MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Proactive release of Cabinet paper: Designating the Electricity Retail Sector under the Customer and Product Data Act 2025

Minister	Hon Simon Watts Hon Scott Simpson	**Portfolio**	Energy Commerce and Consumer Affairs
Cabinet paper	Designating the Electricity Retail Sector under the Customer and Product Data Act 2025	**Date to be published**	20 February 2026

List of documents that have been proactively released		
Date	**Title**	**Author**
December 2025	Designating the electricity retail sector under the Customer and Product Data Act 2025	Office of the Minister for Energy Office of the Minister for Commerce and Consumer Affairs
9 December 2025	Designating the electricity retail sector under the Customer and Product Data Act 2025 EXP-25-MIN-0127 Minute	Cabinet Office
3 December 2025	Regulatory Impact Statement: Designating the electricity sector under the Customer and Product Data Act 2025	MBIE

Information redacted **YES**

Any information redacted in this document is redacted in accordance with MBIE's and MFAT's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of:

- Privacy of natural persons
- Commercial information

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Regulatory Impact Statement: Designating the electricity sector under the Customer and Product Data Act 2025

Decision sought	Analysis produced to inform Cabinet decisions on the designation of the electricity sector under the Customer and Product Data Act 2025.
Agency responsible	Ministry of Business, Innovation and Employment
Proposing Ministers	Minister for Energy and Minister for Commerce and Consumer Affairs
Date finalised	3 December 2025

Ministers propose to improve data portability in the electricity retail sector to create a system of 'open electricity'. They propose to do this by creating a consumer data right by designating the sector under the Customer and Product Data Act 2025.

Summary: Problem definition and options

What is the policy problem?

New Zealand's electricity market is large, complex and contributes to consumers' difficulty in understanding their electricity usage and billing. Furthermore, the four largest electricity retailers comprise over 85 per cent of the retail market and hold large volumes of New Zealanders' electricity customer data and have no incentive to change due to a lack of competition in the market. In summary, the problem is that competition in the electricity retail system is undermined by:

- a lack of timely access to customer and product data
- inability to share customer data, and
- reluctance of sharing customer and product data in consistent and standardised formats.

The Government has directed that part of this problem be addressed by designating the electricity sector under the Customer and Product Data Act 2025.

What is the policy objective?

The objective is to improve competition in the electricity retail market by increasing data portability. Access to timely, standardised and comparable data has benefits of improving affordability, improving efficiency, enhancing access to innovative products, and improving information security in the retail market.

What policy options have been considered, including any alternatives to regulation?

The policy has been considered under the scope of the Customer and Product Data Act 2025 as directed by Government.

Alternative policy options considered include:

- data holders voluntarily improving data accessibility and standardisation for consumers and their nominees and/or
- the implementation of the Electricity Authority's programme of monitoring and consumer mobility reforms without a consumer data right.

Different packages of options have been considered that cover what data, fees and accreditation levels should be set based on a range of approaches: the status quo, a light touch, high innovation or high customer protection.

What consultation has been undertaken?

MBIE has completed public consultation, two rounds of targeted consultation and established an industry reference group with industry representatives. Directions for policy formation have also been tested with the Electricity Authority's Switch and Data Formats Group.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

Retailers have been unable to separate and quantify costs from work to implement other sector reforms and have indicated that they will be in a better position to do so when the design of the scheme is more certain.

The costs to data holders arise from modernising IT and customer servicing systems. Some of these costs may also address possible underinvestment, some of which is in the process of being addressed. Officials are investigating implementation options that can reduce some of these costs on data holders.

Retailers have indicated that costs could be significant but that robust and clear proposals, developed in conjunction with the Electricity Authority's reforms and considered implementation timeframes will mitigate those expected costs. The decisions being sought in relation to this RIS will help set the direction of work needed from retailers and therefore reduce uncertainty for them.

The proposal will also mean that others in the sector who share information with electricity retailers may have flow-on costs as industry norms are updated. We expect that there will be flow-on benefits from modernised systems for the sector, potentially including innovation, improved efficiency through machine readability, standardisation and improved data quality.

Benefits (Core information)

Customers will be empowered to have more control over their data and to obtain value from it. Machine readable, timely information obtained under a consumer data right will enable customers to make easier choices about the best products and services for their needs and make better decisions about managing their energy use. For example, in the future a customer may want to share their electricity consumption information with an installer of home EV charging to optimise the use of their EV for both transport and as a battery for their home electricity consumption.

Consumers will have more reliable alternatives to existing methods for accessing and sharing their information. Giving consumers more confidence and control over their electricity consumption

data will make it easier for them to shop for new products and services and make it easier for advisors to assist consumers in need.

Consumers can expect lower or avoided costs from:

- Switching to cheaper retail plans. Analysis from the government's 2023 Save500 winter energy savings campaign found an average saving of $358 per year for switching households.
- More efficient and reduced consumption, including from the use of new products and services.
- Network cost savings opportunities from reducing peak demand and overall consumption. While we are not able to predict the quantity of these savings we have indications for savings for other initiatives, such as potential cumulative savings of around $4 billion by 2050 from smart EV charging.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

The RIS does not calculate net benefits because it is difficult to monetise benefits to economy, and consumers at this stage, however, it is estimated that consumers who switched saved on average $358 a year with an estimated cost to all consumers of $2.50 a year (based on initial levy calculations).

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

An implementation group has been established in MBIE to deliver consumer data right designations across sectors. The aim is to replicate the procedures and frameworks of Open Banking, extending and adjusting these as needed for electricity.

A joint group between MBIE (including policy and operations), Office of the Privacy Commissioner and the Electricity Authority will implement this proposal.

Cabinet decisions will be sought in 2026 on implementation options as well as on fees and levies.

Limitations and Constraints on Analysis

There are gaps in the exact costs to data holders as data holders are unable to quantify these until Cabinet decisions around the scope are made. However, data holders support the proposal while costs are under investigation, and effort will be made to make the proposal as cost efficient as possible.

There are also information gaps in expected usage of the regime, although we know that there are over half a million users of the comparison and switching service Powerswitch in 2025.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature: Privacy of natural persons

Scott Russell
Manager, Energy Use Policy
3 December 2025

Responsible Manager(s) signature: Privacy of natural persons

Glen Hildreth
Manager, Consumer Policy
3 December 2025

Quality Assurance Statement	***[Note this isn't included in the four-page limit]***
Reviewing Agency: MBIE	**QA rating:** Partially meets
Panel Comment: **A quality assurance panel from MBIE has reviewed the RIS and CRIS1 on Designating the electricity sector under the Customer and Product Data Act 2025. The panel consider the information and impact analysis summarised in the RIS and CRIS1 partially meets the Quality Assurance Criteria.**	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

The Customer and Product Data Act 2025 establishes an economy wide framework for secure data sharing

1. The Government is considering making regulations designating the electricity retail sector under the Customer and Product Data Act 2025 (CPD Act) to promote competition through greater choice, lower costs, higher quality and more innovation.
2. The CPD Act establishes an overarching framework for Consumer Data Rights, by enabling the Government to make regulations that designate specific sectors.[1] Once a sector is

[1] Customer and Product Data Act 2025

designated, businesses in that sector that hold designated data (e.g., electricity retailers holding consumption data) are required to provide that data in a standardised, machine-readable format, to intermediaries (e.g., accredited requestors such as a comparison site) with the customer's authorisation.

3. The Government has agreed that the banking sector will be the first to be designated, and the retail electricity sector will be considered next.[2] Other sectors that could potentially be designated include telecommunications, insurance, investment or agricultural services.
4. MBIE developed a Regulatory Impact Statement (RIS) in 2021 to inform the overarching design of the Customer and Product Data Bill and a second RIS and Stage One RIS in 2022 to inform technical details and assess cost recovery options.[3] [4]
5. The Government directed focus on using the CPD Act process to deliver these changes.We also considered an alternative option of utilising the Electricity Authority's Industry Participation Code 2010 to deliver these regulatory options, however, this was disregarded as it would not bring the full suite of benefits as a consumer data right (CDR) and was not supported by stakeholders. Part one of the Cost Recovery Impact Statement (CRIS) is included in **Annex One.**

Background on New Zealand's electricity market

New Zealand's electricity market is large, complex and this contributes to consumers' difficulty in understanding their electricity usage

6. The electricity market in New Zealand is large and complex, comprising generation, transmission, distribution, and retail businesses and customers.[5]
7. Electricity is generated commercially by around 43 firms, and the four major electricity generating companies Contact Energy Limited, Genesis Energy Limited, Mercury NZ Limited and Meridian Energy Limited generate over 80 per cent of the country's electricity.
8. There are 39 electricity retailers in New Zealand's wholesale market. The four main electricity retail companies are also the primary generating companies, called gentailers.
9. There are over two million electricity consumers in New Zealand, which includes residential consumers (who consumer 34 per cent), commercial consumers (who consume 25 per cent of electricity) and industrial consumers (who consume 40 per cent). Approximately 2.6 per cent of households generate electricity which they use or sell to their electricity retailer. This number is expected to grow.[6] Prosumers[7] are a small but a growing part of the market.
10. The Electricity Industry Act 2010 establishes the framework for regulating the electricity industry and establishes the Electricity Authority (the Authority). The Authority regulates the electricity market by setting and enforcing the Electricity Industry Participation Code 2010

[2] LEG-24-MIN-0085 refers
[3] MBIE (2021) Regulatory Impact Statement: Establishing a Consumer Data Right www.mbie.govt.nz/dmsdocument/15545-regulatory-impact-statement-establishing-a-consumer-data-right-proactiverelease-pdf
[4] MBIE (2022) Regulatory Impact Statement: Further decisions on establishing a consumer data right www.mbie.govt.nz/dmsdocument/25845-supplementary-regulatory-impact-statement-further-decisions-on-establishing-a-consumer-data-right-proactiverelease-pdf
[5] How electricity works | Electricity Authority
[6] New Zealand's electricity sector | Electricity Authority
[7] Consumers who both consume and generate electricity and either use it or sell it to retailers.

(the Code). The Code sets the rules that govern the electricity industry, covering aspects from generation to retail and consumer care. Key functions of the Authority include making and administering the market participation rules, monitoring and enforcing compliance, market facilitation, industry and market monitoring, and contracting for market services.[8]

New Zealand's four largest retailers hold large volumes of New Zealanders' electricity customer data and have significant market power

11. Electricity retailers hold large volumes of customers' electricity data as part of their operating procedures, and they hold this data using varying technologies and in varying formats depending on their IT system. This is not standardised across the industry.
12. Electricity retailers benefit from using customers' electricity data to inform commercial decisions, such as what prices to charge, what plans to offer, or where to offer their services.
13. The four largest retailers, Contact Energy Limited, Genesis Energy Limited, Mercury NZ Limited, and Meridian Energy Limited hold a combined total of 85.14 per cent (between 17.10 percent and 25.08 percent each) of the retail market share.[9] The remaining 35 retailers each hold less than 5 per cent of the market, with a combined total of less than 15 percent. The four largest retailers supply more than 80 per cent of residential customers. In recent years, many smaller retailers have exited the retail market due to rising wholesale prices, leading to further concentration of market power in the four largest retailers.

Electricity billing is complicated

14. Electricity bills are complicated and do not always provide the necessary information for consumers to make an informed decision about the best retail plan for their needs or to manage or modify their usage.[10]
15. There are no requirements for bills to be presented in a standardised way or to separate different charges, so power bills are difficult to compare.[11] However, the Electricity Authority has recently consulted on changes to make it easier for consumers to understand their bills.[12] Electricity bills are determined by a range of factors, some with nuances that are not always obvious for consumers to understand.[13]

There is some access to customer data, however, this is limited and not meeting consumer needs

16. On 1 February 2016, the Code gave electricity customers the right to access their electricity customer data from their retailer.[14] This was extended on 1 March 2020, to allow a customer's authorised agent to request this information on the customer's behalf.[15] Prior to these changes, electricity customers had no right to access their electricity consumption data.

[8] What we do | Electricity Authority
[9] Electricity Authority - EMI (market statistics and tools)
[10] Document library | Ministry of Business, Innovation & Employment
[11] Document library | Ministry of Business, Innovation & Employment
[12] Improving electricity billing in New Zealand
[13] For example a bill could comprise of a fixed charge, a variable charge, time of use pricing and more.
[14] See Clause 11.32A to 11.32E of the Electricity Industry Participation Code
[15] See Clause 11.32E to 11.32EG of the Electricity Industry Participation Code

17. We heard from submitters on the consultation on 'Exploring a consumer data right for the electricity sector' that the electricity consumption data provided to customers is often complex; data is presented in large excel spreadsheets or comma separated value files, with missing information and confusing terms, making it difficult for consumers to use.[16]

There is access to product data, but it is limited

18. Under the Code, any person can ask a retailer to provide product data information on their generally available retail tariff plans.[17] This data must be provided within five working days. While there is no regulated format that a retailer must provide this data in, there is the voluntary standard Electricity Information Exchange Protocol 14 (EIEP14) developed by the Electricity Authority.[18] EIEP14 sets out the protocol that a retailer may use when responding to a request for their generally available tariff plans.[19]

There are continual barriers to access data under the status quo

19. Although consumers can access their electricity customer and product data under the Code, submitters on the discussion paper "Exploring a consumer data right for the electricity sector"[20] said there continues to be access barriers for consumers and agents, including:
    a. The length of time to respond is too long for switching decisions to be made.
    b. Retailers can have complex and differing access arrangements, including for managing privacy obligations in relation to agents.
    c. Data formats and data provision are not uniform.
    d. The volume of data is not easily managed by customers.
20. There is little uniformity in data access arrangements and formats. Uniformity and machine readability is important to enable consumers to compare electricity products and to enable agents to use the underlying data.

Current regulatory reforms in the electricity sector

Electricity market review

21. The Minister for Energy and the Minister for Resources commissioned an independent 'Review into electricity market performance'. The review advised on the impact of market structure, design and rules (as set out in the Code) on electricity market performance, and on options to improve market performance. It looked at whether current regulations and market design support economic growth and access to reliable and affordable electricity.

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[16] Document library | Ministry of Business, Innovation & Employment
[17] See Clause 11.32G of the Electricity Industry Participation Code
[18] EIEPs facilitate the regular or large volume exchange electricity information between traders and distributors, and between retailers and third-party providers.
[19] Defined in the Electricity Industry Participation Code 2010 as: generally available retail tariff plan— (a) means a retail tariff plan that a retailer will make available to any consumer (subject to credit requirements) if the consumer satisfies the requirements specified for the retail tariff plan relating to (i) physical location: (ii) metering configuration: (iii) price category code; but (b) does not include a retail tariff plan made available by a retailer only under an agreement reached as a result of the retailer directly contacting a consumer to offer a retail tariff plan that provides the consumer with a financial discount or other benefit when compared with any other of the retailer's tariff plans to which paragraph (a) applies that are available to that consumer
[20] MBIE (2024) Discussion Paper: *Exploring a consumer data right for the electricity sector* Discussion paper — exploring a consumer data right for the electricity sector

The review's findings have been published, and the Government is taking forward a package of actions focused on investing in energy security and strengthening the electricity market so it delivers better outcomes for consumers.[21] As part of the review, the Government has agreed to progress a Consumer Data Right for the electricity sector.

Electricity Authority work programme

22. The Electricity Authority (EA) has a work programme aiming to improve consumer mobility by empowering consumers to manage their electricity consumption and costs effectively while fostering competition in the retail market.[22] Included in this is their improving consumer choice work and their improving retail market monitoring project.[23] [24]
23. The EA is introducing mandatory retailer reporting of domestic and small business customer data to increase transparency and accountability in the retail electricity market. From 1 September 2025, retailers are required to submit data monthly.[25] This data may only be used for monitoring purposes by the Electricity Authority.
24. The EA's Energy Competition Task Force has identified new ways to give consumers more control over their energy costs and to harness the power of rooftop solar and batteries. The Authority is seeking feedback on three proposed changes to regulation to promote competition, reliable power supply, and efficient operation of the electricity market.[26]
25. The EA has also procured a replacement comparison and switching service to help consumers compare plans and switch retailers.[27] This service will be live in early 2026, and it is expected that it will use CDR data when it is available.
26. Additionally, the EA has a work programme to require bills to be presented in a standardised way. The lack of comparability is a pain point for electricity customers. Often little information is presented about their electricity usage, causing confusion and making it difficult for consumers to make informed decisions about their electricity usage, and switch retailers and plans. The EA has recently consulted on these proposals and expect to announce decisions in 2026.

Regulations under the Customer and Product Data Act 2025 could work alongside the Privacy Act 2020 and complement the Electricity Industry Act 2010 and the Electricity Industry Participation Code 2010

27. Enabling an electricity market where consumers make informed choices and have flexibility in how they purchase and manage their electricity, relies on making electricity consumption data highly accessible to consumers. A CDR would support this by making the electricity market more transparent and consumer centric. An electricity sector CDR could work

[21] Government response to the independent electricity market performance review | Ministry of Business, Innovation & Employment
[22] Improving consumer choice | Our projects | Electricity Authority
[23] https://www.ea.govt.nz/projects/all/improving-consumer-choice/
[24] https://www.ea.govt.nz/projects/all/improving-retail-market-monitoring/
[25] Improving retail market monitoring | Our projects | Electricity Authority
[26] Energy Competition Task Force identifies new ways to empower electricity consumers | Electricity Authority
[27] Authority decides to improve comparison and switching | Electricity Authority

alongside the Privacy Act 2020 and complement the Electricity Industry Act 2010 and the Electricity Industry Participation Code 2010.[28] [29] [30]

28. The Privacy Act 2020 contains protections for the collection, storage, and handling of personal data but does not enable Consumer Data Rights in the electricity sector. MBIE explored the limitations of the Privacy Act for enabling a Consumer Data Right (CDR) in its 2021 RIS. The RIS found that the Privacy Act is not well placed to govern the exchange of data and data portability, and this can contribute to undermining privacy rights in an increasingly digital environment. The Privacy Act does not allow a consumer to prescribe the format in which their data must be provided (e.g., certain file type). This means consumers cannot use the Privacy Act to compel data holders to provide information in an accessible, high-utility form.[31] Also, the Privacy Act does not apply to data about organisations, limiting utility for small businesses.
29. The Electricity Authority's work seeks to deliver a similar set of outcomes that a Consumer Data Right for electricity can deliver, and it can progress without a CDR designation. However, the Authority is an independent body and there is uncertainty that the Authority's work programme would be able to deliver the full range of benefits a CDR could deliver.

What is the policy problem or opportunity?

Competition in the electricity retail system is undermined by a lack of timely access to data, inability to share customer data, and reluctance to share product data in consistent and standardised formats

30. Effective competition is key for the electricity market to ensure that consumers receive the lowest possible cost of electricity. Without effective competition, consumers are left paying too much due to being on the wrong plan for their usage or not taking advantage of offerings. While a number of factors influence competition in the market there are substantial reasons for a lack of effective competition, data portability is key to improving it.
31. Three root causes undermine the effectiveness of the voluntary approach to data portability in the electricity sector:
    - **Timely access to customer and product data:** Consumers need timely access to their data to make decisions about their electricity usage and needs. Under the status quo access to customer and product data can be slow and frustrating for consumers with information provided often being confusing, complex and untimely.
    - **Inability to share customer data means missing out on innovation and access to new products:** The current system makes it difficult for consumers to share their data with third parties (like comparison services or new retailers), limiting the development of innovative products and services. This restricts consumer choice and makes it harder for new entrants to compete with established retailers. For example, current comparison

[28] Privacy Act 2020
[29] Electricity Industry Act 2010
[30] Electricity Industry Participation Code
[31] MBIE (2021) Regulatory Impact Statement: Establishing a Consumer Data Right www.mbie.govt.nz/dmsdocument/15545-regulatory-impact-statement-establishing-a-consumer-data-right-proactiverelease-pdf

websites ask consumers to supply a bill to compare usage, however, this at best can only provide a high-level comparison of usage.

- **Reluctance of sharing product data in consistent and easily read formats:** The four largest retailers hold the majority of customer data and market share, giving them a commercial advantage and reducing incentives to innovate or compete on price and service. Smaller retailers and new entrants face barriers to accessing the data needed to offer competitive products. Data is held in different formats by different retailers, and there is no standard way for consumers to access or use their data. Electricity bills and product information are not presented in a standardised way, making it difficult for consumers to make informed decisions. For example, there is no set way of coding or naming products meaning that customers may all be on "Plan A" however, they have different pricing as the plans are internally coded as "Plan A-1" or "Plan A-2" making comparison of products difficult and frustrating.

We have also identified several contributing factors:

- **Lack of transparency in the market disincentives competition between electricity retailers:** The electricity retail market lacks transparency, it does not provide customers with the necessary information about their electricity usage, impairing their ability to make the best decisions for their electricity needs (i.e., comparing and switching providers and plans). Consequently, retailers lack incentives to competitively price their power plans, offer improved value in their products (e.g., electricity plans) and to innovate novel services. Ultimately, a lack of transparency means that consumers are unable to make informed decisions, electricity retailers are not incentivised to be competitive, and new participants are inhibited from entering the market.
- **Commercial advantage of electricity retailers:** Electricity retailers have the resources and systems to use electricity customers' data to gain a competitive advantage from their exclusive use of it. For example, electricity retailers can gain insights about customers' electricity usage and behaviours to create compelling electricity plans or price them in commercially beneficial ways. Whereas customers do not have the ability to gain insights about their electricity customer data to make informed decisions. The commercial advantage of retailers is disproportionate to the choices available to consumers.
- **Market imbalance favouring the largest electricity retailers:** As the primary holders of customers' electricity data, the four largest retailers have had disproportionate influence on the development of the voluntary system. This system undermines consumer use of data, affordability and their ability to benefit from innovative products and services.

These limitations mean a voluntary system of data portability (to share and access customer and product data) is likely to develop more slowly, anti-competitively, inconsistently, and unreliably

32. These limitations have resulted in three problems with the electricity retail system:
    - **Anti-competitive settings:** Submitters on the discussion document "Exploring a consumer data right for the electricity sector" expressed concern about a lack-of competition between electricity retailers and the resulting consequences for

consumers.[32] Electricity retailers are not incentivised to share data as it could expose them to stronger competition from other retailers or innovators and/or incur costs on them even when it could be in consumers' best interests. This is particularly relevant for retailers who have older or legacy IT systems. Businesses have competing organisational priorities and are incentivised to return profits ahead of investing for improved consumer outcomes. It may be difficult to justify a business case for unlocking access to customer and product data in the absence of regulation. Without addressing those disincentives poor electricity data sharing is expected to continue, hindering consumer choice.

- **Unreliable and complex data:** Product data is highly variable and some electricity retailers indicated they have thousands of different tariffs (i.e., power plans) for consumers (e.g., dependent on their location, lines company, etc.). Additionally, submitters on the consultation document "Exploring a consumer data right for the electricity sector" explained experiencing customer data arriving in a variety of formats, not in a timely fashion, and data often being provided in spreadsheets or heatmaps, neither of which are user friendly for consumers.[33] The combination of an overload of complex data that consumers cannot easily navigate means consumers are unable to see all available tariffs and make informed decisions about their electricity use. 45 per cent of New Zealanders have been with their current electricity provider/retailer for more than five years, even though switching is the best way for consumers to save on their electricity bill.[34] In a recent survey by the Electricity Authority, only 16 per cent of consumers were very confident they were on the right plan for their situation.
  The lack of reliable information creates investment uncertainty for the increasing number of consumers who are becoming generators of their own electricity (e.g., investing in solar). They are unable to maximise the benefits of their own electricity generation if they do not have timely and easy access to their customer data, product data and innovative tools to access beneficial insights and make informed investment and usage choices.
- **Lack of voluntary creation:** The electricity industry has not voluntarily created data portability in the electricity system to improve consumers' access to their customer and product data; nor do electricity retailers provide electricity consumers with their customer data in a standardised, machine-readable format in a timely fashion.

Data portability will not be voluntarily created or implemented by the electricity industry and consumers will incur unnecessary costs and miss out on potential benefits

33. Under the status quo we expect continued anti-competitive settings in relation to customer and product data in the electricity market to continue. Consumers will continue to face excessive costs and their ability to understand and extract value from their data will continue to be limited. Similarly, the New Zealand economy will continue to miss out on innovative products and services that rely on the exchange of electricity data. Consumers are frustrated with the slow improvements to accessing customer and product data to make

[32] MBIE (2024) Discussion Paper: Exploring a consumer data right for the electricity sector Discussion paper — exploring a consumer data right for the electricity sector
[33] Document library | Ministry of Business, Innovation & Employment
[34] Record savings available to people who switch power providers - Consumer NZ

better decisions about their electricity usage, especially as power prices continue to rise.[35] While the EA is developing some regulation we expect this to be limited in scope and not create the full range of benefits as a CDR. This is because they do not have as many levers to influence the sector.

34. Experiences in Australia, the UK, and other overseas markets suggests that voluntary initiatives alone will not allow the New Zealand economy to maximise how it uses electricity customer and product data. The OECD notes that digital economy regulators have an essential role to define safe conditions for data collection, storage, analysis, use and re-use.[36] Most submitters on MBIE's discussion paper supported a regulatory rather than voluntary approach.[37] Under the status quo, we expect that the data sharing, while compliant with the Privacy Act, will be lacking in relation to security of information.

What objectives are sought in relation to the policy problem?

35. The purpose of the interventions assessed in this RIS are to address barriers and disincentives to develop, deploy and use data portability services that address competition related issues that arise from a lack of timely access to customer and product data. There are three primary objectives:
    - **Customers have the choice of more affordable, convenient, innovative, and personalised services:** As well as lower electricity charges, other services could include comparison and switching services, investment in solar and battery consultant services, and advice on how to finance an electric vehicle. In the current context of rising costs, this objective is key but is traded off against the small cost to consumers from the introduction of any regulated data provision service.
    - **Increased electricity market competition:** data portability can support consumers get better value from their data through increasing competition and reduced costs. Increased competition should also expand the range of products and providers of electricity services that suit consumers' needs (such as smart EV plans or plans for prosumers).
    - **Customers have confidence their electricity information is secure:** A standardised approach to data portability could enable more secure data sharing. Standardising data improves data safety by creating a consistent, reliable and secure foundation for information. By eliminating redundancies, errors and inconsistencies, standardisation enhances data quality, making it more trustworthy and reliable.
36. We have also developed two sub objectives aligned with overall energy and Government priorities:
    - **Improved efficiency:** accurate and timely usage information can also help consumers make more economical choices about their consumption, for example matching their consumption to times of the day when tariff prices are cheaper.

[35] Media Release 2024 Consumer Sentiment survey
[36] OECD (2021) Working Party on Measuring the Digital Economy, Working Group paper, Measuring trustworthiness of digital environments and new technologies
[37] Document library | Ministry of Business, Innovation & Employment

- **Economic growth in the electricity sector and improved productivity:** Reducing costs and barriers to entry in the electricity market for new entrants, such as technology providers, could accelerate growth in the industry and create new services, including those that increase productivity. For example, under the status quo, new entrants face costly arrangements with retailers or service providers to receive existing product data for electricity plans. Under the proposed regime this information would flow freely allowing new entrants to price products competitively or provide innovative services to customers. There is consideration being made to enable new entrants access to the scheme with minimal costs.

37. These five objectives align with the Customer and Product Data Act's objectives, with the addition of an additional objective of accelerating economic growth.[38] They are broadly similar to the objectives outlined in MBIE's 2024 discussion document "Exploring a consumer data right in the electricity sector" which were supported by most submitters.[39] [40] While these objectives are mutually reinforcing under a system of data portability, some of the technical details of the system require elements of the objectives to be traded off against each other. These trade-offs are explored in Section 2 below.

What consultation has been undertaken?

38. MBIE has completed public consultation, two rounds of targeted consultation and established an industry reference group.

Targeted consultation 2024

39. In May to June 2024 MBIE undertook initial targeted consultation with various stakeholders across the sector. These included retailers, innovators, consumer advocates, government agencies, comparison sites and others. This consultation introduced the idea of a consumer data right and raised issues about access to data. This targeted consultation informed the first public consultation.

Discussion document on exploring a consumer data right in the electricity sector 2024

40. In October of 2024, a formal consultation was undertaken with a discussion document titled *Exploring a consumer data right in the electricity sector.* This identified issues about how access to data undermines competition in the sector and how a CDR could potentially solve some of these issues. It also presented other options beyond a CDR, such as progressing regulatory changes through the Code.
41. This consultation received 29 submissions, and all were supportive of the proposals and agreed that to solve this problem a CDR is needed and regulatory changes through the Code would be insufficient. This informed development of the scope of a potential electricity sector CDR.

Targeted consultation 2025

[38] Customer and Product Data Act 2025
[39] Discussion paper — exploring a consumer data right for the electricity sector
[40] Document library | Ministry of Business, Innovation & Employment

42. In March to April 2025, MBIE completed further targeted engagement to inform more detailed consultation around the form of a CDR. Most recently in August 2025 for six weeks, MBIE released a targeted consultation paper that received 16 submissions. While submitters broadly supported the proposals in the discussion paper, the gentailers and smaller retailers raised a significant new suggestion that the Electricity Authority should be a designated data holder. They claim potential benefits of reduced costs, by removing the need for duplication, and improved information transfer efficiencies. Feedback on thresholds and boundaries for participation and fees was also mixed. There were also submissions on less complex suggestions related to the standards, implementation and other extensions to the regime.
43. A repeated theme from earlier consultation was the importance of alignment between the work of the EA to improve consumer mobility and retail monitoring and MBIE's work on improving 'data portability' in the electricity sector. Retailers reiterated their views on the current burden of regulatory reforms while others urged the need for reform and alignment with international practice.
44. Based on this feedback, some of the proposals were amended. For example, the thresholds for businesses being able to request their customer data was reduced from 100MWh to 40MWh after submitters said this was aligned with New Zealand standard practice, would be less costly and larger businesses had bespoke arrangements. The summary of themes and feedback is found at **Annex Two.**

Reference group and Switch and Data Formats Group

45. MBIE has also established a reference group with industry representatives who provide generalised feedback on ideas and proposals, this group provided feedback on the thresholds for business eligibility, leading to a change in the proposals.
46. The EA has established the Switch and Data Formats Group to review and provide advice on switching processes, as well as the exchanges of information between industry participants, to ensure they remain efficient and fit for purpose as the industry evolves. Proposals have been shared with this group to ensure alignment with the work of the EA and test the feasibility of proposals in the discussion documents.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

47. Below are four criteria for assessing the options to deliver data portability through a CDR for the electricity sector:
    - **Provides for efficient investment and does not pose a barrier to entry in the electricity market:** Electricity retailers should appropriately invest so that they can effectively implement data portability in a timely manner. Onerous requirements could create a barrier to entry for smaller retailers, preventing competition, as observed in Australia. Consequently, electricity customers would not have the opportunity or choice to switch to smaller retailers using data portability services. This criterion can be achieved by building on rules set out in the Code to avoid duplicate regulation, ensuring retailers have clarity about their obligations, and aiming to ensure retailers are not required to make inefficient investments.

- **Provides accessible and valuable services to customers so they can generate value from their data:** This criterion could be achieved by ensuring the regulations enable a system that is cost effective for customers and accredited requestors, without introducing additional costs to consumers, and is efficient and not unnecessarily complex. Settings should enable accredited requestors to provide valued services to customers.
- **Provides customer trust in information security:** This criterion seeks to ensure that customers can trust system participants' ability to handle their data securely and ethically. If data is misused in a way that causes harm to consumers there will be remedies for them. Uptake will be encouraged if consumers have confidence in the system and in the electricity sector. The social license for open electricity will increase as new ways to use customers' data for their benefit increases across the economy, and the combination of data from across sectors can provide consumers with better products and services. This criterion could be achieved by ensuring there are sufficient information security protections in place.
- **Provides longevity and flexibility to adapt system settings in the future:** This criterion seeks to ensure that the system is sustainable in the future and can adapt to changes in the electricity sector, consumer trends, and innovation. This criterion could be achieved by ensuring that minimum standards are as interoperable and flexible as possible, while maintaining a balance with certainty to ensure longevity in the system. Policy requirements will be implemented at the lowest level of legislative instrument (i.e., through standards) so that they can be amended easily. We heard from submitters that standards development should be co-led between the EA and MBIE if a CDR is progressed.

48. The criteria are equally weighted. They are similar to the criteria used in the 2021 RIS that informed the Act's development and MBIE's discussion paper 'Exploring a consumer data right in the electricity sector' which was supported by most submitters. They also align with the matters that the Act requires the Minister of Commerce and Consumer Affairs to have regard to when recommending designation regulations.
49. The importance of the above criteria in developing data portability was raised by submitters. They strongly supported the designation of the electricity sector and explained that it could encourage competition if there are no barriers to entry. Many submitters explained that the EA and MBIE should work together to reduce duplication (e.g., by building on rules already in the Code). Most submitters noted that data sharing should be free, or fees should be low for customers, as fees could be a barrier to entry (especially for vulnerable customers). We heard from submitters that privacy and cyber security issues should be at the forefront of a CDR regime. Submitters identified the need for strong consent protections for consumers, particularly for verifying both the identity of third-party agents acting on behalf of consumers, and the consent of the consumer being supported.

What scope will options be considered within?

50. Based on the available range of regulatory levers, options were considered either as under the Electricity Authority Industry Participation Code (the Code) or the CPD Act, as both

provide a mechanism to require data sharing. Ultimately, due to stakeholder preference and range of benefits these options are primarily considered under the scope of the CPD Act.

The scope of options has been informed by experience overseas, particularly Australia and the United Kingdom

51. We have designed the scope to be in line with Consumer Data Right regimes in Australia and the United Kingdom (UK) because:
    - Australia and New Zealand's energy systems and market conditions are similar.
    - There are common structural features (e.g., few major retailers).
    - Australia, the UK, and New Zealand share similar problem definitions for electricity data portability.
    - Submitters on the discussion document, 'Exploring a consumer data right for the electricity sector' asked us to learn from overseas participants, including Australia and the UK.
    - Australia, the UK, and New Zealand have similar use cases (e.g., comparing and switching, investing in solar and batteries, seeking budgeting advice using banking and electricity data, and energy optimisation).
    - The UK, like New Zealand, has similar objectives, aiming for interoperability across sectors, and using a phased model for sectors.
52. In designing the options for designation New Zealand's electricity sector under the CPD Act, we have drawn on international experience, particularly from Australia and the UK.
53. The Australian energy CDR has faced significant challenges, primarily due to its complex and prescriptive framework. The regime's low adoption has been attributed to overly bespoke consumer protections, inefficient consent processes and high compliance costs, which collectively reduced its accessibility and appeal to users.
54. In contrast, New Zealand's CPD Act avoids these limitations by leveraging the policy settings in the Privacy Act 2020 to govern personal data protections and eliminate the need for parallel privacy regimes.
55. The prescriptive framework and complexity of the Australian regime increased costs, reduced value to consumers, accredited requestors, and minimised uptake of the electricity CDR[41]. New Zealand's CPD Act aligns more closely with our Privacy legislation, because the Privacy Act applies to all personal data. The Act relies on and aligns strongly with the pre-existing standards and protections set out in the Privacy Act.
56. The UK's Smart Data initiative[42] offers additional insights for data portability. The UK focused on interoperability, sector-specific governance, and enabling third-party innovation through access to data. While only the banking sector is designated, the UK is preparing to designate

[41] In engagements between MBIE and the Australian Treasury Consumer Data Right Team, the Australian team explained they have seen low uptake and uptake tends to be slow because the Australian Government created many barriers for data recipients with onerous obligations from the Australian Energy Regulator. This has put off large parties from engaging with the CDR. The Australian Treasury has been doing work to reduce some of these barriers.

[42] The Data Use and Access Bill is still pending for their Smart Data regime. The key focus of the regime is to combine various types of data (e.g., energy data with non-energy data). Currently, banking is the only active Smart Data sector. Energy is the next sector under consideration for designation. The proposed energy designation covers electricity, gas, and all data types. The UK is considering phased implementation and prioritisation of data types and sizes for energy.

the energy sector, with an emphasis on phasing (i.e., starting with a smaller group of retailers before expanding to the entire sector), prioritising data types, and ensuring technical feasibility.

57. These international insights have informed New Zealand's more flexible, opt-in model, which aims to balance consumer empowerment, business practicality and regulatory efficiency.

The scope of options is within the overarching legislative framework established by the Customer and Product Data Act 2025 and the Electricity Industry Participation Code 2010

58. MBIE has published two RIS documents to inform the policy implemented by the Act to adopt an overarching legislative framework for enabling a CDR on a sector-by-sector basis. This RIS informs Cabinet decisions to apply that framework to designate the electricity sector.
59. This RIS only assesses options on how to designate the electricity sector under the Act. It does not assess the merits of designating sectors other than electricity, such as telecommunications.
60. Neither does this RIS address wider competition nor affordability issues in the electricity sector.

Stakeholder feedback used to develop options

61. Stakeholders continue to support the purpose and intent of data portability in the electricity sector. They saw value in unlocking data, empowering consumers, driving innovation and competition.
62. While stakeholders generally support the policy settings proposed they raised a new suggestion that the Electricity Authority should be a designated data holder. This would mean that the Electricity Authority would also be required to data with requesters.
63. Stakeholders argue that this would save requestors having to develop specific technology solutions to seek information from each retailer and it would save every retailer needing to develop technology solutions to provide information to each requestor. They argue that building solutions in respect of one source of information would reduce costs, by preventing duplication and improve information transfer efficiencies.

The range of options depend on the mechanism for data portability (either the Code of CPD Act), size of retailers to be designated and requirements imposed on them

64. These options include:
    - **Which mechanism to use?** The Code could be used to progress data portability or it could be progressed through the CPD Act.
    - **Which data holders (i.e., electricity retailers, metering equipment providers) should be designated, and from when?** The regulations could designate the four largest retailers, all retailers, or both retailers and metering equipment providers.
    - **Which package of customer data and product data should be designated?** There are a range of options that could be included in a package of customer data such as usage and installation control point.
    - **Which package of fees should be designated?** The regulations could establish no fees are charged, only fees for accredited requestors (for requests more frequent than once a

fortnight), or fees for everyone (customers and accredited requestors) when requests are more than once a fortnight. There is a trade-off between innovation and high compliance costs for retailers, when considering charging fees. Innovation enables customers to benefit from agents with data skills and the ability for accredited parties to innovate. This initiative is for the benefit of customers, and not for the benefit of fourth parties, who may request data from customers and retailers (e.g., marketing).

- **How should consent be given and obtained by customers and retailers?**
- **How should customers and accredited requestors be verified?** The security of electricity data should be aligned with the sensitivity of electricity data. We consider electricity data is moderately sensitive. The Privacy Foundation detailed in their submission, "*electricity data, especially from smart meters, can be highly detailed and may include personal information about other individuals at the premises, such as tenants, family members or employees, whose behaviour can be inferred through data analysis*", and outlined the following risks: surveillance and profiling, intrusion into personal life, identity theft, discrimination or exclusion from services and cybersecurity risks. There are trade-offs between making verification protections onerous, so much that it inhibits up-take, and ensuring that sensitive electricity data is protected through verification systems.

65. A summary of these are included in **Annex Three.**
66. If data portability is progressed under the CPD Act, there are features of the framework that must apply to all the options. These are included in **Annex Four.**

What options are being considered?

Overview of options

Option One – Status quo under the Code

- **Option One (status quo):** The current system, including the recent Code changes, does not give customers timely access to their customer data and product data to make informed decisions about their electricity usage. Nor is it expected too with any future Code changes.

Option Two – A minimum viable system under the Act (light touch)

- **Option Two**: This requires the biggest four retailers to be designated data holders, a smaller subset of customer and product data and less stringent authentication and consent requirements.

Option 3 - A consumer centric system under the Act

- **Option Three:** This requires all retailers to be designated data holders of customer and product data, a wider range of customer and product data and stricter authentication and consent requirements.

Option 4 - Highest innovation and value for data system under the Act

- **Option Four**: This requires all retailers and metering equipment providers to be data holders, the widest possible range of customer and product data and stringent authentication and consent requirements.

Table 1 below compares each package, based on the four criteria for assessing options outlined above. The options expand in scope, with more data holders and data included as progressed.

Table 1: Key features of the four options

	Option One (Status quo)	Option Two – Minimum viable system under the Act – light touch	Option Three – Consumer centric system under the Act – medium touch	Option Four – Highest innovation and value for data system under the Act – high touch	Approach taken in Australia
Which data holders (i.e., electricity retailers, metering equipment providers) should be designated, and from when?	N/A	The four largest electricity retailers.	All electricity retailers.	All electricity retailers and metering equipment providers.	The four largest electricity retailers.
Which package of customer data should be designated?	Status quo implemented by the Electricity Authority under the Code.	Package 1 August Discussion Document package.	Package 1 and additional customer data.	Package 1 and widest range of customer data.	Customer data: Broadly similar to option Three
Which package of product data should be designated?	Status quo implemented by the Electricity Authority under the Code.	Package 1 Discussion document and other data needed for a minimum viable product.	Package 2 Enhanced package 1 for additional third-party support/innovation.	Package 3 Enhanced package to address complexities created from non-electricity offerings by retailers.	Product data: Broadly similar to option three.
Which package of fees should be designated?	Status quo - From 1 June 2025, the Code requires that customers can access their customer data for free up to 12 times per year for the first 12-month period after the Code amendment (11.32B) takes effect, and for all requests made after that period to be free of charge.	Package 1 - Fees for accredited requestors, when more than once a fortnight.	Package 2 - No fees for anyone.	Package 2 - No fees for anyone.	The Australian Energy Market Operator (AEMO) recovers its costs for implementing and facilitating the CDR for the electricity sector through fees paid by industry participants.
How should consent be given and obtained by customers and retailers?	Status quo Implemented by the Electricity Authority under the Code.	Package 1 – Outlined under the Act.	Package 2 – Everything in Package 1 and extra consumer centric provisions (e.g., consent agreements outlined on retailer's website).	Package 3 – Everything in package 2 and retailers are required to present a dashboard on their website outlining who (accredited requestors) have access to the customer's data.	Similar to option four, however there are some more onerous requirements.
How should customers and accredited requestors be verified?	Status quo.	Package 1 – Single factor authentication non centralised system.	Package 2 – Multi-factor authentication use of centralised system.	Package 3 – Stringent verification system (e.g., RealMe).	Similar to option four, however, there are furthermore onerous requirements from the Australian regime.

Option One (status quo)

67. Under the status quo, the Government would not introduce regulations to designate the electricity sector. Instead, consumers would continue to have insufficient access to their customer data and product data, despite the new rules under the Code.
68. There was no support for this option by submitters. They agreed that options progressed under the Code would not be sufficient.
69. We recommend against this option because it provides the worst outcomes for consumers and does not support the digitalisation and future focus of the electricity system as a whole.

Option Two – Minimum viable system under the Act (light touch)

70. Under Option Two, the regulations would be the minimum viable system settings under the CPD Act. This would ensure that electricity retailers fully meet their requirements but would not require any further requirements on electricity retailers. Only the four largest retailers would be designated. Customer and product data would include the package of data from the August discussion document. This option would include fees for accredited requestors when requests are more than once a fortnight.
71. The settings under Option two would designate the electricity sector for a CDR. There was limited support for this option in the consultation paper. Some submitters expressed a preference for a graduated approach to adopting an electricity CDR.
72. We recommend against this option as it provides the second least benefit to consumers and industry. Costs will still be imposed on industry and consumers to comply but without crystallised benefits for consumers, innovators and industry.

Option Three – Consumer centric system under the CPD Act

73. Under Option Three, the regulations would impose several more obligations on all electricity retailers, rather than the four largest retailers. The same settings under the CPD Act would be required as in Option Two, but a wider package of customer data and product data would be included. For this option, no fees would be required for anyone. There would be increased consent and verification protections. This process would likely use a centralised system to direct requests and consents for consumers. This centralised system would reduce costs for smaller retailers to comply as they will not have to build their own systems.
74. There was broad support for this option in the most recent consultation paper, with submitters recognising the balance between costs and consumer benefits.
75. We recommend this option is progressed as it provides the most benefits for consumers and industry for the least overall cost.

Option Four – Highest innovation package under the CPD Act

76. Under Option Four, the regulations would impose significantly more obligations on electricity retailers and metering equipment providers than the other three options.
77. A wider package of customer and product data would be included than in Options Two and Three. No fees would be required for anyone. There are stricter consent and verification protections than in the other options.This option would enable data interoperability across sectors.

78. There was some limited support for this option in consultation, mostly from innovators who valued significant swathes of data being readily available.
79. We do not recommend this option as it is the costliest for data holders and likely more complex to implement. While it does give greater benefits to innovators, it would likely take longer to implement some of the benefits and may only be available to a small group of consumers.

Comparison against criteria

80. The following page contains a table summarising our comparison of Options Two, Three and Four against the status quo (Option One) using the five criteria outlined earlier. The table uses the following notation and colour-coding of our assessment against the criteria.

+ +	Much better than the status quo
+	Better than the status quo
0	About the same as the status quo
-	Worse than the status quo
--	Much worse than the status quo

Table 2: Comparison of the three options against the status quo, using the four criteria

	Option One – Status quo	Option Two – light-touch	Option Three - Consumer centric system under the Act – medium touch	Option Four - Highest innovation and value for data system under the Act – high touch
Provides for efficient investment and does not pose a barrier to entry in the electricity sector	0: No change, barriers remain, some future Code changes are likely but will still be insufficient without an overarching CDR.	++: Would impose costs only on the four largest electricity retailers provide efficient investment with no barrier to entry.	+: Would impose costs on all electricity retailers, may be inefficient investment for some electricity retailers and some barrier to entry for smaller retailers.	-: Would impose the same costs as option three on all electricity retailers and high costs on metering equipment providers. Inefficient investment and barrier to entry created.
Provides inexpensive and valuable services to customers	0: Limited access to data.	+: Would address the major barriers to electricity customer and product data faced by customers, and only requires fees for accredited requestors.	+: Would address the major barriers faced by customers and requires no fees.	-: At this stage, would require the same as Option Two from retailers and high costs on metering equipment providers. No fees.
Provides customer trust in information security	0: No new protections.	+: Enables trust by providing Government endorsement.	++: Government endorsement and a few more protection requirements for consumers.	+: Government endorsement and more transparency requirements for consumers. Might create barriers through overly stringent measures for the customer to access data.
Provides longevity and flexibility to adapt system settings in the future	0: limited adaptability under the Code, with Code changes taking time to develop and implement.	+: Would safeguard open electricity by requiring electricity retailers to adapt to regulations – basic adaptability.	++: Would safeguard open electricity by requiring electricity retailers to adapt to regulations – flexible and future-proof.	++: Would safeguard open electricity by requiring electricity retailers and metering equipment providers to adapt to regulations.
Overall assessment	**0: Baseline – Missed opportunity to improve competition and innovation.**	**+: Better than the status quo, with balanced improvement. May not go far enough to drive innovation or uptake.**	**++: Much better than the status quo, as it has a stronger consumer focus. Includes potentially higher compliance costs for smaller electricity retailers, however, there are some potential mitigations for this.**	**+: Ambitiously better than the status quo, as it will ensure longevity in the system; but is costly to all retailers and metering equipment providers. Risk of deterring participation of retailers, accredited requestors and customers and may reduce competition. May take longer to implement and not all potential benefits may be realised.**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

81. Any designation of the electricity sector would be an improvement to the status quo, as they would all safeguard and ensure longevity of open electricity data and enable a wider range of customer and product data available for customers use.
82. Of the four options considered, we think that Option Three is likely to best achieve the stated objectives and deliver the highest net benefits. This is because:
    - It provides valuable and inexpensive services to customers by removing major barriers to accessing electricity customer and product data without charging fees and empower them.
    - Provides customer trust in data security, includes government endorsement, additional but not overly onerous protection requirements, enhancing consumers' confidence in the protection and use of their data.
    - Provides longevity and flexibility, ensuring the system is flexible and can adapt over time by requiring electricity retailers to comply with regulations that will evolve. This will make the regime resilient to future changes in technology, policy and market conditions.
    - Although Option Three imposes costs to all electricity retailers, this is seen as a necessary trade-off to achieve wide consumer benefits and system improvements. Retailers are already having to comply with regulations to.
    - The costs do not outweigh the long-term benefits for consumers and the market (e.g., accredited requestors and third-party businesses, and overall efficiencies of retailers' data systems).
83. The CPD Act requires that before a designation is made, the Minister of Commerce and Consumer Affairs considers the impact on intellectual property rights. We consider that the proposed open electricity designation will not infringe on electricity retailer's intellectual property rights. This is because only customer data and payments would be designated, and customers already have access to this information.

We anticipate medium net costs to electricity retailers

84. Regulating electricity retailers will impose costs to retailers that would not occur under the status quo. However, costs are being imposed on retailers anyway to comply with the standards in the industry through the reforms by the Electricity Authority. This system would leverage these costs and significantly support innovation, in particular for smaller retailers.

We anticipate high net benefits to customers, including Māori customers

85. Open electricity will enable customers to benefit from convenient, innovative, and secure services, such as switching and comparison services, solar and battery or EV investment advice, and budgeting advice. The proposed regulations will increase benefits to customers (including both individual households and businesses) compared to the status quo, from increased transparency, competition, and innovation.
86. It is difficult to estimate the overall monetary value of the benefits to customers in designating the electricity sector, because the range of new services that will become available is uncertain. But a wide range of new services have been seen in other jurisdictions

where open electricity has been introduced, such as Australia. Some of the benefits we expect customers to experience include:

- **Easier, more informed comparing and switching, resulting in more affordable electricity costs:** New Zealand research suggests that electricity customers could save significant sums each year by switching retailers and comparing electricity plans. Data from the EA indicates most New Zealanders switch retailers infrequently – on average, around 10,000 trader switches (not motivated by house move) each month.[43] The electricity designation would help electricity customers to realise benefits from switching by making it easier for customers to access comparison information that is informed by their electricity usage. Analysis from the Government's 2023 Save500 winter energy savings campaign found an average saving of $358 per year for switching households.
- **Increased innovative services and new parties entering the market:** better access to product data will enable significant innovation in the electricity sector; new entrants may come into the market. New products, services and tools will support a digital and innovative electricity sector.
- **Increased information security:** data holders will be required to validate customers consents and requests to ensure information is not shared without permissions, compliance is also required with the Privacy Act 2020.
- **Benefits to Māori customers:** Māori consumers will be able to share their data with service providers that directly benefit them.
- **Benefits to non-digitally enabled customers:** non-digitally enabled consumers will be able to utilise in person services that can request their data on their behalf and support them to be on the best electricity plan for their needs.

We anticipate high net benefits to accredited requestors

87. The proposed regulations would impose some costs and benefits to accredited requestors that seek accreditation, namely: easier, less complex and less costly access to customer data due to a uniform process for accreditation and access. However, they will be required to pay to be accredited (in part funding the scheme and ensuring they are trustworthy). The fee level for accreditation is not yet set as further analysis and consultation is required but it is expected to cost around $2,000 for an application and $1,750 for renewal each year.

We anticipate high net benefits to electricity retailers

88. While the biggest four electricity retailers will be impacted most, there is expected to be high benefit for small to medium sized retailers and new entrants who will be able to better compete in the electricity retail market. This is primarily due to better access to product data, allowing them to innovate and through greater ability to offer bespoke and innovative plans to consumers based on their needs. However, there will be costs associated with building new systems (some of which are being met through the EAs reforms and modernisation) and a levy to fund the scheme. As with accredited requestors, the level of fees and levies are pending consultation next year. However, estimates are that retailers will be charged around $2.50 per ICP per year based on initial estimations of costs for the

[43] Supporting consumers to compare and switch electricity plans

system. For the largest retailers this could be around $1,400,000 a year plus around $1,000,000 to build the systems required.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

89. Yes.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups *(identify)*	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
Additional costs of the preferred option compared to taking no action			
Regulated groups	New levies would be imposed to comply with the system. Levy is estimated at this stage, a business case is required to understand costs of implementation.	Levy per year per retailer: $2,400 (for the smallest retailers) to $1,000,000 (for the largest). Approximately $0.2c per ICP per bill.	Medium
	Service providers who wish to support consumers will be required to pay a fee to become accredited and renew this accreditation every few years. This is the level set by open banking and it is expected to be adopted this for electricity.	Accreditation fee: $2,000 per application. $1,750 per renewal.	High
Regulators	The EA will have to build a new system to comply with the designation. This is fully recovered for by levies.	Cost neutral.	High
Others (eg, wider govt, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*	Consumers may have to pay for some access to the services. The EA will likely provide the service for free but	$100	Low

	other innovators may to charge for access. How much and how often is uncertain as these new offerings do not yet exist, therefore this figure is an estimation.		
Total monetised costs	*These figures are estimated at this stage.*	$5,000,000	
Non-monetised costs			*Medium*
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Regulated groups will benefit from greater competition, more consumer awareness and participation and innovation.	High	High
Others (eg, wider govt, consumers, etc.)	Consumers will have access to new innovative products and services, they will have greater choice in their electricity usage and be more engaged.	High	High
Total monetised benefits			
Non-monetised benefits		*High*	

Section 3: Delivering an option

How will the proposal be implemented?

90. This RIS supports the policy decisions around high level implementation of an electricity sector consumer data right. Further decisions are required around the implementation of the proposals. This gives industry more certainty around the scope of a designation to be developed and to support consideration of an implementation model. There are three options for how this proposal is implemented. The three options proposed in collaboration with the Electricity Authority are:
    a. Fully centralised hub – a single data hub that stores and distributes CDR-relevant data.
    b. Hybrid data sharing infrastructure – a central "traffic controller" system that coordinates data exchange but does not store data.
    c. Fully decentralised / peer-to-peer – data is shared directly between parties, with minimal centralisation for accreditation and common standards.

Criteria	Option 1: Centralised	Option 2: Controlled	Option 3: De-Centralised
Effectiveness	**Medium to high**	**High**	**Medium**
Effectiveness (Data quality)	Data quality may be reduced because of lack of incentives on data generators to provide it in a timely way or to revise it.	Data is held at source and can be revised/updated so it maintains fidelity.	Data is held at source, so it maintains fidelity.
Effectiveness (Data timeliness)	Information may not be sufficiently up to date or available in the timeframes required.	Depends on request transfer time and data holder response time.	Depends on data holder response time.
Ease and costs for customers/accredited requestors	Data is accessible to all parties based on role. Reduced cost on users as only need to request data from a single location through a single access mechanism.	Data is accessible to all parties based on role. Reduced cost on data-users as only need to request data from a single location through a single access mechanism.	Data is accessible to all consented parties. Costs on data-users to request information from multiple sources.
Technical feasibility	**High** Feasible for a service provider to develop and host a centralized data hub including a centralised consent mechanism.	**High** Feasible for a service provider to develop and host a data sharing infrastructure including a centralised consent mechanism).	**Low to medium** Large retailers should be capable of sharing information. Smaller retailers may lack capacity to process large volumes of requests.
Data suitability	**Medium** Data can be collected, stored and made available. Accuracy of data would be lower than other options (some latency).	**Medium to high** Data will be sent from source. High accuracy/recency. Will require adoption of standards for high data quality for highest benefit.	**Medium to high** Data will be sent from source. High accuracy/recency. Will require adoption of universal standards for high data quality for highest benefit.
Costs on the service provider	**Medium to high** Costs to build, store and maintain central data sharing infrastructure and to develop accreditation and consent facility.	**Medium** Costs to build and maintain central data sharing infrastructure and to develop accreditation recognition and consent facility. Cost on MBIE to develop accreditation register.	**Low to medium** Cost to develop APIs and standards. Cost on MBIE to develop accreditation register.

Costs on industry	**Low** Cost to develop systems to provide information to central infrastructure.	**Medium** Costs to develop systems to provide data to parties upon receipt of a request from central infrastructures. Costs on retailers as data-holders to process requests and share information to requestors.	**Medium** Costs on retailers as data-holders to process requests and share information to requestors. Costs to develop systems to requestors for information (unless the EA takes on development role). Costs to develop peer-to-peer systems and accreditation recognition.
Innovation and future proofing	**Medium** Platforms that would provide this service (including but not limited to the Authority's market design power) can be designed to allow for easy data sharing; participants can easily access the information they need to support tools and services for consumers. A centralised system could support other efficiencies in future for example storing additional non-CDR information to be accessed by other participants, folding in the functions of the registry, improving reporting for both the EA and MBIE.	**High** Provides infrastructure for data-sharing so that data users can access the information they need to support tools and services for consumers, while maintaining data storage close to source. Data-sharing arrangements between parties (without accessing centralised storage) could be more efficient for certain service providers. APIs and other access tools are easier to change or modularise to suit changing needs.	**High** Provides infrastructure for data sharing while maintaining information storage close to source. Data-sharing arrangements between parties (without accessing centralised storage) could be more efficient for certain service providers. APIs and other access tools are easier to change or modularise to suit changing needs. Barriers to the level of innovation due to increased costs on data holders and data users.
Risks **(Data security)**	Obligations for security is on the service provider rather than the providers of the data which may result in a poorer outcome than if	No significant change to current risks because data is not held by controller, except consent data. Consent mechanism provided with data sharing.	No change to current risks. Consent mechanism provided with data sharing.

	data generators are responsible. Consent can be verified alongside the request. May make accreditation easier.		
Risks **(System failure)**	Risk of single point of failure.		
CDR economy wide data interoperability	Standards could be changed to match economy-wide needs.	Standards could be changed to match economy-wide needs.	Standards could be changed to match economy-wide needs.

91. MBIE prefers the hybrid model. However, a business case is required to understand the costs of this. Further consultation on implementation will be completed in 2026 to support decisions on which model is chosen, including consideration of interoperability with the banking and other sectors.
92. The following timeline is proposed for work on understanding the implementation models:
    a. June - July 2026 – consultation on implementation models,
    b. August 2026 – Cabinet decision on implementation model,
    c. August 2026 – December 2026 – co-development with industry on the model,
    d. December 2026 – June 2027 – industry implements model, and
    e. July 2027 – CDR live.

How will the proposal be monitored, evaluated, and reviewed?

93. MBIE intends to work closely with stakeholders across the sector to enable rapid feedback and continuous improvement during development. MBIE has established an industry reference group to test proposals during the policy development phase.
94. MBIE plans and has signalled to industry that a co-development model will occur for development of the CDR in 2026. Plans for this are not yet set and will be shared in early 2026 after Cabinet decisions are announced.
95. A review of the electricity consumer data right is not yet planned but will likely occur within 6 to 12 months of implementation to ensure that the system is working well and the settings are appropriate.
96. The following outcomes will be considered when a review of the CDR is undertaken:
    a. Has the policy enabled more retailers or innovative services to enter the electricity market? If so, what are these?
    b. Do consumers have trust in the information security of the CDR?
    c. Where have costs fallen and has any group been disproportionality impacted?
    d. How many switches occur each month, compared to pre-CDR?
    e. How many time-of-use plans are available, compare to pre-CDR?
97. A review will also seek to quantify the uptake and usage of the CDR, potentially through a public dashboard of usage.

Annex One: Stage 1 Cost Recovery Impact Statement

Stage 1 Cost Recovery Impact Statement

Designation of the electricity sector under the Customer and Product Data Act 2025.

Status quo

A lack of competition in the electricity sector is underpinned by a lack of timely access to customer and product data, an inability to share customer data and reluctance to share customer and product data in consistent and standardised formats.

This proposal aims to increase data portability in the electricity sector to increase competition, improve affordability, improve efficiency and improve information security through a consumer data right enabled by the Customer and Product Data Act 2025.

To deliver the designation of the electricity sector, functions for a register, compliance enforcement and scheme development (such as standards development) need to be funded.

In line with the designation of the banking sector earlier this year, the costs to be incurred for operating 'open electricity' and the overall consumer data right scheme include the following:

- accrediting data requestors; to ensure that only organisations with adequate security procedures and other credentials can access customers' electricity data,
- compliance and enforcement; to ensure that accredited requestors and retailers comply with their obligations,
- operating a register; which will enable customers and participants to identify accredited requestors and designated retailers and could potentially also be used to facilitate secure connections from requestors to retailers' APIs or as a central holder,
- development of technical standards that prescribe how data can be exchanged; to ensure that requestors' integrations' with retailers don't have to be customised each time,
- information provision; to ensure that retailers, requestors and customers are aware of their rights and obligations under the regime.

Some of these costs are specific to the electricity sector while others are for the scheme in general. 'Open banking' will also be cost recovering for these services, it is likely that a rebalancing of their levies will be required once 'open electricity' comes into effect. These functions are necessary to address the problem and deliver the outcomes defined in the RIS. Responsibility for these functions will sit with MBIE, who may choose to contract out specific services such as standards development and maintenance.

The Customer and Product Data Act provides the power to cost recover for any sector designation under the Act.

High level agreement has been given to cost-recover through levies for any sector designated under the Act, however, Cabinet decisions on cost recovery are still required. Decisions must be made on the quantum of costs to be recovered, how these will be balanced, between data holders, accredited requestors and how this will be balanced with open banking fees and levies.

These are new fees and levies for the electricity sector

The electricity industry levy is currently the only levy for the electricity sector. This proposal would add additional costs to be recovered through a new levy or as an addition to the electricity industry levy. Electricity retailers as data holder would be levied and this would be passed on to electricity consumers eligible for the consumer data right on their monthly electricity bill. This is estimated to be around $2.50 per ICP (customer) per year.

Policy Rationale: Why a user charge? And what type is most appropriate?

Full cost recovery for accreditation via fees is appropriate as accredited requestors will be the primary beneficiaries, and accreditation services are a private good

The primary beneficiaries of accreditation are the accredited requestors because it enables them to access a regime that provides for more ease and lower cost than individual negotiations with electricity retailers. Therefore, it is appropriate for accredited requestors to bear the cost of assessing their applications for accreditation to ensure they meet the criteria. This is consistent with how registration and licensing fees operate throughout the economy. The service of accreditation is both rivalrous (as resources spent accrediting one accredited requestor cannot be spent accrediting another) and excludable (as accreditation will legally only extend to one organisation), so accreditation is a private good.

We anticipate that fees would be on a full cost recovery basis, because the costs to applicants are likely to be minimal in comparison to the benefit gained by operating in the market; while the costs involved in assessing accreditation applications could be moderate when the total number of applications is taken into account.

Full cost recovery is proposed as for other functions of the scheme

For cost recovery of the remaining functions (such as compliance and enforcement, operating a register, developing technical standards, and providing information), levy funding from electricity retailers has benefits over funding from general taxation. Many of these services (such as the development of standards or a register) can be considered club goods, as their use by one person does not detract from their use by another, but parties can be excluded from them. In accordance with the Treasury's guidance, levy funding is an appropriate mechanism for cost recovery of club goods, rather than taxpayer funding. The use of a sector-specific levy is also justified as some of the functions, such as development of technical standards relating to an electricity designation, are specific to the sector being designated and not other sectors.

High level cost recovery model (the level of the proposed fee and its cost components)

Data holders, i.e., electricity retailers will be charged the levy based on their customer base. Consumers of electricity are likely to pay for the cost recovery through their electricity bills. There are approximately 2 million electricity customers who will face increases from this. MBIE estimates that to recover $5 million each year, this will increase customers' bills by about $2.5 a year or 20c a month. Consumers switch retailers regularly so consideration will be given to how levies reflect these customer switches, particularly in cases where a retailer ceases trading, and the customer book is acquired by another retailer.

Costs still need to be established via a business case and procurement. The estimated high-level costs are included in the table below, this is based on experience from open banking and is, currently, illustrative only until a business case can be completed.

Activity/Output	**Cost ($)**
Staff salaries, training, overheads and other associated costs (5 FTE)	555,000
System cost (estimated)	3,000,000
Compliance, legal and operational support	1,000,000
Other (communications, travel, standards updates, website, privacy)	445,000
Total	**5,000,000**

Consultation

MBIE has undertaken two formal and two targeted consultations over the past two years, with other informal consultations/communications alongside these. Consulted parties have included:

- electricity retailer,
- consumer advocates,
- electricity distribution businesses,
- Electricity Authority and Energy Efficiency and Conservation Authority,
- industry bodies, Electricity Retailers and Generators Association, Electricity Networks Association,
- Privacy Foundation, and
- other interested parties.
- Outline key feedback received, with particular emphasis on any significant concerns that were raised about the preferred option and how the proposal has been altered to address these concerns (or if not, why not).

The consultation proposed the following options for cost recovery:

- Option for data holders to charge fees to consumers,
- option to cap fees, and
- no fees.

Stakeholders widely agreed that no fees for requests is the preferred option, this is in line with the Electricity Authority decision to allow consumers free access to their consumption data. Therefore, costs will be recovered via levies to data holders and fees to accredited requestors.

Consultation will be conducted on fees and levies for cost recovery in early to mid-2026 which will be used to inform Cabinet decisions.

Annex Two: Summary of feedback on proposals for an electricity sector consumer data right

Issue	Feedback from submitters
Scope of customer data	Broadly agreed with the proposed scope of customer data. Some clarifications were sought and exclusions suggested (such as bill history of previous customers).
Alignment of the scope of customer data with the Authority's requirements	The scope appears broader in some respects and some submitters emphasised the importance of including the missing elements the Authority's proposal.
Eligibility of businesses	Some argued that businesses should be ineligible given the general complexity of their arrangements. All major retailers agreed that if businesses are to be included the upper limit should be reduced to that applied by the Electricity Authority, because it is closer to industry practice and retailers should not have to conform to two sets of rules.
Scope of product data	There was general support for the scope. However, there is some disagreement about the proposal to exclude bespoke or negotiated plans, but retailers generally considered that bespoke arrangements were unsuitable for standardised comparison.
Should bundling information be included	Most submitters agreed that the proposal to indicate whether bundling is included, but not the details of the bundling, was a pragmatic first step. Similarly, there was wide agreement that for true comparisons it was necessary to consider all aspects of bundling, and this should be considered for the future.
Who should be a designated data holder?	There was general support that mass-market retailers should be designated data holders for both customer and product data. Some submitters argued that all retailers should be included to enable accurate product comparisons and allow all customers to benefit from using their information. Some noted the disproportionate compliance burden on small and social retailers could undermine their ability to serve vulnerable communities. Major retailers strongly advocated that the Electricity Authority should be a designated data holder for both consumption and product data. This would be more efficient for data requestors and reduce duplication of work for retail data holders. Some technology providers argued that distributors and meter owners should also be included to enable customers to access network information that will become more important for future use decisions.
Preferred approach for verifying customer identity and consent	These are considered the most challenging aspects of implementing the CDR. The complexity is even higher for

	accredited requestors. A number recommended the use of multi-factor authentication or one-time passwords There was a desire for systems to be met through a use of standards, without being prescriptive, and for customers to be required to consciously opt in. A number pointed out that this could be simplified and lead to faster implementation if the Electricity Authority were the designated data holder.
Are current methods of verification used by retailers sufficient	Generally, current verification methods are not likely to meet the proposed requirements of verifying customers within five minutes.
Do the additional requirements on accredited requestors pose material barriers?	Overall, the additional requirements are seen to support the scheme, given the volume and sensitivity of customer data. Additional requirements such as IT security and privacy certification, regular audits, single accreditation register between MBIE and the EA, data retention limits were proposed.
On-boarding of accredited requestors within five working days	There were mixed responses, with some supporting the timeframe provided that the process for verifying accredited requestors is clearly defined and robust. Others advocated for up to 15 days citing technical complexity and security requirements.
Fees for data requests	There was disagreement about how fees should be structured. Some submitters advocated for no fees, saying that customers should have easy access to their data, and it was an administratively simple option. Others considered the proposal of 12 free and $5 after that best, and that a discretionary cap would ensure access, prevent abuse and support sustainability and maintain consistency. Rather than creating exemptions for specific groups some proposed a sufficiently high free request threshold that would accommodate the needs of most customers.
Utilities Disputes Limited as the designated disputes provider	Submitters support a single provider and note efficiencies from leveraging UDL's experience and existing processes. Some raised the suggestion that other participants, such as accredited requestors, should contribute to the costs of UDL.
Costs	Submitters found it difficult to quantify costs at this stage. Some cited that a significant additional cost as the opportunity cost associated with diverting resources from other strategic initiatives.

Annex Three: Options packages proposed

Customer Data			
Status quo implemented by the Electricity Authority under the Code	Package 1 – A minimum viable system under the Act	Package 2 - Enhanced package 1 for additional third-party support/innovation	Package 3 - Enhanced package to address complexities created from non-electricity offerings by retailers[44]
• Up to 2 years of consumption data • Consumption of electricity • Information about meter and installation details • Injection of electricity into a network • Services provided to a customer • Raw meter data • Services provided to a customer	• Customer Identifier • Account information • Name • Contact details • Contact address • Installation Control Point (ICP) • Product name and identifier • Tariff structure including time-of-use pricing • Meter type/Meter configuration • Consumption • Export • Consumption	Everything in package 1 and: • Bill history • Bundling • Fees • Fixed or open term	Everything in package 2 and: • Household circumstances • Household usage preferences
Product Data			
• Generally available tariff plans (provided within 5 working days)	• Generally available tariffs • Product name • Tariff structure • Fixed charge • Variable charge • Export rate • Time-of-use pricing	Everything in package 1 and: Eligibility criteria (non-exhaustive list) • Meter requirements • Lines company • Location • Payment method • Solar, battery or electric	Everything in package 2 and: • Metering requirements • Product claims and company claims • Services (e.g., call centres) • Type of customer

[44] Non-electricity offerings by retailers include tangible items (e.g., TV) or a credit on a customer's electricity account.

		vehicle prerequisites • Business or residential consumer • Credit check requirements Fees and discounts (non-exhaustive list) • Disconnection • Reconnection • Late payment • Pre-pay or post-pay and advance pay [45] Other • Bundling Credits and other tangible incentives	(e.g., how do we count small business customers, holiday homes, other types of customers?) Other costs
Fees			
Status quo	Package 1	Package 2	
From 1 June 2025, the Code requires that customers can access their customer data for free up to 12 times per year for the first 12-month period after the Code amendment (11.32B) takes effect, and for all requests made after that period to be free of charge.	Fees for accredited requestors, when more than once a fortnight.	No fees charged for anyone.	
Consent			
Status quo Implemented by the Electricity Authority under the Code	Package 1	Package 2	Package 3
Participants in the electricity market must comply with the Privacy Act 2020, which requires informed consent for collecting and sharing personal information, and reasonable steps	A data holder must not share customer data with an accredited requestor unless: the customer's authorisation is confirmed; and the request meets the	Everything in package 1 and: Data holders and/or the central system must make it clear via their website or app what data the consumer agreed to share and how it will	Everything in package 2 and: Data holders are required to provide a dashboard where consumers can identify who has access to their data (and revoke access where appropriate).

[45] Pre-pay refers to paying a pre-determined dollar amount for electricity consumption before that electricity is used. Post-pay refers to customer's paying for their electricity usage after they have consumed electricity. Advance pay refers to purchasing future power packs and pre-payment plans.

to protect data from misuse or unauthorised access.[46]	validity requirements set out in the Act (s15). In a household, only the primary account holder or a designated secondary user may be allowed to authorise data sharing (s25). Data holder may or must refuse request for data in certain circumstances (e.g., disclosure of data would be likely to pose a serious threat to life of an individual) (s16). The Act prohibits a data holder or accredited requestor from accepting or acting on an authorisation if the identity of the customer (or accredited requestor) has not been verified. Privacy Act and Consumer Care Guidelines still apply.	be used, who will have access to the consumer's data, how long they'll have access to the consumer's data for, and how the consumer can manage and withdraw consents.	
Verification			
Status quo	Package 1	Package 2	Package 3
Electricity retailers commonly use account information matching to verify their customers. Customers are asked to provide full name, address or ICP, date of birth and account number (if available). Retailers may send a confirmation code to the customer's registered email or phone number, which	Data holders must require single factor authentication (e.g., a text or email to verify consent to third parties/data holders and making changes to data-sharing settings.	Data holders and/or the central system must require multi-factor authentication (e.g., SMS or app-based verification when granting consent to third parties/data holders and making changes to data-sharing settings.	Data holders must require authentication from the customer via a RealMe account or something similar.

[46] Retailers are expected to act in accordance with the Consumer Care Guidelines, which emphasise transparency about how customer data is used, and clear communication when obtaining consent for data sharing.

is often used for consent to data sharing. Some retailers use pre-set security questions to confirm a customer's identity. Under the Act, the accredited requestor must be verified by the retailer before they can have access to a customer's electricity customer data.			

Annex Four: Other features taken into account for the CPD Act

- **Accreditation criteria:** The Act states a person may apply to the chief executive to be accredited as an accredited requestor. A data holder must provide customer data to accredited requestor if a customer's authorisation is confirmed.
- **Consent:** Participants in the electricity market must comply with the Privacy Act 2020, which requires informed consent for collecting and sharing personal information, and reasonable steps to protect data from misuse or unauthorised access.
- Retailers are expected to act in accordance with the Consumer Care Obligations, which emphasise transparency about how customer data is used, and clear communication when obtaining consent for data sharing.
- Participants in the electricity market must comply with the Privacy Act 2020, which requires informed consent for collecting and sharing personal information, and reasonable steps to protect data from misuse or unauthorised access.
- Retailers are expected to act in accordance with the Consumer Care Guidelines, which emphasise transparency about how customer data is used, and clear communication when obtaining consent for data sharing.
- **Authorisation:** The Act states a customer (or secondary user on their behalf) has given an authorisation to another person if: the customer (or secondary user) gave the authorisation expressly, including by specifying any limits on the scope of the authorisation; and
- At the time of giving the authorisation, the customer (or secondary user) was reasonably informed about the matter to which the authorisation relates (including about the purpose of the authorisation); and
- The authorisation was otherwise given in the manner (if any) prescribed by the regulations and the standards; and
- The authorisation has not ended.
- **Register:** The Act states the purpose of the register are to: Enable any person to –
    - **i.** Confirm whether a person is a data holder or an accredited requestor; and
    - **ii.** Obtain certain information about data holders and accredited requestors; and
    - **iii.** Enable data holders and accredited requestors to access certain information about each other; and
    - **iv.** Assist any person in the performance or exercise of the person's functions, powers, or duties under this Act or any other legislation.