



Australian Government



Consumer  
Data Right

# Secondary users in the energy sector

## Fact sheet

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# 1. Introduction

## 1.1. Consumer Data Right

The Consumer Data Right (CDR) gives consumers greater control over their data, enabling them to access and share their data with accredited third parties to access better deals on everyday products and services.

A glossary of common terms is published on the [CDR website](#).

## 1.2. Secondary user data sharing

Under the CDR, an individual CDR consumer who is an account holder can nominate someone to be a secondary user who can authorise data sharing from the account.

## 1.3. This fact sheet

This fact sheet has been produced by the Australian Competition and Consumer Commission (ACCC). It gives data holders information on how secondary users should be dealt with under the [Competition and Consumer \(Consumer Data Right\) Rules 2020](#) (CDR Rules) in the energy sector.

Participants should read this guide together with the CDR Rules.

## 1.4. Commencement of secondary user data sharing obligations

Consumer data requests made on behalf of secondary users are considered complex requests in the energy sector.<sup>1</sup> The commencement of data sharing for complex requests will arise in phases as outlined in the following table.

**Table 1 Obligation dates in relation to secondary users in the energy sector**

Data holder <sup>2</sup>	Commencement date
Initial retailers	15 May 2023
Larger retailers	1 May 2024
Small retailers that become accredited	15 May 2024 (if accredited before or on 15 Nov 2022) or 18 months after the day it becomes accredited
Small retailers that wish to participate voluntarily	Date of its choosing but no earlier than 15 May 2023

<sup>1</sup> CDR Rules, Clause 8.1 of Schedule 4, clause 8.1.

<sup>2</sup> CDR Rules, Clause(s) 8.1-8.3 of Schedule 4, clauses 8.1-8.3.

## 2. Secondary user data sharing

### 2.1. Secondary users

To be a 'secondary user' of an account, an individual must:

- be at least 18 years of age
- have 'account privileges' - for the energy sector, an individual has account privileges (under the CDR rules) if the individual is a 'customer authorised representative' of the account holder<sup>3</sup>
- be the subject of a 'secondary user instruction' - an instruction from the account holder (who is also at least 18 years of age) to the data holder to treat the individual as a secondary user.<sup>4</sup>

An individual does not need to be an additional or secondary account holder of the relevant account to be nominated as a secondary user. In addition, secondary users are not joint account holders.<sup>5</sup> Separate rules apply to joint accounts.<sup>6</sup> For more information on joint accounts, see the ACCC's [Joint accounts implementation guide](#).

#### 2.1.1. Customer authorised representatives and secondary user instructions

An individual must be nominated as a customer authorised representative by the account holder to be considered to have 'account privileges', in relation to an energy account, before they can be made a secondary user. This is because 'account privileges' in the energy sector means an individual nominated by the account holder as a customer authorised representative for the purposes of:

- (a) rule 56A of the National Energy Retail Rules (NERR) or
- (b) Chapter 7 of the National Electricity Rules (NER)<sup>7</sup>.

The NERR and NER rules allow an account holder to nominate a customer authorised representative and require retailers to provide specified information, for example, consumption data, to a customer authorised representative of the account holder on request.

If an energy account holder would like to make an individual a secondary user for the relevant energy account, but that individual is not yet a customer authorised representative for that account, the retailer should:

- inform the account holder that before an individual can be made a secondary user, they must be nominated as a customer authorised representative, which enables the person to obtain energy data related to the account
- ask the account holder if they would like to authorise that person to share data in relation to the account in accordance with energy legislation (that is, make that person a customer authorised representative) and, if the account holder agrees, process this nomination

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3 'Customer authorised representative' is defined in accordance with Rule 56A of the National Energy Retail Rules; or Chapter 10 of the National Electricity Rules; see section 2.1.1 of this fact sheet for further details.

4 CDR Rules, rule 1.7(1), definition of 'secondary user' and 'secondary user instruction'.

5 Joint accounts are defined in the CDR Rules, rule 1.7(1).

6 See CDR Rules, Part 4A. For more information about the treatment of joint accounts see section 6.2.2 of the [Joint accounts implementation guide](#).

7 CDR Rules, Schedule 4, clause 2.2

- once the individual has been made a customer authorised representative, allow the individual to be made a secondary user, provided other eligibility criteria are satisfied.

## 2.2. Data sharing by secondary users

Under the CDR Rules, a secondary user can authorise the following types of data disclosures.

### 2.2.1. Data disclosures a secondary user can request or consent to

Secondary users can consent to disclosure of CDR data<sup>8</sup> from a data holder to an accredited data recipient (ADR).

Secondary users can also consent to the same other categories of disclosures as an account holder of the relevant account.<sup>9</sup>

### 2.2.2. Data a secondary user can share

A secondary user of an account may consent to the disclosure of the same types of data as an account holder of the relevant account. That is, a secondary user may consent to the disclosure of:

- account data
- billing data
- metering data
- National Metering Identifier (NMI) standing data
- Distributed energy resources (DER) register data
- tailored tariff data.<sup>10</sup>

However, a secondary user can only share their own customer data<sup>11</sup> from the account. They cannot share customer data (including personal information) of another person (for example, the customer data of the account holder or that of another secondary user).<sup>12</sup>

## 2.3. Account holder oversight and control

Where a person has account privileges in relation to an account, data holders are required to provide a service an account holder can use to make or withdraw a secondary user instruction. This service may be provided online or offline.<sup>13</sup>

Once there is a secondary user on an account, the data holder is required to provide an online service to the account holder with a variety of functionalities, including the ability to withdraw a secondary user instruction.<sup>14</sup>

We encourage data holders to provide online functionality for making and withdrawing a secondary user instruction from the outset, in addition to any offline service that may be

8 See Competition and Consumer Act 2010, Part IVD, Division 1, Subdivision C (56A1), definition of 'CDR data'.

9 For example, a secondary user can consent to AP disclosure consents, trusted adviser disclosure consents and insight disclosure consents. See CDR Rules, rule 1.10A(2) for further examples of disclosure consent categories.

10 As defined in CDR Rules, Schedule 4, clause 1.3.

11 Customer data is a subclass of CDR data and 'means information that identifies or is about the person'. It includes things like a person's name and email address. See definition in the CDR Rules, Schedule 4, clause 1.3(1), for further information.

12 CDR Rules, Schedule 4, clause 3.2(3)(b).

13 CDR Rules, rule 1.13(1)(e).

14 CDR Rules, rule 1.15(5).

provided. Facilitating the withdrawal of a secondary user instruction through an online service will satisfy the requirements outlined above.

### 2.3.1. Functionality of account holder's online service

The account holder's online service must:

- Contain relevant information about each authorisation given by a secondary user to disclose CDR data.<sup>15</sup>
- Allow the account holder to make and then withdraw a secondary user instruction.<sup>16</sup> As part of the withdrawal process, it should explain the consequences of the withdrawal.<sup>17</sup>
- Allow the account holder to indicate that they no longer approve of CDR data from their account being disclosed to a particular accredited person in response to a consumer data request made by a particular secondary user (and thereby the data holder must stop that sharing).<sup>18</sup>

If an account holder indicates that they no longer approve disclosures from a secondary user to a particular accredited person, the data holder must stop sharing data under that arrangement. However, the secondary user's authorisation does not expire. The secondary user can still share data from other accounts under the same authorisation.

If the data holder provides a consumer dashboard to the account holder, the online functionality described above must be included in the dashboard.<sup>19</sup>

In the energy sector, CDR consumers are not required to have online access to their energy account to be eligible to share data in the CDR. If an account holder does not have a consumer dashboard because they do not have online access to the relevant account, the data holder must offer a dashboard. If the account holder accepts the offer, the data holder must provide a consumer dashboard. If they decline the offer for a consumer dashboard, the data holder should explain the consequences of this and any alternatives available. In these circumstances, to ensure appropriate secondary user functionality could be provided, the data holder would need to provide the account holder an online service via another online mechanism - for example, by issuing a one-time password to be used on a website set up by the data holder. See [Compliance guide for data holders - energy sector](#) for more information.

### 2.3.2. Notifications to account holder

A data holder must notify an account holder as soon as practicable, through its ordinary means of contacting them, if:

- an accredited person makes a consumer data request on behalf of a secondary user
- a secondary user amends or withdraws an authorisation
- an authorisation given by the secondary user expires.<sup>20</sup>

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15 CDR Rules, rule 1.15(5)(a). Note that this information is specified in the CDR Rules, rule 1.15(3).

16 CDR Rules, rule 1.15(5)(b)(ii).

17 CDR Rules, rule 1.15(5)(b)(vi).

18 CDR Rules, rule 1.15(5)(b)(i) and rule 4.6A. Refer to the knowledge article on [Ceasing Secondary User Sharing](#) for more information.

19 CDR Rules, rule 1.15(7).

20 CDR Rules, rule 4.28.

## 2.4. Authorising disclosures from multiple accounts

If a person is an account holder of one account and a secondary user of another, they can make a single authorisation allowing for a disclosure from both accounts. They do not need to make separate authorisations for each account, the data holder may enable the person to use a streamlined process.

Data holders must not unnecessarily require separate authorisations, because this may introduce friction into the data sharing process which is contrary to the rules.<sup>21</sup>

## 2.5. Withdrawing a secondary user instruction

If an account holder withdraws<sup>22</sup> a secondary user instruction for a person for a particular account, that person will no longer be a secondary user of that account. Therefore, data holders can no longer share data from the account on behalf of the former secondary user.

If the former secondary user of the account no longer satisfies the eligibility criteria<sup>23</sup> because of the withdrawal, the person will cease being eligible in relation to the data holder. Therefore, the person's authorisations to the data holder expire.<sup>24</sup>

However, if the former secondary user of the account continues to satisfy the eligibility requirements<sup>25</sup> (for example, the person holds another account with the data holder in relation to an eligible arrangement that falls under the relevant consumption threshold), the person's authorisations (including for the particular account) will not expire. However, the data holder can no longer share data from the particular account on behalf of the former secondary user. Sharing from other accounts under the same authorisation can continue.

## 2.6. Remaking a secondary user instruction

If a former secondary user's authorisations have not expired (because they remain an eligible CDR consumer in relation to the data holder) and the account holder remakes the instruction to treat them as a secondary user, sharing must recommence under those authorisations.

## 2.7. Losing account privileges

If a secondary user loses account privileges for a particular account (for example, because they are no longer a customer authorised representative on the account), they cease to be a secondary user. Since they do not have account privileges, they no longer meet the definition of 'secondary user'.<sup>26</sup> The data holder must cease sharing data from the account on behalf of the former secondary user.

In these circumstances, the former secondary user may remain an eligible CDR consumer (for example, if the person holds another account or is a secondary user of another account with the data holder that is accessible online). See section 2.5 of this fact sheet for more details about what happens when a secondary user is either no longer eligible (because of the loss of account privileges) or remains eligible.

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21 CDR Rules, rule 4.24(a).

22 CDR Rules, rules 1.13(1)(e)(ii) and 1.15(5)(b)(ii).

23 CDR Rules, rule 1.10B and clause 2.1 of Schedule 4.

24 CDR Rules, rule 4.26(1)(c).

25 CDR Rules, rule 1.10B and clause 2.1 of Schedule 4.

26 CDR Rules, rule 1.7.

## 2.8. Regaining account privileges

Loss of account privileges does not affect a secondary user instruction. The secondary user instruction will remain current unless it is withdrawn. Therefore, if the account holder has not withdrawn the secondary user instruction, a former secondary user automatically resumes being a secondary user if their account privileges are restored. This is only the case if the secondary user remains eligible in relation to the data holder (meaning that their authorisations did not expire when they lost account privileges).

At this point, the data holder must recommence sharing under any of the secondary user's existing authorisations for the account.

## 2.9. Secondary users of joint accounts

For more information on secondary users of joint accounts, see the [Joint accounts implementation guide](#), section 13.

**NOTE: This document provides general guidance only. It does not constitute legal or other professional advice and should not be relied on as a statement of the law. As this is only a guide, it may contain generalisations. We encourage participants to obtain their own professional advice to ensure they understand their obligations under the CDR framework.**