

# Consultation on Enhancing access for registered participant representatives

## Overview

On 15 May 2025, the Australian Energy Market Operator (AEMO) submitted a rule change request seeking to clarify and enable its ability to disclose confidential information to authorised representatives of registered participants and other specified market entities, consistent with existing confidentiality obligations.<sup>1</sup>

The AEMC has commenced its consideration of the rule change request with this information sheet, setting out the questions we have for stakeholders and inviting written submissions. We have not published a standalone consultation paper outlining the proposal, but instead point stakeholders to the rule change request provided by AEMO, available on our website and to be read in conjunction with this information sheet.<sup>2</sup>

This information sheet marks the first stage in the rule-making process and includes:

- Background to the rule change request
- Overview of the issues raised in the rule change request and the proposed solution
- Key assessment criteria to guide the Commission's decision-making
- List of consultation questions for stakeholder feedback.

## Background

Chapter 2 of the rule change request explains that AEMO is currently upgrading its identity and access management (IDAM) systems across all AEMO-operated energy markets to improve industry access, enhance operational efficiency and strengthen data security as part of a suite of measures to support the energy transition.<sup>3</sup>

IDAM refers to the technical framework and processes that govern how digital identities are managed and how access to AEMO's systems is controlled. In its market operator role, AEMO holds and generates large volumes of data and information essential for registered participants to operate in the electricity and gas markets. Some of this data and information is confidential to the registered participant (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.

AEMO's rule change request explains that "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)."<sup>4</sup>

Registered participants and their representatives access confidential information through IDAM systems to support their operational needs. The existing IDAM systems offer limited functionality for registered participants to formally authorise external parties to access their confidential information, due to regulatory constraints.

<sup>1</sup> 'Confidential information' is used in the rule change request to cover both protected information as defined in the laws, and confidential information as defined in the rules.

Protected information is defined as information that is either designed as 'confidential information' in the rules, or is otherwise given to AEMO in confidence.

<sup>2</sup> AEMO, [Rule change request](#).

<sup>3</sup> AEMO, Rule change request, pp 5-8.

<sup>4</sup> AEMO, Rule change request, p 5.

## **We are seeking your views on whether existing rules unintentionally restrict disclosure to authorised participant representatives**

As set out in chapter 3 of the rule change request, the current rules frameworks restrict AEMO's ability to disclose confidential information directly to external parties, regardless of if they are legitimately authorised by registered participants. While the National Electricity Rules (NER) and National Gas Rules (NGR) currently permit registered participants to make such disclosures, they do not explicitly authorise AEMO to do so.

Under the National Electricity Law (NEL) and National Gas Law (NGL), AEMO may only disclose confidential information in specific circumstances, including:

- **Rules-based authorisation:** Disclosure is permitted if explicitly authorised by the rules.<sup>5</sup> Rules-based authorisation generally restricts AEMO to disclosing only to the registered participant to whom the information relates.
- **Consent-based authorisation:** Disclosure is allowed with written consent from the person or entity that provided the information.<sup>6</sup>

The rule change request sets out that consent-based authorisation is not always practical, because the data in AEMO systems that a registered participant needs to access does not always originate from the registered participant itself.

The request notes that limits on AEMO's ability to disclose confidential information are hindering its ability to efficiently support the operational needs of market participants. As a result, some participants resort to workaround solutions — such as sharing their own access credentials with third parties — which introduces significant security and compliance risks.<sup>7</sup> These practices undermine transparency and pose ongoing challenges to data protection and system integrity.

## **We are seeking your views on enabling AEMO to disclose confidential information directly to authorised representatives of registered participants**

AEMO is proposing to upgrade the functionality of its existing IDAM systems to allow authorised participant representatives to directly access confidential information in AEMO systems, using their own individual verified credentials. Enabling direct access for representatives external to the registered participant would effectively result in AEMO disclosing confidential information to those individuals.

AEMO considers that the current rules may restrict its ability to do so, potentially impeding effective implementation of IDAM functionality. Chapter 5 of the rule change request sets out the proposed rule, which would amend both the NER and NGR to:

- Explicitly authorise 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.
- Confirm that registered participants (and AEMO) are permitted to disclose relevant confidential information to authorised representatives as required for the registered participant's energy business or operations, provided that measures are in place to maintain the confidentiality of information.

## **We are seeking your views on how the proposed rule will preserve consumer protections and maintain privacy obligations**

The proposed changes would clarify that disclosure by AEMO to an authorised representative equates to disclosure to the registered participant. The request indicates that 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.<sup>8</sup>

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<sup>5</sup> NEL s 54A(2) and NGL s 91GA(2).

<sup>6</sup> NEL s 54B and NGL 91GB.

<sup>7</sup> AEMO, Rule change request, p 5.

<sup>8</sup> AEMO, Rule change request, p 11.

The proposed change includes that registered participants would remain responsible for determining which representatives may access confidential information and the scope of that access. The registered participants would also retain accountability for compliance with all legal and regulatory obligations related to consumer and operational data.

AEMO noted that upgrades to its IDAM system will help to reinforce compliance by allowing participant administrators to assign, modify, or revoke access permissions for individual users, ensuring that access is limited to only the information necessary for their roles.

Privacy obligations for both AEMO and registered participants — particularly regarding personal information — are governed by separate legislation, including the Consumer Data Right and Security of Critical Infrastructure (SOCRI) frameworks. The rule change indicates that AEMO has not identified any adverse interactions between this proposal and those existing protections.

The proposed rules would empower AEMO to establish procedures governing the authorisation and access processes for confidential information within its systems. These procedures would be developed in accordance with existing consultation requirements and could be adapted over time to reflect evolving security standards.

It is important to note that the proposal applies only to external parties authorised by registered participants. It does not extend to customers or their authorised representatives, whose access is governed by other frameworks such as the Consumer Data Right and the Metering Data Provision Procedures under the NER.

### We propose to use three key assessment criteria for this rule change request

Considering the National Electricity Objective (NEO), the National Gas Objective (NGO) and the issues raised in the rule change request, the Commission proposes to assess the rule change request against three assessment criteria. We are interested in stakeholder feedback on our proposal to assess the request against:<sup>9</sup>

- **Principles of market efficiency:** Would risks, including potentially privacy, be appropriately allocated? Would this rule change increase transparency on how information is accessed from AEMO systems?
- **Innovation and flexibility:** Would this support innovation and deliver the benefits of innovation to consumers? Would this be future-proof, resilient and able to accommodate market, technological and policy changes?
- **Principle of good regulatory practice:** Would this promote predictability and stability in the regulatory framework for stakeholders? Would this promote simplicity and transparency for all stakeholders in the disclosure of confidential information?

### Consultation questions

We have included a list of questions below to guide feedback. However, you are welcome to provide feedback on any additional matters that may assist the Commission in making its decision.

**Question 1:** Do you agree that the current rules limit AEMO's ability to disclose confidential information to authorised representatives of registered market participants?

**Question 2:** Do you support permitting AEMO to disclose confidential information to authorised representatives of registered participants and specified market entities, and to establish procedures governing the authorisation and access processes for confidential information? What are your views on the expected benefits and costs of the proposed solution?

**Question 3:** Do you consider there are variations or alternatives to the proposed solution that could improve authorised third-party access to the specified information?

**Question 4:** Are there potential privacy or other confidentiality issues that should be considered and addressed as part of the rule-making process?

**Question 5:** If the rule is made as proposed, are there existing operational or other

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<sup>9</sup> NEL s 7 and NGL s 23.

disclosure arrangements that stakeholders may need to maintain during any transition to the proposed disclosure framework?

**Question 6:** Do you agree with the proposed key assessment criteria? Are there additional criteria that the Commission should consider or criteria included here that are not relevant?

### Submissions are due by 6 November 2025

Stakeholders can help shape solutions by participating in the rule change process. Engaging with stakeholders helps us understand the potential impacts of our decisions and, in so doing, contributes to well-informed, high-quality rule changes.

Written submissions responding to this consultation must be lodged with the Commission by 6 November 2025 via the Commission's website, [www.aemc.gov.au](http://www.aemc.gov.au).

**How to make a submission:** Go to the Commission's website, [www.aemc.gov.au](http://www.aemc.gov.au), find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code ERC0415.<sup>10</sup>

Tips for making submissions are available on our website.<sup>11</sup>

**Publication:** The Commission publishes submissions on its website. However, we will not publish parts of a submission that we agree are confidential, or that we consider inappropriate (for example offensive or defamatory content, or content that is likely to infringe intellectual property rights).<sup>12</sup>

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Reference: ERC0415 and GRC0087

9 October 2025

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<sup>10</sup> If you are not able to lodge a submission online, please contact us and we will provide instructions for alternative methods to lodge the submission

<sup>11</sup> See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/submission-tips>

<sup>12</sup> Further information is available here: <https://www.aemc.gov.au/contact-us/lodge-submission>