



Listen Assist Resolve

29 May 2013

Manager, SCER Secretariat
Department of Resources, Energy and Tourism
GPO Box 1564
CANBERRA ACT 2601

By email: SCER@ret.gov.au

Dear Sir/Madam

Re: Advice on Privacy for the National Smart Metering Program- Draft Report for Consultation May 2013

Thank you for the opportunity to comment on the Standing Council on Energy and Resources (SCER)'s *Advice on Privacy for the National Smart Metering Program - Draft Report for Consultation May 2013* (the Report).

The Energy and Water Ombudsman (Victoria) (EWOV) welcomes the SCER's Report which builds on the work done in Victoria to ensure that energy companies protect the privacy of customers' Smart Meter data¹.

The Victorian context

EWOV supported the recommendations in the Essential Services Commission (ESC)'s *Smart Meter Privacy Impact Assessment*² (Assessment) and believe that the same principles can be broadly applied in the national context.

EWOV made a submission to the ESC during the consultation process for the Assessment which provides comments that remain relevant at a national level³. In summary, we made the following comments:

¹ See the Department of Primary Industries commissioned Lockstep Consulting Privacy Impact Assessment Report (August 2011) - http://www.dpi.vic.gov.au/_data/assets/pdf_file/0003/138963/Lockstep-DPI-AMI-PIA-Report-1.2.1.pdf and the Essential Services Commission's Smart Meter Privacy Impact Assessment - <http://www.esc.vic.gov.au/getattachment/b8d6a4d7-cacb-4c73-8af3-34ba2a18f0ef/Smart-Meter-Privacy-Impact-Assessment-Draft-Report.pdf>

² See <http://www.esc.vic.gov.au/getattachment/b8d6a4d7-cacb-4c73-8af3-34ba2a18f0ef/Smart-Meter-Privacy-Impact-Assessment-Draft-Report.pdf>

³ See http://www.ewov.com.au/_data/assets/pdf_file/0017/5534/120607_EWOV-Comments_ESC-Smart-Meter-Privacy-Impact-Assessment-Draft-Report-May-2012-FINAL-JWS.pdf

- Energy companies should make necessary operational changes and incur resultant costs to adequately protect the privacy of customers' Smart Meter data.
- Despite a steady growth in the number of EWOV cases where customers were concerned about the privacy and use of their personal information, there has been relatively few cases about the privacy or security of Smart Meter data. This is examined below in more detail.
- Should Smart Meters be rolled out to other states and territories, jurisdictional Ombudsman should consider collecting specific case data to report on privacy-related complaints concerning Smart Meters. Relevant case data and an analysis of complaint trends can be shared with government and regulators.
- Consumer information should be developed to help customers understand how third party providers of energy services, such as the sale of energy management services, store and use Smart Meter data.

EWOV's case handling experience

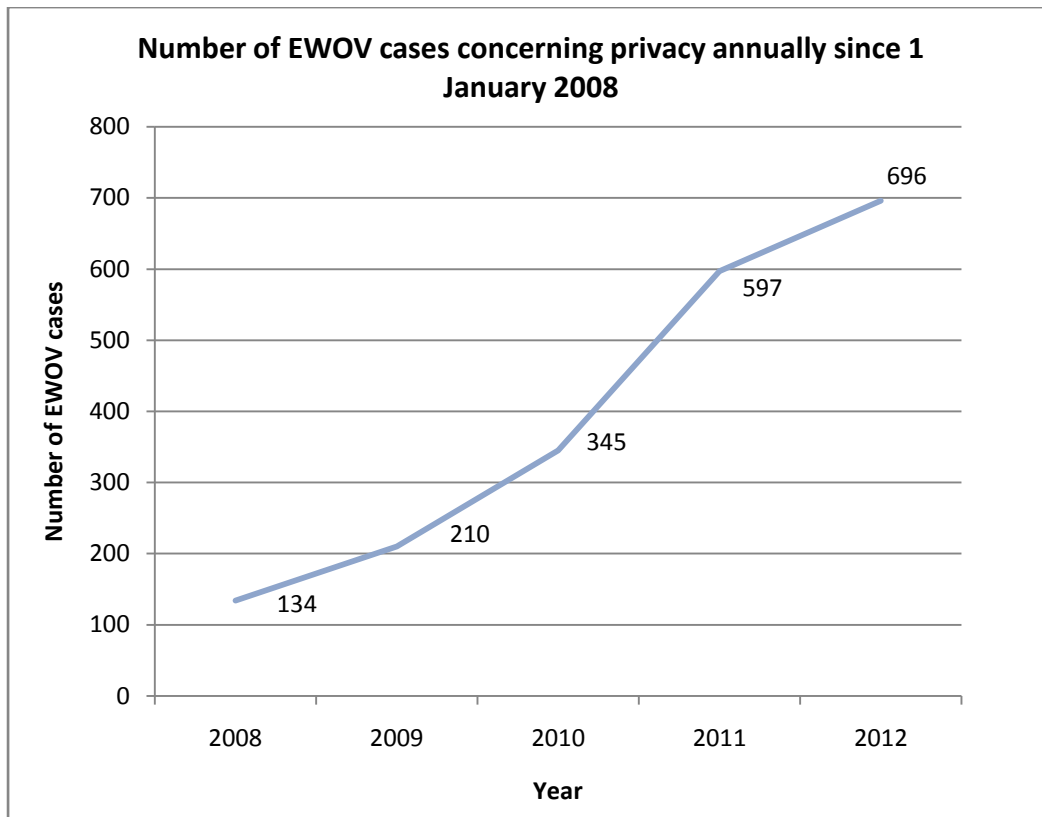
This submission also provides details of EWOV's case handling experience in matters where customers have a privacy concern.

Privacy-related cases overall

The graph below shows the number of EWOV cases received each calendar year since 1 January 2008, from customers who were concerned about their privacy⁴.

⁴ The following qualifications need to be taken into account when reviewing EWOV case data:

- Customers sometimes lodge more than one case. For example, if a customer states that they have concerns about both their electricity and gas accounts, EWOV may register two distinct cases for the same customer.
- Customers sometimes re-contact EWOV. For example, customers sometimes re-contact EWOV because their concerns remain unresolved after previously being referred back to their company. This can result in EWOV registering an additional case for further investigation.



This graph shows a noticeable year-on-year increase in the number of overall EWOV cases where customers had concerns about their privacy. More recently, there was a 17% growth in privacy issues from 2011 to 2012.

Smart Meter-related privacy cases

The Victorian government mandated Smart Meter roll out commenced in 2009. While EWOV has seen a steady increase in overall privacy cases, we received very few cases from customers specifically concerned about privacy issues arising from the use of Smart Meter data. From 1 January 2009 to 24 May 2013, EWOV received only 9 cases about privacy concerns with Smart Meter data. These cases were received from 6 customers and can be summarised as follows:

- Two separate customers were concerned about providing personal information in order to register with a retailer-run web portal that monitors energy usage using data from a Smart Meter⁵.
- A customer was dissatisfied with the behaviour of a door-to-door energy marketer who during a sales visit accessed the customer's Smart Meter data directly from the meter without permission⁶.

⁵ EWOV case references 2012/38470, 2012/38133 and 2012/38141.

⁶ EWOV case reference 2013/22552.

- A customer was concerned that Smart Meter data could be accessed by third parties to determine whether a person is occupying a property⁷.
- A customer had general undefined privacy concerns about the ability of Smart Meters to be remotely read⁸.
- A customer expressed general privacy concerns about Smart Meters⁹.

Although the numbers of Smart Meter-related privacy cases are few, EWOV will keep monitoring this issue as the Victorian roll out continues.

We trust the above comments are helpful. If you require further information or have any queries, please contact Justin Stokes, Senior Research and Communications Officer on (03) 8672 4272 or justin.stokes@ewov.com.au.

Yours sincerely



Cynthia Gebert
Energy and Water Ombudsman (Victoria)

⁷ EWOV case references C/2011/5021 and C/2011/5024.

⁸ EWOV case references C/2010/11626 and C/2010/11628.

⁹ EWOV case reference 2013/10593.