

15 May 2025

Ms Anna Collyer
Chair
Australian Energy Market Commission

By online submission

Dear Ms Collyer

Request for Rule Change – Access to Information by Participant Representatives

The Australian Energy Market Operator (AEMO) submits this request for the Australian Energy Market Commission (AEMC) to make a rule under section 91 of the National Electricity Law (NEL) and section 295 of the National Gas Law (NGL). The proposed rules seek to clarify and enable AEMO's ability to disclose confidential information to authorised representatives of registered participants and other specified market entities, consistent with existing confidentiality obligations.

AEMO is currently undertaking a major upgrade to its identity and access management (IDAM) systems to improve security, compliance, and operational efficiency across all AEMO-operated markets. This initiative aligns with broader security and critical infrastructure obligations, and is being undertaken in consultation with industry participants.

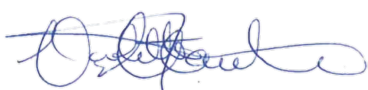
As explained in the attached detailed proposal, the IDAM design would improve efficiency and security by allowing transparent and auditable provisioning of access credentials to individual users providing outsourced or related party services to registered participants. AEMO has identified, however, that existing rules limit AEMO's ability to disclose confidential information directly to external parties who are legitimately authorised by participants to support the operation of their energy business. The proposed rule change seeks to close this regulatory gap.

The proposed NER and NGR amendments would ensure that AEMO's IDAM systems can be implemented without creating unintended compliance risks and that market participants can continue to access necessary information securely and efficiently. AEMO considers that proposal reflects a balanced approach that supports the National Electricity Objective (NEO) and National Gas Objective (NGO) by promoting efficient market operation, security, and competition.

AEMO requests that the AEMC initiate the rule change process and consider this proposal under the standard rule-making procedure. We welcome the opportunity to discuss the proposed amendments further and engage with stakeholders through the consultation process.

Any queries concerning this letter should be directed to Hannah Heath, Group Manager – Strategic Market Reform, at hannah.heath@aemo.com.au.

Yours sincerely,



Violette Mouchaileh
Executive General Manager – Policy & Corporate Affairs





Electricity and Gas Rule Change Request

Access to information by participant
representatives

15 May 2025

aemo.com.au

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1. Summary

AEMO requests the Australian Energy Market Commission (AEMC) to make a rule that:

- Explicitly authorises AEMO to disclose confidential information to authorised representatives of a registered participant (or an entity in another specified market role) that is entitled to receive that information.
- Confirms that registered participants (and AEMO) are permitted to disclose relevant confidential information to authorised third party contractors as required for the registered participant's energy business or operations, provided that measures are in place to maintain the confidentiality of information.

This request proposes amendments to both the National Electricity Rules (NER) and National Gas Rules (NGR).

As part of a suite of measures to support the energy transition, AEMO is designing a significant upgrade to its identity and access management (IDAM) systems across all AEMO-operated energy markets. The IDAM project aims to establish a unified identity fabric for all stakeholders, delivering enhanced operational efficiency and improved data security aligned with industry obligations under the security of critical infrastructure (SOCi) legislation.

Through engagement with industry participants and working groups during the project's design and implementation phases, AEMO has identified opportunities to enhance security, modernise legacy systems, and address industry challenges in accessing AEMO systems.

One key improvement to be delivered under the IDAM project is the ability for registered participants to authorise and de-authorise direct access to specific participant-confidential information by users external to their own organisation. This functionality eliminates the need for alternative access workarounds and ensures that individual access and activity are identifiable in AEMO information systems for enhanced security and compliance.

However, enabling direct access for representatives external to the registered participant effectively results in AEMO disclosing confidential information to those individuals. While the NER and NGR currently permit registered participants to make such disclosures, they do not explicitly authorise AEMO to do so directly.

To address this, AEMO proposes amendments to the rules to explicitly confirm AEMO's ability to disclose information to authorised representatives while maintaining compliance with statutory obligations under the National Electricity Law (NEL) and National Gas Law (NGL). This clarification ensures the final IDAM arrangements uphold robust confidentiality protections without creating legal or compliance risks for AEMO.

2. Relevant background

2.1. Current arrangements for disclosure of information from AEMO systems

AEMO holds and generates large quantities of data and information required by registered participants for electricity and gas market operations. Participants can access this information through various AEMO platforms or portals. Some of this data and information is confidential to the registered participant itself (e.g. data related to its assets, trading activities, or market connection points), or is restricted to a particular group or category of registered participants.

The specific information that participants can access is determined by their registration category and classifications under the NER or NGR. For example, a market generator or retailer may access data relating to their own bids, dispatch instructions, and market settlement results. Other categories of data accessible via AEMO systems include:

- **Bidding and dispatch data** – including submitted offers and dispatch outcomes.
- **Market statistics and reports** – including performance metrics and price outcomes relevant to the participant's obligations.
- **Standing data and participant information** – such as details held in AEMO systems that support market registration and operation.
- **NMI standing data** – information related to connection points classified by the participant.
- **Metering data** – including interval metering data used for settlements and forecasting, for the participant's connection points.

Registered participants operate within diverse organisational and business structures. As a result, individuals who need access to relevant confidential information in AEMO systems may not be officers or staff of the registered participant, but people appointed or engaged to act on the participant's behalf (**external parties**).

Non-exhaustive examples of external parties include:

- Staff from a parent or related group company, particularly where the registered participant is a subsidiary or special purpose entity relying on group staff and resources.
- Contracted service providers performing outsourced functions, sometimes for multiple participants.
- Other entities with an interest in an electricity asset but exempt from registration, such as power purchasers from registered generators.

AEMO's existing IDAM systems have limited options for registered participants to authorise external parties to access their confidential information. These are consistent with regulatory limits on AEMO's authority to directly disclose confidential information, but do not meet the full range of participant business needs across markets. As a result, some participants may share their own access credentials with external parties, creating significant security risks and a lack of transparency.

2.2. IDAM project

The IDAM project is one of three key market interface technology enhancements¹ identified by AEMO as prerequisites to the effective implementation of major NEM reforms. These enhancements represent a strategic step-change in AEMO's market interfacing technologies. AEMO has developed requirements and specifications for these enhancements in collaboration with industry participants, as part of an ongoing process that will continue through the execution phase.

Key issues identified through this collaboration include a need for improved reporting capabilities and flexible organisational data sharing mechanisms. The redesigned IDAM framework aims to address these issues.

Specifically, AEMO's IDAM project proposes functionality enabling external parties authorised by registered participants to directly access confidential information in AEMO systems, using their own individual verified credentials.

To enable this functionality, AEMO must ensure that it is legally authorised to make those disclosures, requiring consideration of the regulatory framework for information disclosure in AEMO-operated energy markets. This request outlines AEMO's view that aspects of the current regulatory framework may impede effective IDAM implementation, and proposes rule changes to address these barriers.

The simplified process flows below provide an overview of the current state described in section 2.1 (Figure 1) and the proposed arrangements facilitated by AEMO's IDAM project (Figure 2):

¹ For detailed background and information about these projects, see [AEMO | Market Interface Technology Enhancements](#)

Figure 1:

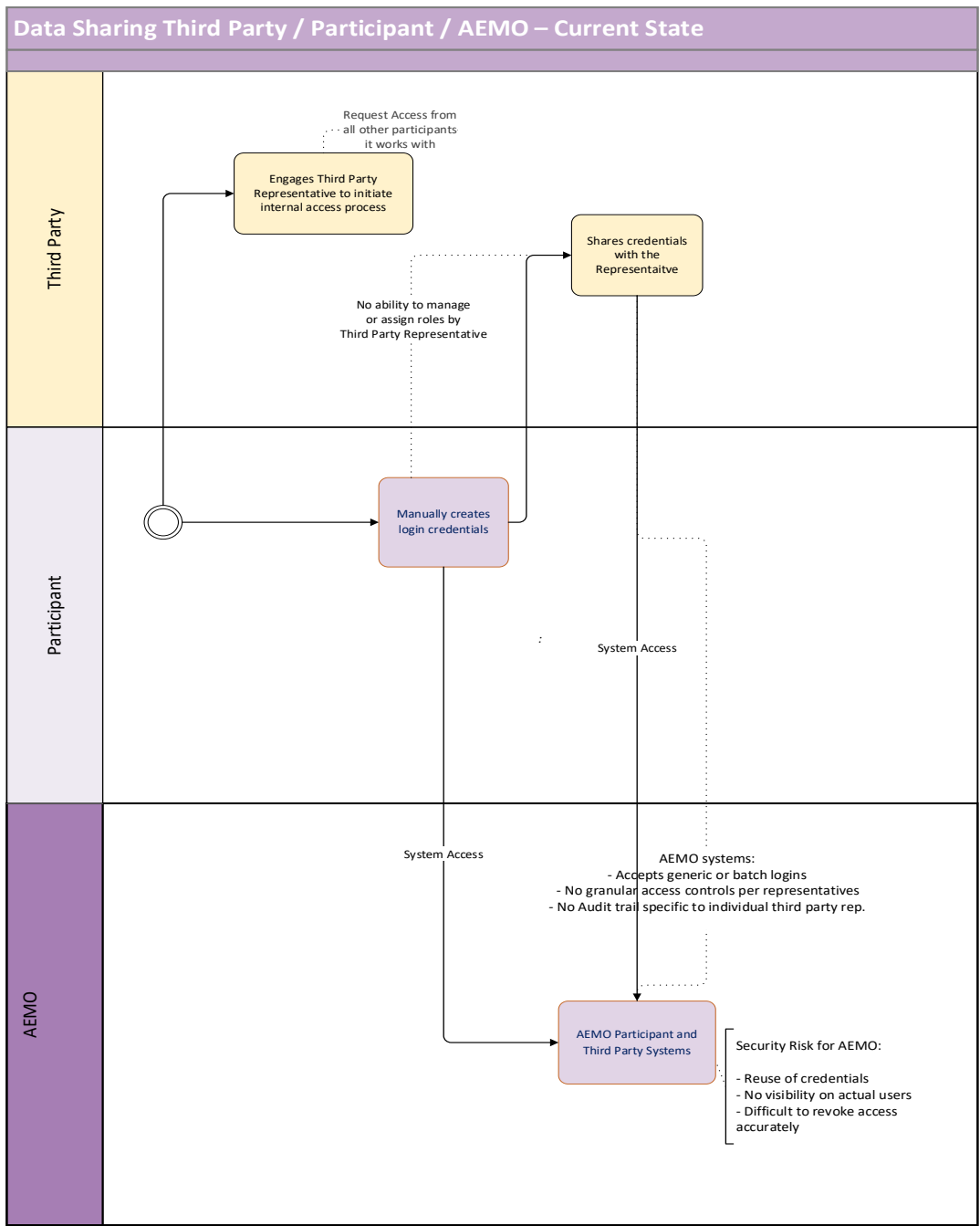
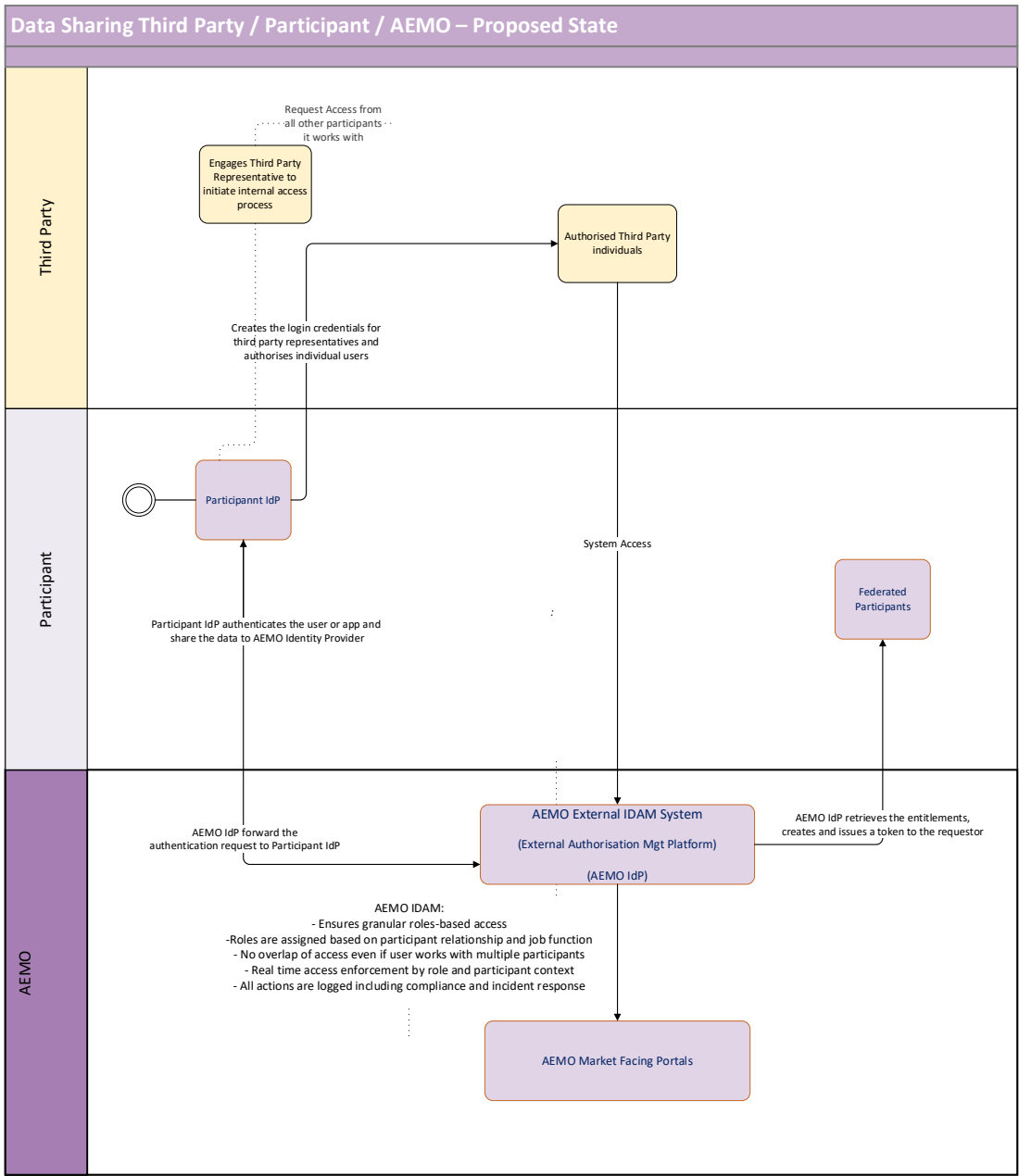


Figure 2:



3. Statement of issue

3.1. Current confidentiality framework

3.1.1. AEMO's confidentiality obligations under national energy laws

The National Electricity Law (NEL)² and National Gas Law (NGL)³ set out AEMO's primary obligations in respect of confidential information ('protected information') received or generated in performing its statutory functions. Protected information is defined as information that is either designated as 'confidential information' in the rules, or is otherwise given to AEMO in confidence.

For convenience, the term 'confidential information' is used in this document to cover both protected information as defined in the laws, and confidential information as defined in the rules.

AEMO may disclose confidential information only under specific circumstances outlined in the NEL and NGL. For the purposes of IDAM, only two of those authorisations are relevant:

1. **Rules based authorisation:** Disclosure is permitted if authorised by the rules (NEL s.54A(2), NGL s.91GA(2)).
2. **Consent based authorisation:** Disclosure is permitted with the written consent of the person from whom the information was obtained (NEL s.54B, NGL s.91GB).

Consent based authorisation can only be given by the person from whom the information was obtained. The data in AEMO systems that a registered participant needs to access for its market or system activities may or may not have originated from the registered participant itself. Metering data for retail customer connection points, for example, is not obtained by AEMO from the retailer. Accordingly, AEMO cannot always rely on a registered participant's consent to disclose confidential information to a participant's representative, even though the rules may allow the registered participant itself to make the disclosure (as explained below).

Rules based authorisation generally restricts AEMO to disclosing only to the registered participant to whom the information relates, or other designated roles (mainly for retail market and metering information), or designated agents (e.g. registered participant agents appointed under the NER).

Once disclosed, participants must comply with their confidentiality obligations under NER 8.6 or NGR part 16.

3.1.2. Participant confidentiality obligations - NER

The registered participant confidentiality obligations in NER 8.6 also extend to other parties who are deemed to be registered participants for these purposes⁴. References in this document to 'registered participants' should be taken to include those other parties, as specified in the NER.

² Sections 54 to 54G

³ Sections 91G to 91GH

⁴ Metering providers, metering data providers, embedded network managers, third party B2B participants (accredited by AEMO under NER 7.17.2) and project developers.

NER 8.6.1 and 8.6.5 impose obligations on registered participants to:

- Not disclose information to anyone except as permitted by the rules.
- Not permit unauthorised persons to have access to confidential information.
- Use all reasonable endeavours to prevent unauthorised access to confidential information in their possession or control.
- Ensure any person to whom they disclose confidential information observes the provisions of rule 8.6.
- Indemnify the AEMC, AER and AEMO against any liability in respect of a breach of rule 8.6 by the registered participant or its officers, agents or employees.

Relevantly for IDAM purposes, NER 8.6.2 permits registered participants to disclose confidential information to:

- Employees and officers of the participant or its related bodies corporate, where they require the information for the purposes of the rules, or for advice purposes.
- Professional advisers, auditors and consultants of the participant.
- Service providers of the participant, but only to disclose NMI standing data (or provide the means to gain electronic access to NMI standing data), in connection with the participant's sale of electricity to end users.

3.1.3. Participant confidentiality obligations – NGR and procedures

NGR 138A imposes confidentiality obligations on gas market registered participants that are similar to the NER, with some differences in permitted disclosees. For example, officers, employees, auditors and professional advisers of both the registered participant and its related bodies corporate are explicitly included, but service providers are not specified as permitted disclosees.

Another key structural difference is that the procedures for AEMO-operated gas markets can permit additional disclosures by registered participants: the NGL envisages that gas market procedures may authorise AEMO to disclose confidential information⁵. For example, jurisdictional gas market procedures (rather than the NGR), deal with retail market operations and roles requiring access to confidential information.

3.2. Issues with the current rules framework

The permitted confidential information disclosures in NER 8.6.2 and NGR 138A(5) apply only to registered participants, not AEMO. The current rules framework limits AEMO's ability to disclose confidential information directly to external parties who are legitimately authorised by participants to support the operation of their energy business. This regulatory gap is the central issue AEMO seeks to address, as it hinders the implementation of IDAM functionality.

⁵ Section 91GA(2)

AEMO has also identified some other aspects of the existing rules that may create ambiguity, unintentionally restrict disclosure to legitimate representatives, or conflict with best practice in data security. These include:

- **Service provider exception (NER 8.6.2(b1)):** Included in the NER in the context of a 2013 rule focusing on NMI standing data⁶, in the current market framework its inclusion in the general participant confidentiality obligations is problematic for a number of reasons:
 - The limitation to NMI standing data implies that service providers engaged by a registered participant for other aspects of its energy business are not permitted to access other confidential information they may require for their role.
 - Allowing participants to give service providers the means to gain electronic access in this instance could imply that other permitted disclosees cannot be given electronic access.
 - The way in which participants provide electronic access to information in AEMO systems introduces security concerns. For example, passing on login credentials that AEMO assigns to a participant entity may give service providers access to information beyond the scope of their authorised activities and is unable to be monitored, or controlled as the service provider is anonymous in their system interaction.
- **Ambiguity regarding participant officers and employees:** Although it is common for contractual and statutory confidentiality obligations to specify officers and employees as permitted disclosees, these provisions in the rules for registered participants do raise questions about the extent of AEMO's own authority to disclose confidential information to a registered participant's officers and employees. As registered participants are (typically) corporate entities, they can only interact with AEMO through their officers and staff, and AEMO must be able to rely on the apparent authority of those individuals to represent the registered participant. AEMO's proposed rule change will have the added benefit of making this clear.

4. How the proposal will address the issues

4.1. Addressing the issues

AEMO proposes amendments to both the NER and NGR to include enabling provisions that expressly permit AEMO to disclose confidential information to authorised representatives of registered participants entitled to receive that information. This would clarify that disclosure by AEMO to an authorised representative equates to disclosure to the registered participant itself.

Authorised representatives must belong to one of the categories in the existing list of permitted disclosees whose roles involve conducting operations on behalf of the participant or providing advice (e.g. employees, officers, agents and consultants), with the addition of service providers. The NER will continue to require⁷ that authorised representatives only access

⁶ National Electricity Amendment (Access to NMI Standing Data) Rule 2013

⁷ The NGR does not currently include this requirement.

information necessary for their roles. AEMO's IDAM systems will strengthen compliance with this requirement by enabling participant administrators to set permissions that restrict individual access to specific data sets, and to revoke or modify permissions as needed.

The proposed rules would empower AEMO to establish procedures that set out the processes, terms and conditions of authorisation and access to confidential information in AEMO systems. This approach allows flexibility to adapt IDAM systems over time in response to evolving security practices. For the NEM, these procedures would be mandated under the NER. Given the disparate nature of AEMO's regulated gas markets and applicable regulatory instruments, AEMO proposes the NGR would give AEMO a discretion to make additional information access procedures if needed.

AEMO would adhere to the applicable consultation requirements in the rules when developing or amending these procedures, subject to any necessary transitional provisions to facilitate timely implementation of the initial IDAM project.

Importantly, each registered participant would retain responsibility for ensuring its representatives comply with confidentiality obligations, regardless of whether confidential information is disclosed directly by the participant itself, or through AEMO's authorisation mechanism.

Note that the proposal relates to the authorisation of external parties by registered participants, who are provided with access to AEMO systems as part of their registration. Authorisation of other parties, such as a customer or a customer's authorised representative, is not within the IDAM system scope and build. This is provided for via other frameworks such as the Consumer Data Right and the Metering Data Provision Procedures in the NER.

4.2. Preserving consumer protections

AEMO's proposed rule change aims solely to facilitate an IDAM process that is secure, efficient, transparent, and flexible to the different operational models chosen by energy industry participants. Enhanced identification and access systems will improve the security of confidential information while supporting participants' legitimate business practices.

The proposed rule change would explicitly permit AEMO to provide confidential information to authorised representatives of registered participants who are entitled to receive it under the rules or gas procedures. Registered participants will remain responsible for determining which of their representatives can access confidential information, and the extent of that access. Registered participants also retain accountability for ensuring compliance with all other legal and regulatory obligations related to consumer and operational data.

The privacy obligations of registered participants and AEMO in respect of any personal information are regulated under separate legislation, as are consumer data right obligations and entitlements and SOCI requirements. This proposal is not intended to impact those rights and protections, and AEMO has not identified any potential interactions with this proposal that would negatively impact them.

4.3. AEMO procedure changes

As part of the IDAM initiative, AEMO has identified a need to introduce or update specific procedures and protocols to support participants in authorising and managing access to AEMO systems by appropriate external parties. While most of AEMO's procedures are unrelated to or unaffected by access arrangements, these updates will provide clear guidelines for participants seeking to establish access to information for their authorised representatives.

4.4. Stakeholder engagement

AEMO has socialised the need for this rule change with the Market Interface Technology Enhancements Working Group, formed by AEMO to enable collaboration with industry to progress the planning and implementation of key deliverables which relate to market interface technology, including IDAM, Industry Data Exchange (IDX) and Portal Consolidation (PC). In addition, AEMO has held discussions with several interested parties across utilities. In all cases, the proposals in this request have received broad support.

5. Proposed rule

5.1. Description of the proposed rule

The Appendix sets out AEMO's proposed draft rules to address the issues described in this request, for the NER and NGR respectively.

AEMO proposes amendments to the confidentiality provisions in the NER (rule 8.6) and NGR (part 16) to make it explicit that, where AEMO is authorised to disclose confidential information to a registered participant or an entity in another specified role, the disclosure may be made directly to a 'representative' who is authorised by the participant to receive that information on its behalf.

The NER glossary has an existing definition of a person's 'representative', being an employee, agent or professional adviser of that person, its related bodies corporate or third-party contractors. AEMO proposes to use this term as the starting point for permitted AEMO disclosures in both the NER and NGR.

NER amendments are proposed to:

- Expand the existing definition of *representative* to include all types of permitted disclosees already specified in clause 8.6.2(b) and, for completeness, Registered Participant Agents appointed under clause 4.11.5.
- Apply this defined term both in the existing confidentiality provisions and a new clause (8.6.4) authorising AEMO to disclose information to representatives of registered participants.
- Require AEMO to make procedures about the processes by which registered participants can establish, manage and revoke the authorities of individual representatives to access

confidential information on their behalf, and set out the terms and conditions of access to AEMO systems and databases. Participants are required to comply with those procedures.

- Clarify that registered participants may not authorise anyone who is not a defined 'representative' to receive information from AEMO under this rule, and the authorisation of representatives to receive confidential information must be consistent with the extent of permitted disclosure by the registered participant itself under clause 8.6.2(b).
- Add a new condition in clause 8.6.3, equivalent to NGR rule 138A(8), extending the duty of confidentiality to persons to whom confidential information is disclosed, whether that disclosure was made in accordance with or in breach of rule 8.6.
- Amend the indemnity given to the market bodies under clause 8.6.5 to cover acts or omissions of representatives that are not consistent with the participant's confidentiality obligations. Changes to this clause will need to be more extensive if the duty of confidentiality is not expanded to disclosees as proposed above.

NGR amendments are proposed to:

- Add a new definition of 'representative' in part 16, equivalent to the proposed NER definition.
- Apply this defined term both in the existing confidentiality provisions and a new rule (138AA) authorising AEMO to disclose information to representatives of registered participants.
- Permit (but not require) AEMO to make procedures about the processes by which registered participants can establish, manage and revoke the authorities of individual representatives to access confidential information on their behalf, and set out the terms and conditions of access to AEMO systems and databases. Participants are required to comply with any procedures made under this rule.
- For consistency with the corresponding NER requirement, add an NGR obligation to take appropriate precautions to ensure that each proposed disclosee keeps the information confidential, as a condition of disclosure, and extend the disclosure conditions to representatives authorised to receive confidential information directly from AEMO.
- Clarify that registered participants may not authorise anyone who is not a defined 'representative' to receive information from AEMO under this rule.
- Amend the indemnity given to the market bodies under rule 138A(7) to cover acts or omissions of representatives and other disclosees that are not consistent with the participant's confidentiality obligations.

5.2. Minor/consequential amendments

The rule drafting proposed in the Appendix includes minor and consequential amendments for consistency with the proposed new direct disclosure provisions, and to update or correct existing rules. These include, for the NER:

- Amend the headings in part C of chapter 8 to reflect the inclusion of permitted disclosures by AEMO, in addition to registered participant confidentiality obligations.

- Relocate clause 8.6.1A (extending the application of part C to specified non-registered participants) so it appears at the start of rule 8.6.
- Clarify that the defined term ‘Disclosee’, currently used in rule 8.6, also relates to persons other than registered participants who are covered by rule 8.6, and use the defined term where appropriate in rule 8.6 to refer to a person to whom confidential information is disclosed.
- Delete clause 8.6.2(l), which lists the publication of a profile as a permitted disclosure. This is proposed because the concept and definition of a *profile* was deleted in February 2021.
- Italicise the term ‘representative’ or ‘representatives’ in some other clauses where it is currently used.

5.3. Transitional matters

The proposed rule is an enabling measure. For the NER, the proposed rule envisages that AEMO will make procedures detailing the authorisation requirements and terms and conditions of access to participant confidential information by their representatives. These procedures need not be made before the rule is effective, but would be required (under transitional provisions) before the relevant IDAM system functionality is implemented.

AEMO may decide to create a new IDAM procedure within the NER framework for all AEMO’s participant information systems, or amend or replace existing procedures⁸. For the NGR, AEMO has not proposed a mandatory set of procedures specific to representative access⁹.

To ensure alignment between the rule-making process and the implementation of the IDAM project, transitional provisions may be required for AEMO to develop, consult on and implement the required procedures. This may involve adjustments to the standard rules consultation procedures for the initial version of the procedures, or recognition of prior consultation steps undertaken before a final rule is made. AEMO anticipates that the transitional provisions needed will be influenced by the timing of the AEMC’s rule change process relative to the IDAM project program. Currently, AEMO is targeting implementation of the relevant IDAM functionality in the first half of 2027.

⁸ Such as the Electricity Market Management Systems Access Policy and Procedure at: <https://aemo.com.au/-/media/files/electricity/nem/it-systems-and-change/2016/electricity-market-management-systems-access-policy-and-procedure.pdf?la=en>, or gas interface protocols for the AEMO-operated gas markets.

⁹ AEMO will consider the need to make a central set of authorisation and access procedures for the gas markets, or update or replace existing procedures or gas interface protocols.

6. How the proposed rule contributes to the national electricity and gas objectives

Before the AEMC can make a change to the NER or NGR it must apply the rule making test set out in the NEL and NGL, respectively. This requires an assessment of whether the proposed rule will, or is likely to, contribute to the national electricity objective (NEO) or the national gas objective (NGO).

Section 7 of the NEL states the NEO is: *... to promote efficient investment in, and efficient operation and use of, electricity services for the long-term interests of consumers of electricity with respect to –*

- (a) price, quality, safety, reliability and security of supply of electricity; and*
- (b) the reliability, safety and security of the national electricity system; and*
- (c) the achievement of targets set by a participating jurisdiction –*
 - (i) for reducing Australia's greenhouse gas emissions; or*
 - (ii) that are likely to contribute to reducing Australia's greenhouse gas emissions.*

Section 23 of the NGL defines the NGO as:

... to promote efficient investment in, and efficient operation and use of, covered gas services for the long-term interests of consumers of covered gas with respect to –

- (a) price, quality, safety, reliability and security of supply of covered gas; and*
- (b) the achievement of targets set by a participating jurisdiction –*
 - (i) for reducing Australia's greenhouse gas emissions; or*
 - (ii) that are likely to contribute to reducing Australia's greenhouse gas emissions.*

AEMO considers that the proposed changes would contribute to the achievement of both the NEO and the NGO in the following ways:

- **Transparency and information provision:**

By expressly permitting AEMO to disclose confidential information to authorised representatives of a participant, the rule provides legal clarity that supports more consistent and efficient access to relevant market data. This promotes efficient use and operation of both electricity and gas services and ensures that participants can securely support their business operations using trusted third-party providers. Transparent, permission-based access also strengthens market confidence, supporting long-term consumer interests in price, reliability and security of supply.

- **Impact on competition:**

Although the proposed rule does not change who is allowed to access confidential information, it improves how that access is facilitated. By removing administrative and legal uncertainty, it enables participants to more confidently engage external providers, such as consultants and service providers, to support their market operations. This encourages innovation and competition in energy services and digital solutions, supporting the efficient

operation and investment in services that underpin a more competitive and adaptive energy sector.

- **Security and risk management:**

The IDAM project aligns with key obligations under the SOCI Act, supporting industry efforts to uplift cybersecurity, identity management, and system access control. The proposed rule gives effect to a critical enabler of that uplift by ensuring that AEMO can implement access controls that directly identify, authenticate, and limit access to authorised individuals, even where those individuals are not employees of the registered participant. This contributes to the security and reliability of both electricity and gas systems by reducing the likelihood and impact of unauthorised data access or system misuse.

- **Operational efficiency:**

The IDAM initiative forms part of AEMO's broader digital transformation program, which is designed to modernise systems, improve efficiency, and deliver future-ready market platforms. The proposed rule is necessary to realise the full functionality of AEMO's upgraded identity and access systems, enabling seamless onboarding and offboarding of users, granular access controls, and real-time auditability. These capabilities allow energy market participants to streamline business operations and support evolving operating models, in turn contributing to the efficient use and operation of energy infrastructure and systems.

- **Long-term efficiency benefits for consumers:**

The combined effect of improved access management, enhanced system security, and reduced administrative burden is a more resilient, secure and cost-effective energy system. These efficiencies allow participants to better manage compliance, reduce operational overheads, and respond more flexibly to changing market conditions. Over time, these benefits are expected to flow through to consumers via lower costs, greater service reliability, and increased scope for innovation in retail and behind-the-meter services.

7. Expected benefits and costs of the proposed Rule

As access to data in its various forms is becoming increasingly necessary to support the rapidly evolving energy sector, confidence and transparency in the secure management of that data should necessarily be robust.

The expected benefits of the proposed changes are:

1. **Market and consumer benefits:**

- Improved data security mitigates risks of breaches, enhancing trust in energy market operations and the security of customer related information.
- Streamlined access mechanisms reduce administrative inefficiencies for market participants and service providers.

- Enhanced flexibility for participants promotes innovation and competition, benefiting consumers with better services and pricing, and providing the potential for long-term operational efficiencies which may result in cost savings passed on to consumers.

2. Regulatory and system benefits:

- Clearer regulatory provisions reduce ambiguities, ensuring consistent compliance and operational alignment.
- Improved IDAM systems foster adaptability to future technological advancements.

Conversely, not proceeding with this proposal would mean a continuation of workarounds such as shared credentials, with their associated security risks. This has the potential to result in data breaches, non-compliance penalties and a reduction in trust in the management of data in the energy market.

Costs of implementation:

- The system functionality for registered participants to authorise and de-authorise direct access to some or all participant-confidential information by users who are external to the registered entity itself is a feature of the IDAM system being deployed by AEMO to ensure compliance with the SOCI legislation. As a result, there are no additional costs for AEMO to implement the IDAM framework capability discussed in this proposal.
- AEMO would bear administrative costs related to the documentation of system interfaces, the coordination of system updates and the associated procedural development activities, however, this is not expected to be a material addition to the delivery of the broader IDAM project.
- Registered participants would need to accommodate transitional costs to adjust their access management practices in alignment with the new framework, however, the uplift to accommodate the requirements of this proposal is unlikely to be material, noting that a transition program will be required in any case to support the deployment of the new IDAM system.

By addressing existing inefficiencies and risks while enabling flexible and secure data access, the proposed rule delivers substantial long-term benefits to consumers and the energy market as a whole.

Appendix A. Draft of proposed rules

A.1 National Electricity Rule amendments

This draft is based on version 227 of the National Electricity Rules.

8. Administrative Functions

8.1.3 Structure of this Chapter

...

- (b) It is divided into Parts as follows:

...

- (3) Part C deals with ~~confidentiality obligations; the obligations of Registered Participants to maintain confidentiality;~~

Part C **Registered Participants' c**onfidentiality obligations

8.6 Confidentiality

8.6.A1 Application *[note: relocated provision – no changes]*

For the purposes of this Part C only, "Registered Participant" is deemed to include not just Registered Participants but also Metering Providers, Metering Data Providers, Embedded Network Managers, Third Party B2B Participants and project developers.

8.6.1 Confidentiality **obligations of Registered Participants**

- (a) Each *Registered Participant* must use all reasonable endeavours to keep confidential any *confidential information* that comes into the possession or control of the *Registered Participant* or of which the *Registered Participant* becomes aware.
- (b) A *Registered Participant*:
- (1) must not disclose *confidential information* to any person except as permitted by the *Rules*;

Note

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

- (2) must only use or reproduce *confidential information* for the purpose for which it was disclosed or another purpose contemplated by the *Rules*; and

Note

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

- (3) must not permit unauthorised persons to have access to *confidential information*.

Note

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

- (c) Each *Registered Participant* must use all reasonable endeavours:
 - (1) to prevent unauthorised access to *confidential information* which is in the possession or control of that *Registered Participant*; and
 - (2) to ensure that any person to whom it discloses *confidential information*, or who it authorises to receive *confidential information* under clause [8.6.4], observes the provisions of this rule 8.6 in relation to that information.
- (d) The officers of a *Transmission Network Service Provider* participating in *transmission service* pricing must not be involved in or associated with competitive electricity trading activities of any other *Registered Participant*.

Note

This paragraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

- (e) A *Transmission Network Service Provider* participating in *transmission service* pricing must provide to any *Transmission Network Service Provider* or *Registered Participant* which supplies information for *transmission service* pricing an undertaking that the *Transmission Network Service Provider* to which that information was supplied will comply with the confidentiality requirements set out in 6.9.2A.

Note

This paragraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

8.6.1A — Application *[note: provision relocated]*

~~For the purposes of this Part C only, "Registered Participant" is deemed to include not just Registered Participants but also Metering Providers, Metering Data Providers, Embedded Network Managers, Third Party B2B Participants and project developers.~~

8.6.2 Exceptions

~~This rule 8.6 Clause 8.6.1~~ does not prevent:

- (a) **(public domain)**: the disclosure, use or reproduction of information if the relevant information is at the time generally and publicly available other than as a result of breach of confidence by the *Registered Participant* who wishes to disclose, use or reproduce the information or any Disclosee of person to whom the *Registered Participant* has disclosed the information;
- (b) **(~~employees and advisers~~representatives)**: the disclosure of information by a *Registered Participant* or ~~the *Registered Participant's* its~~ Disclosees to a representative of the *Registered Participant*:
 - ~~(1) an employee or officer of the *Registered Participant* or a related body corporate of the *Registered Participant*; or~~
 - ~~(2) a legal or other professional adviser, auditor or other consultant (in this clause 8.6.2(b) called **Consultants**) of the *Registered Participant*,~~
 which requires the information for the purposes of the *Rules*, or for the purpose of advising the *Registered Participant* or ~~the *Registered Participant's* its~~ Disclosee in relation thereto;
- (b1) ~~**[Deleted] (service providers)**: the disclosure of *NMI Standing Data* or the provision of means to gain electronic access to that data by a *Customer* or *Integrated Resource Provider* or the *Customer's* or the *Integrated Resource Provider's Disclosees* to a person who requires the *NMI Standing Data* for the purposes of providing services in connection with the *Customer's* or *Integrated Resource Provider's* sale of electricity to end users.~~
- (c) **(consent)**: the disclosure, use or reproduction of information with the consent of the person or persons who provided the relevant information under the *Rules*;
- (d) **(law)**: the disclosure, use or reproduction of information to the extent required by law or by a lawful requirement of:
 - (1) any government or governmental body, authority or agency having jurisdiction over a *Registered Participant* or its *related bodies corporate*; or
 - (2) any stock exchange having jurisdiction over a *Registered Participant* or its *related bodies corporate*;
- (d1) **[Deleted]**
- (e) **(disputes)**: the disclosure, use or reproduction of information if required in connection with legal proceedings, arbitration, expert determination or other dispute resolution mechanism relating to the *Rules*, or for the purpose of advising a person in relation thereto;
- (f) **(trivial)**: the disclosure, use or reproduction of information which is trivial in nature;
- (g) **(safety)**: the disclosure of information if required to protect the safety of personnel or equipment;

- (h) **(potential investment)**: the disclosure, use or reproduction of information by or on behalf of a *Registered Participant* to the extent reasonably required in connection with the *Registered Participant's* financing arrangements, investment in that *Registered Participant* or a disposal of that *Registered Participant's* assets;
- (i) **(regulator)**: the disclosure of information to the *AER*, the *AEMC* or the *ACCC* or any other regulatory authority having jurisdiction over a *Registered Participant*, pursuant to the *Rules* or otherwise;
- (j) **(reports)**: the disclosure, use or reproduction of information of an historical nature in connection with the preparation and giving of reports under the *Rules*; or
- (k) **(aggregate sum)**: the disclosure, use or reproduction of information as an unidentifiable component of an aggregate sum. ~~and~~
- (l) ~~**[Deleted] (profile): the publication of a profile.**~~ *[Note: deleted because this paragraph originally referred to the defined term “profile”, meaning: “Metering data or costs for a period longer than a trading interval allocated into trading intervals.” The concept and definition of profile was deleted in February 2021 by the National Electricity Amendment (Simplification of NER definitions) Rule 2020 No. 17. Without definition or context, ‘profile’ is too broad and could unintentionally include confidential/personal information]*
- (m) **[Deleted]**
- (n) **[Deleted]**
- (o) **[Deleted]**

8.6.3 Conditions

- (a) ~~In the case of a disclosure under clauses 8.6.2(b), 8.6.2(b1), and 8.6.2(h),~~ prior to making ~~a the~~ disclosure under clause 8.6.2(b) or 8.6.2(h), or authorising a *representative* to receive confidential information under clause [8.6.4], ~~the a~~ *Registered Participant* ~~that wishes to make the disclosure~~ must:
 - (i) inform the proposed *Disclosee* ~~recipient~~ of the confidentiality of the information; ~~and must~~
 - (ii) take appropriate precautions to ensure that the proposed *Disclosee* ~~recipient~~ keeps the information confidential in accordance with the provisions of this rule 8.6 and does not use the information for any purpose other than that permitted under clause 8.6.1.

Note

This clause is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

- (b) When confidential information is disclosed either in accordance with or in breach of this rule 8.6, the duty of confidentiality imposed by this rule extends to the *Disclosee* of that information.

8.6.4 **[Deleted] Disclosure by AEMO to Registered Participant representatives**

[Note: proposed to re-use this clause number, as it was marked 'deleted' in NER version 1]

- (a) Where AEMO is required or permitted to disclose confidential information to a Registered Participant, AEMO may disclose that information to a person authorised by the Registered Participant to receive that information as its representative, in accordance with the procedures made under paragraph (b).
- (b) AEMO must, in accordance with the Rules consultation procedures, develop, publish and maintain procedures for the management of access to confidential information by representatives of Registered Participants, including:
 - (1) processes for Registered Participants to establish, manage or revoke the authority of their representatives to access confidential information on their behalf; and
 - (2) the requirements, terms and conditions of access to the electronic communication system or any other AEMO system or database.

[Note: Transitional/savings provisions may be required for the initial version of these procedures (e.g. to modify the rules consultation procedures or recognise prior consultation, to allow the access management system to take effect in a timely way.)]

- (c) Registered Participants and their authorised representatives must comply with the requirements, terms and conditions of access applicable to them as specified in the procedures made under paragraph (b).
- (d) A Registered Participant:
 - (1) must not authorise a person who is not a representative of that Registered Participant to receive confidential information from AEMO under this clause; and
 - (2) must only authorise a representative to receive confidential information to the extent that the Registered Participant itself is permitted to disclose that information to the representative under clause 8.6.2(b).

8.6.5 **Indemnity to AER, AEMC and AEMO**

Each Registered Participant must indemnify the AER, the AEMC and AEMO against any claim, action, damage, loss, liability, expense or outgoing which the AER, the AEMC or AEMO pays, suffers, incurs or is liable for in respect of:

- (a) any breach by that Registered Participant of this rule 8.6; or
- (b) any ~~officer, agent or employee~~ disclosure, use or reproduction of information by a representative or other Disclosee of that Registered Participant that is not consistent with the Registered Participant's obligations under ~~of~~ this rule 8.6.

[Note: If proposed clause 8.6.3(b) is adopted, no change is required to existing clause 8.6.5 other than to replace 'officer, agent or employee' with 'representative or other Disclosee'. If proposed clause 8.6.3(b) is not adopted,

additional changes are needed as indicated above because rule 8.6 only places obligations on the Registered Participant. This means a third party who receives information from the participant and makes unauthorised use of it could not directly breach rule 8.6.]

10. Glossary

Disclosee

In relation to a *Registered Participant*, **including a person deemed to be a *Registered Participant* under clause 8.6.A1,** a person to whom that *Registered Participant* discloses *confidential information*.

electronic communication system

Includes the electronic communication and the *electronic data transfer* system provided to *Registered Participants* by AEMO.

Registered Participant Agent

An agent of a *Registered Participant* appointed under clause 4.11.5.

representative

In relation to a person, any **officer**, employee, agent or professional adviser of:

- (a) that person; or
- (b) a *related body corporate* of that person; or
- (c) a third party contractor to that person; **or**
- (d) **a *Registered Participant Agent* appointed by that person.**

[Note: Italicisation of 'representative' is inconsistent. While not appropriate for all uses, consider italicizing in clauses 4.11.5(e), 8.2.4(d), 8.2.4(e), 8.2.4(f), 8.2.4(h)]

A.2 National Gas Rule amendments

This draft is based on version 84 of the National Gas Rules.

Part 16 Confidential information

136 Interpretation

In this Part:

confidential information means information:

- (a) provided to a Registered participant or to AEMO under or in connection with these rules or the Procedures or derived from information so provided; and
- (b) classified by or under these rules or the Procedures, or by AEMO, the AER or the AEMC, as confidential information.

gas supply information means information obtained by a service provider (but not from a public source) about a person's:

- (a) use or prospective use of pipeline services; or
- (b) acquisition or consumption, or prospective acquisition or consumption, of covered gas.

improper – disclosure or use of relevant confidential information is improper if the information is disclosed or used contrary to this Part.

recognised stock exchange means:

- (a) a stock exchange that is a member of the World Federation of Exchanges; or
- (b) an approved stock exchange within the meaning of section 470 of the *Income Tax Assessment Act 1936* (Cth).

relevant confidential information means:

- (a) information given to a service provider in confidence by a user or prospective user or information about a user or prospective user that the user or prospective user has asked the service provider to keep confidential; or
- (b) gas supply information.

representative means, in relation to a Registered participant, any officer, employee, agent or professional adviser of:

- (a) that Registered participant; or
- (b) a related body corporate of that Registered participant; or
- (c) a third party contractor to that Registered participant.

136 Maintenance of confidentiality

[Applies to defined “service providers” for gas pipelines – no changes proposed]

138 Obligation to disclose gas supply information in certain circumstances

[No changes proposed]

138A General confidentiality obligation of Registered participant

- (1) A Registered participant must keep confidential any confidential information that comes into the participant's possession or control in the course of the participant's business.
- (2) A Registered participant:
 - (a) must not disclose confidential information except as permitted by these rules or the Procedures; and
 - (b) must only use or reproduce confidential information for the purpose for which it was disclosed or another purpose contemplated by these rules or the Procedures; and
 - (c) must not permit unauthorised persons to have access to confidential information.

Note

This subrule is classified as a tier 1 civil penalty provision under the National Gas (South Australia) Regulations. (See clause 6 and Schedule 3 of the National Gas (South Australia) Regulations.)

- (3) A Registered participant must use all reasonable endeavours to prevent unauthorised access to confidential information in its possession or control.
- (4) A service provider for a distribution pipeline must not disclose to a user that is a related body corporate of the service provider confidential information about a user that is not a related body corporate of the service provider.

Note

This subrule is classified as a tier 1 civil penalty provision under the National Gas (South Australia) Regulations. (See clause 6 and Schedule 3 of the National Gas (South Australia) Regulations.)

- (5) This rule does not prevent:
 - (a) the use or disclosure of information that has entered the public domain; or
 - (b) the disclosure, subject to subrule (4), of information for the purposes of these rules or the Procedures or for obtaining advice about the application of these rules or the Procedures to ~~a representative officers, employees, auditors or professional advisers~~ of the Registered participant ~~or a related body corporate~~; or

- (c) the use or disclosure of confidential information with the consent of the person to whom the duty of confidentiality is owed; or
- (d) the use or disclosure of information as required by law or a lawful requirement imposed by a government agency, stock exchange or other authority or body; or
- (e) the use or disclosure of information for the purposes of legal proceedings (including dispute resolution processes under these rules, arbitration proceedings, proceedings for an expert determination of a disputed question, or proceedings by way of mediation or some other alternative dispute resolution mechanism); or
- (f) the use or disclosure of information to protect the safety of any person or property; or
- (g) the use or disclosure of information reasonably required in connection with the Registered participant's financing arrangements, investment in the Registered participant, or a disposal of the Registered participant's assets; or
- (h) the disclosure of information to AEMO, the AER, the AEMC or the ACCC or another regulatory body having jurisdiction over the Registered participant; or
- (ha) the use or disclosure of confidential information as required or authorised by or under the *NGL*, the *NERL*, or related rules or procedures; or

Note

This would include (for example) the disclosures required under a RoLR scheme (as defined in Part 6 of the *NERL*).

- (i) the use or disclosure of information of a historical nature for the preparation of a report under these rules or the Procedures; or
 - (j) the use or disclosure of information in an aggregated or other form in which its confidential aspects cannot be identified; or
 - (k) the use or disclosure of trivial information; or
 - (l) the use or disclosure by a Registered participant of information derived from information provided to AEMO by or on behalf of the Registered participant.
- (6) A Registered participant that proposes to disclose information under subrule (5)(b), (d) or (h), or to authorise a representative to receive information under rule 138AA, must:
- (a) inform the person to whom disclosure is proposed of the confidentiality of the information; and
 - (b) take appropriate precautions to ensure that the proposed discloser keeps the information confidential in accordance with the provisions of this rule 138A and does not use the information for any purpose other than that permitted under subrule (2).

- (7) A Registered participant is liable to indemnify the AEMC, the AER and AEMO against loss or damage sustained as a result of a breach of this rule by the Registered participant or a representative or other disclosee ~~an officer, employee or agent~~ of the Registered participant.
- (8) When confidential information is disclosed either in accordance with or in breach of this rule or rule 138AA, the duty of confidentiality imposed by this rule extends to the person to whom the information is disclosed.
- (9) The obligations of a Registered participant with regard to confidential information extend to an Intending participant.

138AA Disclosure by AEMO to Registered participant representatives

- (1) Where AEMO is required or permitted under these rules or the Procedures to disclose confidential information to a Registered participant, AEMO may disclose that information to a person authorised by the Registered participant to receive that information as its representative, in accordance with any applicable Procedures.
- (2) AEMO may make Procedures for the management of access to confidential information by representatives of Registered participants, including:
 - (a) processes for Registered participants to establish, manage or revoke the authority of their representatives to access confidential information on their behalf; and
 - (b) the requirements, terms and conditions of access to the systems and databases maintained by AEMO.

[Note: Transitional/savings provisions may be required for the initial version of these procedures (e.g. to modify the consultation procedures in Part 15B or recognise prior consultation) to allow the access management system to take effect in a timely way. Consequential changes to other procedures are likely to be required]

- (3) Registered participants and their representatives must comply with the requirements, terms and conditions of access applicable to them as specified in any Procedures made by AEMO for the purpose of subrule (2).
- (4) A Registered participant must not authorise a person who is not a representative of that Registered participant to receive confidential information from AEMO under this rule.