Chair noted that the Action Items were either completed or would be covered off in scheduled discussions.

Working Group Update

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

Technical Working Group Update

A further update from was provided on the Technical Working Group (from the Kanban board) by James Bligh as follows:

The DSB noted that they had a productive end to last year with the completion of the first draft of the Energy Data Language Standards being published. They are also continuing to work through the Energy Standards Consultation this quarter. They thanked all stakeholders for their contributions.

The DSB noted that they will be working on the non-binding adjacent standards, which are more watch than see for the energy sector. The adjacent standards will be important for groups like NPPA in banking and LIXI for instance. This is the idea about how we incorporate standards that are not governed or designated but will fit in with the DSB.

The DSB noted that another important one for energy is metrics and the error handling work that is ongoing which is sector wide.

The DSB noted that they expect to consult on direct to consumer in some form in tandem with the Australian Competition & Consumer Commission (ACCC) and this is likely to occur this quarter.

One member asked why the item on "Assess impacts arising from the future directions inquiry" was flagged at "blocked" on the Kanban board.

The DSB noted that whilst they have the report, they don't want to go ahead until they hear from Treasury on how they want to proceed. There is a lot of policy stuff to work out before standards conversations commence.

The Chair noted that Treasury will be initiating a consultation process shortly in relation to this and the DSB don't want to get ahead of that consultation process which will engage in a range of strategic, policy and rules related questions.

Consumer Experience Working Group Update

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

The DSB noted that since the last Advisory Committee in December there has been a significant revamp of the CX artefacts on a new platform that they are using. They are porting this over from what was previously a PDF and have done this in response to community requests to assist with requirement discoverability and compliance recommendations. They initially focussed on authentication as this was the least likely not to change after the v2 rules were made. They are now working on the new v2 rules and generic updates to the CX guidelines.

The DSB noted that they also have the CX metrics and research page which is to assist the community in measuring informed consent. They are now in the process or porting the remaining of the CX guidelines over and currently working on authorisation flows and dashboards and v2 rules items like joint account guidelines.

The DSB noted that they published the Consumer Policy Research Centre (CPRC) report on community sector engagement on joint accounts in late 2020. That can be found on our website and this report includes recommendations that have informed further standards development work, including recommendations 1 and 2 (pp. 27-28) on error messaging and on in-flow notification for joint account holders. These have been reflected those in both the error handling work and in Noting Paper 157 relating to the CX Standards Arising from v2 Rules.

The DSB noted that they closed Decision Proposal 127 on the CX of error handling in December. There were no proposals raised so this closure merely indicated that future CX Guidelines will cover a range of the issues highlighted in the CX workshop on error handling.

The DSB noted that [Decision Proposal 144](#) was closed on 1st February following a request for extension. There was broad support for the CX proposal with a few recommendations and considerations. They did want to note that the consultation does not account for a gateway and that is because they are waiting for the practical role of CDR gateways to become clearer. They will then consider additional consultation on that.

The DSB noted that [Noting Paper 157](#) was published in January providing a list of anticipated CX Standards changes following the making of the v2 rules. This paper highlights the mostly optional aspects being anticipated, and the extent to which new items are being considered. The paper also details the expected timing for standards completion and compliance, all of which will be consulted on in targeted decision proposals. NP157 also covers where standards are not anticipated, which was done to provide clarity for participants who may be anticipating substantive proposals in relation to new v2 rules.

The DSB noted that they published a placeholder for [Decision Proposal 160 – CX Standards | Non-Individual Consumers | Business Partnerships | Secondary Users](#) that they've called out in Noting Paper 157. The proposal is currently being developed but they opened it early so the community can provide input.

One member noted they have been undertaking a nationwide consumer survey to check in with Australian consumers attitudes and behaviours towards data collection sharing and use which they will share with committee members. The results are coming through strongly in terms of sentiment towards the need for government regulations and policy to protect consumers from unfair data collection and use. They wanted to echo the findings of the CX research through this stream and they know it's a policy issue, but the way the policy is implemented will ultimately impact consumer trust and confidence and without that consumers aren't going to access or use the scheme.

ACTION: DSB to circulate the Data & Technology Consumer Survey to committee members.

Stakeholder Engagement

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

Barry Thomas from the DSB provided a further update on the upcoming Workshop with OpenID Foundation (OIDF).

The DSB have been talking to OIDF who have done a lot of work with Open Banking in the UK on co-presenting workshops on FAPI, international standards that underlie all our work. There have been ongoing discussions about the degree to which the CDS comply with their standards. We are pretty closely aligned now, and they have in fact created a certification suite that is CDR specific. The DSB is planning on working with them to present that to the community.

The Chair noted that since day one, the requirement was for the CDR to leverage global standards as much as possible. The interoperability from an international basis in the data standards, data portability and use case environment is a real plus and to have a relationship that could develop into a test suite and tooling relationship with OIDF as the standards body is a positive development.

Issues raised by Members

Joanna Gurry from NBN presented on 'Adoption Considerations'.

NBN noted on some of the reviews that we have around data standards and the flexibility we're introducing, they think about the soundbite on ACCC's website which is "the ability to securely share energy data with trusted parties will promote competition between energy services providers, leading to better prices and move innovation of products and services".

They noted that the nexus that we have at the Advisory Committee between the observers that have access and different channels to influencing the overall scheme versus the great focus we have as advisors for the people who are actually working on the technical standards and the implementation of those standards.

They noted that the benefit to the consumer is that the higher number of Data Recipients (DRs) will expand the opportunity for consumers and some of the success factors include awareness, CX, ease of use, number of DRs and the perceived security. At the end of the day it is about competition for new businesses which is the incentive for DRs, but a better deal made easier is the incentive for the consumer to get on board.

They noted that we have a great CX focus with all the data driven research behind it and very strong modern data standards and thinking. The materials and communication on the ACCC website are great and the onboarding process and detailed FAQ are also available. They admire the flexibility that the Technical Group has around the standards and how they are driving the new conversations around the accreditation tiers, DRs or the Australian Energy Market Operator (AEMO) for authentication. They noted that the onus is on the DR to have systems developed, in place and tested and ready to go without too much guarantee that the investment is going to pay off for them.

They noted that our consultation approach is very inclusive, but it is quite passive and the standards we expect are very high and quite formal.

They noted that we show a lot of flexibility and pragmatism in the energy CDR data standards and how we are not just developing the standards but how it is going to play out in practice. There is also high levels of feedback and engagement in open calls and regular working groups.

They reflect on the fact that the transactional stuff for open banking went live 7 months ago, and mortgages and other stuff went live in November and that we only have 11 DRs signed up and one or two smaller adjacent financial services data related recipients.

They noted with the fixed rate mortgage at new lows, are we seeing increased volume? They are interested in measuring and sharing with this Advisory Committee how we are measuring the barriers to adoption that the open banking might be experiencing.

They also asked whether different forms of consultation could drive additional inclusion of DR's. When talking to people in the banking sector, particularly Fintech's they know none of this works without strong technical standards, but they do find them a little bit intimidating especially when they are strapped for resources. Can we communicate the real basics to give smaller organisations more confidence to be able to participate without not too much a burden of a big investment up front?

They noted that in their scenario, the AEMO will be pivotal in driving their onboarding and they wondered whether over time the organisation will get enough support in terms of communication?

They asked whether we could provide a standard app like the COVID-Safe app for energy DRs to use.

They noted is it easy enough for smaller businesses to enter the scheme in terms of their awareness, the support and upfront costs. They also noted that in Open Banking and the lead into Energy has

been a bit quiet and will this be something we change as we push through our banking into energy and ramp up around telco? Will there be a communication campaign around this?

NBN noted that they are interested to see if things are starting to build up, and whether there are other work streams within Treasury and ACCC, she would like to hear about that. She likes the metrics reporting we are doing (CX work and working group calls etc) but there are additional metrics that could be quite informative when we go through the planning for the later phases that we should be alert to.

The Chair thanked Joanne Gurry for her presentation and noted that at the CDR Board Meeting yesterday they had detailed discussions on metrics including interest level and conversion rates and API up times etc. He noted that there is work underway on this.

One member asked if NBN could expand on the point about AEMO?

NBN noted that in regard to the onboarding process the information they've seen on the ACCC website is geared between the peer to peer onboarding and how people get onboarded with the exchange mechanisms and how they need to connect into their own systems. The energy sector is different as AEMO is the hub and the onboarding will be quite different. With AEMO in the middle of this, they will need a lot of support to make sure that they have got the right systems and mechanisms and communication in place to make them successful in their role on onboarding people.

Another member noted that the way the gateway model is being built is instead of having bilateral one on ones, and having multiple testing etc., you have tested interfaces that once they comply any player can interface in which reduces the time and barriers to entry. In regard to customer uptake, regardless as to what is at the backend, what's the value proposition to allow aggregators or energy companies to let the consumer take advantage of it in a cost-effective way? Stepping up a level to allow interoperability is the key if I was a consumer to take advantage of these as I get critical mass.

The Chair asked members to send any comments or individual views to the questions raised by NBN to the DSB.

ACTION: The DSB to circulate the NBN slides on 'Adoption Considerations' to members

One member noted in regard to consumer update, if you want to build a pathway for consumers to get more comfortable with the scheme, their view is to take it by a product by product approach and rolling out consumer education to build confidence and you can then layer on different products streams etc. They have always thought it was a significant risk to open up multiple sectors and types of products and services at the same time. If we are not careful how we design the outreach, education and roll out of the program it will limit uptake over time.

The member also noted that in regard to metrics, in most markets the trend is towards measuring consumer outcomes, they are looking at things like switching rates, but in reality if you are switching to products that are not better for you that doesn't necessarily improve the consumer wellbeing, so being clear about what sorts of consumer benefit metrics can actually shine a light on the scheme and the benefits coming through.

The Chair thanked Jo Gurry for her presentation.

Jill Berry from Adatree presented on 'Debunking Build and they will come and why companies are not participating in the CDR and constructive recommendations to increase adoption'.

Jill Berry noted that she left her job in June 2019 and set up Adatree as she wanted to build an ADR platform accessible by one API to make it a lot easier whilst still maintaining the standards after hearing about the CDR.

Adatree asked where are all the ADRs? They have talked to about 200 companies who have various forms of interest in the CDR. They noted that companies are becoming ADRs because i). they want to be innovators – early adopters ii). they are ethics driven and iii). want to be viewed as trustworthy. They note that a number of companies are using the CDR for an unintended purpose, they want to be accredited for a PR stunt!

Adatree noted that the CDR and the Scott Farrell Report into Open Banking is personally her "Harry Potter" - looking into what great outcomes will happen for consumers. End users ultimately don't choose whether they participate in CDR screen scraping or another data sharing method. The companies are actually the CDR customers and we need to understand what motivates them.

Adatree noted that on product development, if you are able to understand why someone would want a solution you have to understand the tasks. They noted that the reason products fail is because i). lack of customer understanding ii). alternatives and iii). problem not solved.

Adatree asked why aren't companies becoming accredited? They noted that there is i) no/invalid use case ii). ethical indifference and iii). budget/resource constraints. They noted if you have a use case, desire and budget why are they still not participating? They noted that there is confusion about data sharing obligations and if there was clarity on this, it could potentially unleash a ton of new business and consumer non-banking lenders as ADRs. Another reason is that use cases don't work with the rules. For example, companies that want to be accredited for a PR stunt still have data sharing and a value proposition, but with the rules on derived data it just doesn't work so they would rather be accredited and never receive data through the CDR.

Adatree asked how can we incentivise companies to participate into the CDR? i). Define success - what is your ADR participant goal, goal of impacted end consumers, what is your use case goal, diversity of application ii). Listen to the market – why aren't companies participating, what use cases cannot be enabled and are the rules fit for purpose iii) Align KPIs to CDR goals – how are Treasury & ACCC personally committed? and iv). Educate businesses – why should they use it, CDR vs screen scraping, look into incentives for early adopters.

Adatree noted that the UK has banned screen scraping to get lots of DRs, what are going to be the triggers to pull companies into Open Banking in Australia?

One member agreed with the summary of where we are at but having said that they are a bit more emphatic about the amount of work that goes on behind the scenes. Even in the UK example with a lot of push, the data took a long time to get up to 22 million calls per day. They think the idea of incentives is interesting, but they are optimistic that the hard work will pay off in 12/18 months.

One member noted that, in regard to the "rules are not fit for purpose", are they seeing these topics and matters being discussed in consultations? Adatree noted that those are the conversations they are having personally with aspiring ADRs and others.

The Chair asked Adatree whether it is likely from their conversations that some of them will continue to screen scrape and seek accreditation to CDR to wash their brand whilst they continue to screen scrape.

Adatree noted that this was correct.

The Chair noted that there is a possibility for consumer confusion as they are thinking that they are covered by the CDR regime because they are using an accredited organisation, but they are not using the CDR regime.

The ACCC noted that they would carefully consider conduct of this kind if it is potentially misleading.

Adatree noted that it is not against the rules for them to be accredited and engage in screen scraping so it is a delicate balance.

ACCC noted that for a number of the issues raised, the feedback they are getting within the ACCC has been different. However, the competition with screen scraping is a real significant issue. Screen scraping has very low barriers to entry and it's a definite challenge.

The Chair noted that Scott Farrell introduced him to one of the founders of a well know Australian data analytics company. They were very interested in CDR; they had 30 people working full time on 300 use cases. When the ACCC announced the consent arrangements and the DSB announced the CX flows around consent flows he followed them up and invited them to be a member of the committee as they were so interested. They advised that they dropped their interest as their use cases didn't work under the rules and standards. He noted that he is not too alarmed, as this is a higher standard, but we need to understand the balance and benefit and also get the rate and pace of adoption up so the benefit case is much more pervasive for consumers at scale.

One member asked whether there is a list of companies that have come forward with particular use cases that have been struck out because of particular parts of the rules and standards?

The Chair noted that he is not aware of any list, but he has only seen one case. He is more alarmed that the business case only survived in the absence of consent. If anyone is aware of examples and where there is accreditation washing going on, it would useful to find a forum to share that sensitively.

Adatree noted that there will be definitely be "on the record" and more likely "off the record" categories that they could provide anonymized.

ACCC noted that they spent a lot of time talking with potential DRs about their use cases and how that might fit in the framework of the current rules. The result of those discussions was reflected in the draft rules and issues consulted on late last year. The use cases that people are wanting to see progress in the CDR are indicated through some of the measures that were consulted on. Work is continuing to occur in relation to these issues and the rules team is working very closely with Treasury given the upcoming transition.

One member noted that aside from screen scraping in energy there is also data that can be shared outside CDR under energy-specific regulation, which is ethical. They also noted that one potential solution is a required disclosure by ADR's to consumers saying that not only are they accredited for CDR but they have gained this information through CDR mechanisms.

One member noted issues around forms of consultation. This is a very serious form of undertaking which is quite formal about submissions that companies are going to put forward for formal consideration. It might only get a part of the picture and are we open to more informal anonymised less structured avenues for that consultation?

ACCC noted that, from an enforcement and compliance perspective, in terms of use of accreditation while also collecting data via screen scraping, is something the ACCC is aware of in terms of the potential for misleading conduct. Initially, it won't be possible for ADRs to obtain all their data feeds

solely by the CDR and that the ACCC recognises that. The key is that a consumer is fully informed at all times and knows when they are using the CDR and consenting to obtain information for that purpose and the point at which the CDR process ends and the consumer is involved in a different process like screen scraping. The ACCC believes they may have already provided some public guidance on that, but they will check this and confirm at the next meeting.

ACTION: ACCC to confirm whether guidance on co-existence of CDR and screen-scraping has been published.

The Chair thanked Jill Berry for her stimulating presentation and for being so candid. He likes to hear perceptions and rumours of the regime so we are aware of them and perhaps take action. The comments about the context in which the standards operate, our intention is not in any way to be critical of anybody but what we're trying to do is make sure that everybody is fully aware of what's really going on so we can be as nimble and agile as we can.

Treasury Update

Kate O'Rourke from Treasury provided a general update as follows:

Treasury noted how valuable these discussion and presentations and questions raised are to the observers. They will take careful note and reflect on the things raised because they all go to the heart of our KPIs and making this a successful regime.

Treasury noted that we have a new Minister for Digital Economy which was part of the reshuffle in December. The Prime Minister has decided to give this role to Senator Hume and her responsibilities have been expanded to very expressly say digital economy which is welcome and fantastic development for CDR to have a minister who's dedicated to digital economy. Minister Hume will be making the rules moving forward now that it's shifting across from the ACCC. Treasury, who gives advice to the Minister, will be taking a more central and coordination role, not just for policy but for the rule making. They are also looking forward to welcoming the DSB into Treasury.

Treasury noted in regards to the Farrell Report (Inquiry into Future Directions for the CDR), it is long and complex with 100 recommendations and significant reform ideas. They have been working on providing advice to the government on the appropriate response and there will be some consultation on that. They have broken the 100 recommendations into four categories i). data sharing enhancements ii). action initiation iii). payment initiation and iv). leveraging and linking the CDR to the broader data economy. They will be consulting and advising the government on the recommendations.

Treasury noted the continuing work on the rules/design review and how consideration is being given to how we might make the rules more universal, less complex and ensuring that we get the balance right between principles based and prescriptive law. This work is continuing but Treasury confirms that they are receiving feedback that those goals are appropriate to focus on to make the rules fit for purpose.

Treasury noted in regard to the communication campaign and roll out that stakeholder's view is on Treasury's radar and they are thinking about the timing of campaigns and their design.

Treasury noted, in regard to the metrics piece (reporting by participants on performance metrics), that success (particularly for consumers) is not just about participation levels but about what are the

actual financial and other outcomes. They have benefited from the ACCC's and DSB's work so far on quantitative and qualitative measures. They are also thinking about the economy, innovation, competition and they will also think about CDR participants and what is success from their perspective.

The Chair met with Minister Hume and noted that she is very enthusiastic about the CDR and delighted to be working with us. She has said she has a good understanding on Fintech but the breadth, depth and nuance in CDR was something that she will enjoy getting right into the detail on. She is also very appreciative of the work the Advisory Committee has been doing and asked me to pass that onto you and looks forward to interacting at a higher level than she has in the past with some of us in what we do.

One member asked Treasury when they establish the success metrics, will they share them with this group or even share them publicly?

Treasury noted that this is a reasonable request.

ACCC Update

Jodi Ross from the ACCC provided a general update as follows:

ACCC noted that they are continuing work on developing the next version of the rules to accommodate the energy sector. The ACCC is focussing on taking a cross sectoral approach where possible, and they are working very closely with Treasury colleagues with the impending transition.

ACCC noted that they are expecting to make a couple of announcements in the course of February in terms of further parties gaining accreditation.

ACCC noted that the onboarding team is working very closely and proactively with new data holders (DH's) due to come onboard on 1 July.

ACCC noted that, in regard to the earlier discussion about different models of consultation, they would be very interested on hearing some ideas on what it could look like. Any suggestions are welcome.

ACCC noted that some of you would have seen an announcement from one of the largest banks that they have applied for accreditation. They are quite positive that the momentum is building and agree that it is slow. They are thinking about take up in three ways. Take up by data holders is following a steady timetable in the rules. By data recipients, many of which are not interested in going live before November because they want full data sets that include the lending data sets. Consumer take-up really can't happen until we've got the data recipients in there. One of the really good reasons why none of us are using CDR to switch our loan is that the offerings by DRs aren't in the market. Based on our increasing number of applications, momentum is building but absolutely they want it faster.

One member asked if ACCC holds discussions with potential applicants about how to make it faster, what is holding you back from ACCC's or the applicant side?

ACCC noted that some of the issues that have been identified in specific use cases are certainly policy issues that they are actively discussing with Treasury. They get a lot of feedback with DR's before they have applied and after they applied. They have significantly increased the onboarding support to provide a consistent and reliable onboard process to DR's moving forward.

Meeting Schedule

The Chair advised that the next meeting will be held remotely on Wednesday 10 March 2021 from 10am to 12:00pm.

Other Business

No other business raised.

Closing and Next Steps

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

Meeting closed at 11:55