

## Indicative changes to the National Gas Rules

**Note:**

This is an indicative version of the changes to the National Gas Rules proposed to be made by the *Draft National Gas Amendment (Enhancing access for registered participant representatives) Rule 2026*. It comprises extracts from Part 16 and Schedule 1 of version 88 of the National Gas Rules.

This document is provided for information purposes only. The actual amendments are set out in the *Draft National Gas Amendment (Enhancing access for registered participant representatives) Rule 2026*.

The Australian Energy Market Commission does not guarantee the accuracy, reliability or completeness of this indicative mark-up of the National Gas Rules.

## Part 16 Information protection and use

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### Division 3 Registered participants

#### 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:
  - (a) to prevent unauthorised access to confidential information in its possession or control; and
  - (b) to ensure that any person to whom it discloses confidential information, or any person to whom it authorises AEMO to disclose confidential information, observes the provisions of this rule and rule 138AA in relation to that information.
- (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 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:

(a) -disclose information under subrule (5)(b), (d) or (h); or

(b) authorise disclosure under rule 138AA,

must, prior to making or authorising that disclosure, inform the ~~person to whom disclosure is~~ proposed recipient of the confidentiality of the information and must take appropriate precautions to ensure that the proposed recipient keeps the information confidential in accordance with this rule and rule 138AA and does not use the information for any purpose other than that permitted under this rule or rule 138AA.

- (7) A Registered participant is liable to indemnify the AEMC, the AER and AEMO against loss or damage sustained as a result of:

- ~~(a)~~ a breach of this rule or rule 138AA by the Registered participant or an officer, employee or agent of the Registered participant; or
- (b) any act or omission by a person to whom that Registered participant has made or authorised a disclosure of confidential information where such act or omission would constitute a breach of this rule if it were an act or omission of the Registered participant.
- (8) When confidential information is disclosed either in accordance with or in breach of this rule or of rule 138AA, then subject to section 74 of the NGL 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 Registered participant may authorise other persons to receive confidential information from AEMO**

- (1) A Registered participant may, in accordance with the Procedures published under subrule (2):

  - (a) authorise a person described in rule 138A(5)(b) to receive or otherwise access confidential information from AEMO on behalf of the Registered participant; and
  - (b) vary or revoke such authorisation from time to time.
- (2) AEMO must establish, publish and maintain Procedures which set out:

  - (a) the process for a Registered participant to make, vary or revoke an authorisation in accordance with subrule (1); and
  - (b) the requirements for, and terms and conditions of, access to the system or databases maintained by AEMO.
- (3) A Registered participant must comply with, and take appropriate precautions to ensure that any person it authorises under subrule (1) complies with, the Procedures published by AEMO under subrule (2).
- (4) To the extent that:

  - (a) in accordance with the NGL, the rules or Procedures, AEMO is required or permitted to disclose confidential information to a Registered participant; and
  - (b) that Registered participant has otherwise complied with its obligations under this rule,

AEMO may disclose or otherwise provide access to such confidential information to any persons authorised by that Registered participant in accordance with subrule (1).

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## **Schedule 1      Transitional Provisions**

### **Part 22                      2026 transitional provisions**

#### **Division [X]              Transitional provisions consequent on the National Gas Amendment (Enhancing access for registered participant representatives) Rule 2026**

#### **[XX] Definitions**

(1) In this Division:

**Amending Rule** means the *National Gas Amendment (Enhancing access for registered participant representatives) Rule 2026*.

**commencement date** means 1 March 2027, being the date Schedule 1 of the Amending Rule commences.

#### **[XX]              AEMO Procedures**

(1) By 1 March 2027, AEMO must develop and publish the procedures in accordance with rule 138AA(2) of the rules as in force on the commencement date.