

Retail market monitoring clause 2.16 information notice

Decision paper

17 March 2025

Executive summary

During this time of rapid change in the electricity system, it is more important than ever that the electricity market benefits consumers.

Domestic and small business consumers rely on having accurate and quality information about the retail market to make the best choices for their electricity use. Better information and insights enable consumers to benefit from competition and take advantage of new products and services.

Consumers also expect the market regulator to have access to the right information to protect their interests, to make proactive regulatory changes that support their needs, and to hold the industry to account.

We are strengthening our retail market monitoring by implementing a new information notice

To better understand and protect consumers' interests, the Electricity Authority Te Mana Hiko (the Authority) has decided to introduce mandatory monthly reporting on domestic and small business customers by retailers.

This decision signals a fundamental shift towards greater transparency and accountability in Aotearoa New Zealand's retail electricity market. Increased visibility of the retail market will enable the Authority to develop enhanced consumer insights, identify potential issues, and make well-informed policy decisions that benefit consumers.

Mandatory monthly reporting from retailers supports our statutory function to monitor the industry and electricity markets, and make data, information and tools available to help improve participation in and understanding of the electricity markets by consumers and industry participants.

This new notice also reduces regulatory burden by consolidating several existing data requests into a single notice and reducing our need for future ad hoc requests.

Improving retail market monitoring will deliver a range of benefits

Improving our monitoring and reporting of the retail market is critical to achieving our statutory objectives. This new notice will:

- (a) increase the volume and quality of information available to consumers about the retail electricity market, supporting them to make the best choice for their electricity needs
- (b) enable the Authority to make proactive, effective regulatory interventions to deliver long term consumer benefits
- (c) bring greater transparency to the pricing and marketing strategies used in the retail market, helping the Authority to assess barriers and promote retail competition
- (d) support the monitoring and implementation of important consumer-focused Authority work, including the Consumer Care Obligations and their future development
- (e) enable consumers and their representatives to contribute to policy development in a way not previously possible

- (f) facilitate innovation and competition by providing data for new ideas, new investment decisions, and new entrants into the market.

The final decision reflects feedback from stakeholders

The Authority has engaged with retailers and stakeholders extensively over the period of consultation and refinement. Changes to the final notice have been made to improve its workability and ease the implementation burden.

While there will be initial costs for retailers to prepare for the new requirements, the reduction of costs for retailers as we consolidate and reduce ad-hoc information requests is coupled with strong sector-wide value that will be derived from the anticipated monitoring programme. We are confident that the long-term benefits outweigh the costs. Very small retailers (with fewer than 1000 domestic and small business consumer ICPs combined) are excused from some of the new requirements.

This final notice has benefited from close industry collaboration and we thank stakeholders and retailers for their engagement and insights during its development.

The Authority is aware of its obligations under the Privacy Act 2020 and will monitor and assess its compliance to ensure consumer information is protected.

Next steps

The Authority expects there to be questions during the implementation period as retailers prepare for their first report in August 2025 and is committed to supporting retailers through the implementation period. This support will include access to staff for advice, resources on the Authority website, and information sessions as required.

The Authority is establishing a monitoring and reporting programme using the detailed data it will receive to gain deeper insights about the performance of the retail market and outcomes for consumers. The Authority looks forward to publishing outputs from the anticipated monitoring programme, including sector insights, from late 2025.

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1. Purpose

- 1.1. The purpose of this paper is to inform retailers and other interested parties about the Authority's decision to move to mandatory monthly retail market reporting by introducing a new comprehensive and continuing clause 2.16 information gathering notice to retailers.

2. We have decided to finalise and issue the clause 2.16 notice

- 2.1. Following consultation and an independent cost-benefit analysis, the Authority has decided to progress with the refined proposal published in October 2024.
- 2.2. The final clause 2.16 notice is included in **Appendix A** and will be called the Retail Market Monitoring Notice (RMM Notice).
- 2.3. An explanation of the changes made to the clause 2.16 notice since October 2024 is included in **Appendix B**. A worked example of how to complete a monthly report is available on the project page of our website.¹
- 2.4. The RMM Notice has the following scope:
 - (a) *First report due by 31 August 2025*: The first report, covering data from 1 January 2025 to 31 July 2025 inclusive, will be due to the Authority no later than 31 August 2025. Following this, retailers will be required to report new data monthly.
 - (b) *Historical data back to 1 January 2025*: Retailers will be required to provide information back to 1 January 2025 to create a data series that aligns with the start of the Consumer Care Obligations in the Code. Their first report will accordingly include seven months of data.
 - (c) *Domestic and small business consumers*: The information request relates to domestic and small business consumers, covering approximately 2.1 million ICPs.
 - (d) *Very small retailers excused from some requirements*: Very small retailers (with fewer than 1,000 domestic and small business consumer ICPs combined) are excused from some of the requirements in the RMM Notice.

3. Consumers will benefit from better monitoring and fast, accurate regulatory decisions

- 3.1. The information and insights from the new information notice will fundamentally improve retail market transparency and accountability, benefiting all parties, including retailers, consumers and sector stakeholders and the work the Authority does for the benefit of consumers.

¹ [Improving retail market monitoring](#)

- 3.2. Given the rapid pace of change in the electricity sector and the current pressures on consumers, consumers need better access to information and insights about the retail market to make the best choices about their electricity use.
- 3.3. Our previous consultations have outlined that the Authority’s monitoring activity has historically focused more on the wholesale market and relied on competition in that market to deliver better prices and outcomes for consumers in the retail market.
- 3.4. The Authority considers it is necessary to now strengthen its monitoring and oversight of the retail market more in line with its activities for the wholesale market.
- 3.5. These changes will enable to Authority to increase its monitoring of the retail market, publish more data to empower consumer choice, and use this information to make more proactive, informed, and effective policy decisions.

4. Our final decision has been developed through rigorous engagement, consultation and analysis

We first consulted on the proposed clause 2.16 notice in December 2023

- 4.1. The clause 2.16 notice was first consulted on between December 2023 and February 2024. The December consultation paper and related submissions are available on the project page on our website.²
- 4.2. The Authority received 30 submissions from a variety of submitters. There was strong support for an increased focus on the retail market and agreement that enhanced data-gathering and publication by the Authority is appropriate.
- 4.3. There was also broad support for the use of clause 2.16 of the Code to collect a single, consolidated set of data from retailers on a mandatory basis, replacing multiple existing reporting requests.
- 4.4. However, some submitters identified areas for improvement including:
 - (a) that the scope of the proposed 2.16 notice should be amended (both widened and narrowed)
 - (b) concerns about the workability, implementation, and cost associated with meeting the proposed retail data requirements
 - (c) interest in how the Authority intends to use and publish the data, with a focus on ensuring that privacy obligations are appropriately managed

We used consultation feedback to improve workability and reduce the burden of the clause 2.16 notice

- 4.5. The Authority refined the proposed clause 2.16 notice using feedback from the first consultation to make sure the information requirements were workable and the consumer outcomes sought delivered at a reasonable cost.
- 4.6. We then held a technical workshop with retailers in May 2024 where each component of the clause 2.16 notice was discussed.

² [Clause 2.16 information notice](#)

- 4.7. We made significant technical and workability improvements to the clause 2.16 notice such as:
- (a) Adjusting the scope after testing each requirement to ensure use cases justified the costs.
 - (b) Removing or adjusting certain fields in the proposed clause 2.16 notice where they would have required retailers to start collecting new information.
 - (c) Adjusting the format of the clause 2.16 notice to better allow for automated data delivery, including removing free text areas and including simple/numerical/binary value responses that can be extracted directly from retailers' information systems.
 - (d) Changing the structure of the clause 2.16 notice to accommodate the variety of ways retailers hold consumer data, such as differentiating between ICP and account level data and separately providing half-hourly metering data from rates and tariff information.
 - (e) Removing some requirements that would require information from free text fields in retailer customer relationship management systems, where these were not considered reasonably necessary.
- 4.8. The Authority also prepared more detailed information about how it intended to use and publish the data it collects through this notice.
- 4.9. All adjustments made during the consultation process were made with careful consideration for the balance between benefit and cost and to ensure a workable solution to meet the multi-year requirements of the notice.

Our second formal consultation was issued in October 2024

- 4.10. The Authority issued the updated clause 2.16 notice, its intended monitoring plan, Privacy Impact Assessment and independent analysis of costs and benefits for formal consultation in October 2024. The second consultation paper and the related submissions are available on the project page on our website.³
- 4.11. We received 13 responses to the October consultation paper from a range of interested parties – four large retailers, Electricity Retailers Association of New Zealand (ERANZ), four independent retailers, one very small retailer, Consumer NZ, Utilities Disputes (UDL) and Fincap.
- 4.12. Retailers appreciated the work the Authority had done to accommodate feedback from the first consultation and make the clause 2.16 notice more workable.
- 4.13. Despite the workability improvements made, retailers restated their concerns that the benefits did not outweigh the costs but did not provide new information to support this. They stated that collection of half hourly metering data was the most expensive and problematic aspect of the clause 2.16 notice and suggested there are other ways for the Authority to monitor the market, such as sampling.
- 4.14. There were no other additional issues raised but many retail submitters responded in detail to the questions posed in the consultation document relating to privacy,

³ [Amended information notice and updated analysis](#)

information security, and alignment with any designation under the Customer and Product Data Bill (Consumer Data Right), noting the risk a lack of coordination amongst data projects would pose.

- 4.15. Consumer advocacy submitters Fincap, UDL and Consumer NZ strongly supported the clause 2.16 notice. Fincap suggested the Authority require more information than was proposed, to monitor the new mandatory Consumer Care Obligations in the Electricity Industry Participation Code 2010 (Code).

We used a technical group to further refine the clause 2.16 notice

- 4.16. The Authority requested its new Switch and Data Formats Group (SDFG) review the proposed clause 2.16 notice in December 2024.⁴
- 4.17. The SDFG feedback on the clause 2.16 notice included:
- (a) Clarification for key definitions to prevent these from being interpreted multiple ways. An example was how 'low user' could refer to low user as defined by regulation, by product or by consumption. We have used these discussion points to improve the definitions in our clause 2.16 notice.
 - (b) Assessment to ensure the clause 2.16 notice is consistent with the existing data protocols where possible, such as EIEP1 and EIEP13. A mapping assessment has been completed, balancing method against required outcome and aligning requests where appropriate.
 - (c) Feedback on load control, demand side management, and flexibility services to help improve the quality of this data requirement in Table 7 of the clause 2.16 notice.

The final notice includes changes from the latest consultation and feedback from the SDFG

- 4.18. The final RMM Notice included in **Appendix A** reflects feedback from the most recent consultation and from SDFG.
- 4.19. Section 8 of this paper discusses key feedback and how the Authority has considered these views.
- 4.20. A summary of all feedback received, and the Authority's response, is included in **Appendix C**.
- 4.21. While all submissions have been considered as part of the Authority's process, for practical reasons **Appendix C** is not exhaustive and necessarily compresses the information provided in submissions. Please refer to the individual submissions on the Authority's website for a full account of submitters' views.

⁴ [Switch and Data Formats Group](#)

5. Next steps for implementation

The Authority will support retailers as they prepare

- 5.1. The Authority expects there to be questions during the implementation period, as retailers prepare for their first report in August 2025 and will make staff available for advice. Frequently asked questions will be responded to on the Authority's project page, and information sessions will be scheduled as required.
- 5.2. Retailers are encouraged to share their insights from early development work as they will be informative for the Authority. There are provisions in the Code that allow the Authority to make technical and non-controversial changes to the RMM Notice without consultation or if there is widespread support for the change.⁵
- 5.3. As highlighted in its Compliance Strategy, the Authority has a range of options for encouraging and enabling compliance and for responding to non-compliance. The initial focus will be on educating and assisting retailers to comply, and any enforcement processes will consider behaviour, attitude and capability of participants.⁶ We may also grant extensions of time to participants in exceptional circumstances.
- 5.4. The Authority is expecting to open its systems to retailers for testing during May and June 2025.

Very small retailers will be exempt

- 5.5. Given the disproportionate compliance burden for very small retailers, the Authority has decided to excuse them from compliance with most requirements in the RMM Notice. We do not foresee this dispensation having a significant impact on our monitoring activity and want to avoid imposing unnecessary regulatory burdens on new entrants.
- 5.6. As such, retailers who have fewer than 1,000 domestic and small business consumer ICPs (combined) on 1 January each year, will be excused that year from the requirements in Tables 1 to 7 during that year. The Authority will monitor compliance with this exemption.
- 5.7. Very small retailers will still be required to answer the questions in Table 8 to support the Authority's monitoring of the Consumer Care Obligations.

The Authority will begin publishing data from late 2025

- 5.8. The Authority included an anticipated monitoring and reporting programme in its earlier consultation. This illustrates how we will use the detailed data from the notice to gain deeper insights about the performance of the retail market and outcomes for consumers.
- 5.9. The Authority will begin publishing outputs from its monitoring programme, including sector insights, from late 2025.

⁵ [Clause 2.24 of Part 2 of the Code](#)

⁶ [Compliance Strategy](#)

The clause 2.16 notice will be reviewed regularly

- 5.10. The Authority will carry out a short technical review of the RMM Notice six months after initial receipt of data to assess whether any technical improvements for clarity or workability are warranted. This will accommodate learnings from the first ingestion.
- 5.11. A full Post Implementation Review will be carried out and published on the second anniversary of receipt of data to assess whether any changes or additions are needed. This will ensure the RMM Notice:
 - (a) remains cost effective while also achieving its intended purpose
 - (b) is not collecting more information than is necessary, and
 - (c) accommodates the Authority's ongoing policy and monitoring work.
- 5.12. The Authority has included a comprehensive set of requirements at the outset to provide certainty and minimise future amendments to the notice. While some iteration is possible the Authority expects minimal change to the RMM Notice over time.
- 5.13. If any material changes to RMM Notice are proposed, these would be published for consultation in accordance with Clause 2.24 of the Code so that retailers and other interested parties have an opportunity to provide feedback.
- 5.14. Additions suggested during the 2024 consultation process will be reconsidered in the first Post Implementation Review, where the benefits will be assessed against the need for regulatory certainty.
- 5.15. The cost benefit analysis is premised on the Authority "using the data as intended" so the Post Implementation Review process will create a mechanism to assess this and promote trust and confidence in the Authority. The Concept Consulting report in Appendix G of the October 2024 consultation paper notes that "the benefits available from utilisation of enhanced retail data depend largely on subsequent actions by the Authority and stakeholders."

Several other information requests will cease

Four existing information gathering mechanisms will be discontinued

- 5.16. The new RMM Notice will replace three existing information gathering mechanisms. It will also supersede the December 2024 Section 46 request for information about retailer price increases. These mechanisms are:

<p>Annual voluntary data request will not continue</p>	<p>We issued a voluntary data request to retailers each year from 2011 to 2021.</p> <p>The request asked different questions each year depending on our interest areas eg, innovations in retail offerings, market share, the extent of controllable offtake and injection, and the use of prepaid and flexible payment contracts. Some of this data was aggregated and some was at an ICP level.</p> <p>We have not restarted this request given our work on the RMM Notice which began in early 2023.</p> <p>The RMM will provide the Authority with base data to carry out research and answer many questions, and being mandatory it will provide a more complete set of data.</p>
<p>Retailer Financial Stress Notice reporting will be discontinued shortly after reporting under the RMM Notice has begun.</p>	<p>Our Retailer Financial Stress Notice (RFS Notice)⁷ is a mandatory request using Part 2 of the Code and it gathers information about customers in financial stress and about the number of accounts flagged as medically dependent or vulnerable.</p> <p>The RFS Notice will be cancelled once the RMM Notice reporting has begun.</p> <p>Key information from the RFS Notice is now included in the RMM Notice.</p>
<p>Part 10 of the Consumer Care Guidelines has not been added to the new Consumer Care Obligations.</p>	<p>Part 10 of the Consumer Care Guidelines provided for the Authority to request quarterly reports from retailers. These reports were voluntary and included aggregated information on domestic customer debt, disconnections for non-payment, number of medically dependent consumers, and referrals to Work and Income.</p> <p>There was significant overlap with the RFS Notice so this information has not been proactively requested in the last two years.</p> <p>The new RMM Notice has been developed alongside the new Consumer Care Obligations and will support the Authority in its compliance monitoring.</p>
<p>One-off s46 request issued to 17 retailers on 18 December 2024 will not be</p>	<p>The Authority issued a section 46 request to retailers on 18 December 2024 requesting:</p> <ul style="list-style-type: none"> • Reporting on planned price increases

⁷ [Retailer financial stress data request](#)

repeated in its entirety	<ul style="list-style-type: none"> • Monthly reports on implemented price increases from March to August 2025. <p>The regular RMM Notice reporting will collect most of these requirements.</p>
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Information from the electricity registry

- 5.17. The Authority will continue to use information from the Registry.
- 5.18. The Registry is managed by Jade Software Corporation on behalf of the Authority and participants are required by the Code to populate the Registry with detailed ICP level information such as grid exit point, address, loss factors, meter serial numbers, ICP status, etc. This information will be used to supplement the information collected under the RMM Notice.
- 5.19. We will also continue collecting monthly consumption data from the electricity information exchange protocol No.1 (EIEP1) as it is transferred between retailers and distributors through the Registry Transfer Hub for at least another year. This collection is automated and inexpensive for retailers. Information from the EIEP1 can be cross referenced against the half-hourly metering data received under the RMM notice. Discontinuing collection of EIEP1 data will be considered during the review process as it is possible that the collection of half-hourly metering data will make collection of the EIEP1 data unnecessary in the future.

The need for reactive one-off requests will be reduced

- 5.20. Having a comprehensive set of data that builds over time will be invaluable for research, monitoring trends and answering specific questions as they arise.
- 5.21. The Authority expects that many future questions will be able to be answered without issuing a new request and that the monthly reporting will reduce the need for ad hoc requests in the future.

6. The decision complies with the requirements in Part 2 of the Code

The Authority consulted with participants in 2023–24

- 6.1. Clause 2.18 of the Code requires the Authority to provide to the participant to whom the proposed clause 2.16 notice applies:
- the proposed clause 2.16 notice
 - the Authority's purpose in setting the information requirements in the proposed clause 2.16 notice, and
 - the Authority's assessment of the likely benefits of the Authority obtaining the information required in the proposed clause 2.16 notice and whether those benefits are expected to outweigh the likely costs.

- 6.2. The Authority must give the participant a reasonable opportunity to make submissions to the Authority on the proposed clause 2.16 notice and take into account those submissions in deciding whether to:
 - (a) make any reasonable changes to the information requirements to be included in the published clause 2.16 notice, and
 - (b) publish the clause 2.16 notice.
- 6.3. Paragraphs 4.1 to 4.17 to explain the rigorous consultation and engagement process that we have followed.
- 6.4. The Authority has taken into account the feedback from both consultations, the retailer technical workshop and SDFG when deciding the final information requirements to include in the RMM Notice.

The Authority is satisfied that the benefits outweigh the costs

- 6.5. Clause 2.19(1) of the Code requires the Authority to be satisfied that the benefits of obtaining the information outweigh the costs.
- 6.6. Initial feedback from larger retailers (in the December 2023 consultation) was that the proposed form of the clause 2.16 notice was unworkable and would be very expensive to implement, with ERANZ suggesting costs of between \$500k - \$1m per retailer.
- 6.7. The Authority used feedback from the first consultation to refine the clause 2.16 notice making sure the information requirements were workable and could be delivered at a reasonable cost. This was further refined in the technical workshop with retailers in May 2024.
- 6.8. Following this, the Authority asked retailers to provide a confidential estimate of how much they thought it would cost them to implement. Ten retailers responded to this request and provided a range of cost estimates with varying levels of detail.
- 6.9. Using the costings provided, the Authority concluded that the benefits outweighed the costs to retailers.⁸
- 6.10. The Authority engaged an independent external consultant to critique the cost benefit analysis. The Authority's assessment of cost and benefits (including the external consultancy's report) was included in the October consultation paper for feedback.
- 6.11. Responses to the October consultation continued to claim that the costs may outweigh the benefits but did not provide detail or evidence to support the claim. A single cost estimate was provided and it remained unchanged from December 2023 despite the refinement work carried out by the Authority during the year.
- 6.12. Retailers focused on whether the Authority needs to collect half-hourly metering data, citing this as the most costly and problematic aspect of the clause 2.16 notice.

⁸ The Authority made further adaptations to the notice after the workshop to accommodate feedback, one key change being to remove the requirement for the rates to be linked to the relevant half-hourly metering data. Feedback at the workshop was that this created significant work and cost. Detailed information about the refinements made to the notice can be found in the October consultation paper.

They suggested that using samples or aggregated data at GXP level may be sufficient for the Authority's purpose.

- 6.13. The Authority has also met with some retailers expressing concern to better understand the drivers of cost.
- 6.14. The Authority has considered all feedback and remains confident that the granular half-hourly metering data is necessary for monitoring key areas including:
- (a) Changes in consumption patterns as time of use plans and demand side management uptake increases. Initially there may only be a small number of ICPs on a plan of interest, which would limit usefulness of sample sets, especially for regional specific analysis. Understanding changing consumption patterns, and the potential impact as these plans become more prevalent will be essential for ongoing security of supply assessments.
 - (b) Monitoring outcomes against the Consumer Care Obligations, such as reliability of supply to all medically dependent consumers. We currently estimate medically dependent consumers make up 2-5% of the population, so samples would be unlikely to provide meaningful data for analysis. Given the vulnerability of this group, a full dataset will provide the best assurances that medically dependent consumers are prioritised for reconnections.
 - (c) Monitoring the impact of emergency events, such as weather events or other network failures, on consumers in the impacted regions. Impacted regions may be small and are not identifiable ahead of time, limiting usefulness of samples for this work.
 - (d) Changes over time, particularly in response to changes in prices, plans or retailer cannot be effectively monitored using random sample data as there would be less certainty the changes were due to actual behaviour changes rather than changes in the sample population. This is particularly the case when only a small portion of the sample is subject to the changes being monitored. Longitudinal sample data can be used to track changes over time but still runs into issues with small samples sizes as well as being unable to evaluate the impact of ICPs which switch retailers.
- 6.15. The Authority continues to conclude that the benefits provided by the RMM Notice will outweigh the compliance cost imposed on retailers. Importantly, and as noted in Appendix G of the October consultation, the incremental benefits will increase substantially as New Zealand electrifies, while the costs will decrease once initial set up has been completed.
- 6.16. The Authority's assessment of the costs and benefits has been verified by its external consultants and their response is included in **Appendix D**.

The Authority is satisfied that the information requirements promote the Authority's statutory objectives

- 6.17. Introduction of the RMM Notice brings the Authority's retail market monitoring into alignment with its current wholesale monitoring practices. Active monitoring of competition in this market segment responds to stakeholder concerns for increased retail market transparency. Regular publication of monitoring data will encourage

greater consumer engagement with the retail market, while also highlighting industry performance and innovation.

- 6.18. Consolidating the Authority's existing retail data collection mechanisms into one mandatory information request, streamlines data delivery and minimises the ongoing compliance burden on retailers. The new RMM Notice also addresses known gaps in the Authority's existing retail monitoring, will allow the Authority to ensure the retail market is delivering the best outcomes for consumers. Data collected will improve our ability to understand the needs of small consumers and inform evidence-based decision-making and compliance activities.
- 6.19. The retail market is moving from a simple supply and demand model to one where small consumers can manage their electricity use to respond to price signals, invest in generation and inject electricity back into the grid. The Authority is looking at how best to promote competition, efficiency and reliability and to protect domestic and small business consumers in their dealings with retailers.
- 6.20. Some anticipated outputs for this project were included in the October consultation paper and each output was linked to a statutory objective. In addition to these outputs the RMM Notice promotes the Authority's objectives by:
- (a) Creating efficiencies such as reducing the administration burden associated with one-off information requests and enabling quicker decision making.
 - (b) Reducing information asymmetry to increase retailer accountability and performance.
 - (c) Strengthening the Authority's compliance function, with any unexpected anomalies and issues being referred to the compliance team for further consideration.
- 6.21. The Authority accordingly considers that the monitoring work proposed will advance its statutory objectives, whether promoting competition, reliability or efficiency, or protecting small consumers.

7. Detailed feedback on some key themes in submissions

Consumer Care Obligations alignment

- 7.1. The Authority has introduced mandatory Consumer Care Obligations. Two key protections – prohibiting retailers from disconnecting customers they know to be medically dependent and requiring any fees or charges to be reasonable – came into force on 1 January 2025. The remaining obligations will take effect from 1 April 2025.⁹
- 7.2. Some submitters have suggested that the Authority should collect more information and should have more robust mechanisms to monitor the Consumer Care Obligations.

⁹ [Consumer Care Obligations](#)

- 7.3. Data collected through the RMM Notice will help the Authority to monitor compliance with the Obligations by identifying trends and anomalies. It can also be used to monitor consumer outcomes and patterns of retailer behaviour, helping the Authority and industry to ensure that the Obligations are effective.
- 7.4. The reporting and record keeping framework set out in clauses 11A.4 to 11A.11 of the Code will be the Authority's primary mechanism for monitoring retailer compliance with the Obligations, but the critical consumer protection data collected through the RMM Notice will lend additional support.
- 7.5. Under the RMM Notice retailers are required to submit aggregated data on:
 - (a) applications for medically dependent consumer status
 - (b) medically dependent consumer status reviews
 - (c) disconnections and reconnections of medically dependent consumers.
- 7.6. The Authority will also collect granular information about accounts that are prepay, associated with a medically dependent consumer, in arrears or on payment plans. Disconnections and reconnections will be closely monitored at an ICP level.
- 7.7. The Authority's monitoring team and other interested parties will be able to overlay this important consumer protection data with other information (eg, plan type, location, fees, retail brand and medically dependent consumer status) to develop valuable insights and monitor trends over time.
- 7.8. The Authority is confident that the mandated Consumer Care Obligations will be effectively monitored.

Privacy and data security implications are managed

- 7.9. Some submitters were concerned about compliance with the Privacy Act 2020 (Privacy Act) and protecting their customer's personal information.
- 7.10. The Authority understands the responsibilities associated with collecting a significant amount of personal information and is mitigating any privacy risks. It routinely handles significant volumes of data about the wholesale market and is putting in place additional measures to ensure the personal information contemplated in the RMM Notice is protected in accordance with the Privacy Act.
- 7.11. The Authority has engaged with the Office and the Privacy Commissioner (OPC) and they submitted feedback on the December consultation paper. The OPC's submission is available on the Authority's project page.
- 7.12. The OPC also reviewed the Authority's Privacy Impact Assessment, which was published on the Authority's project page alongside the October consultation paper.
- 7.13. As recommended by the OPC in their submission the Authority will be updating the Privacy Impact Assessment regularly as the project progresses to check whether the privacy risks have changed, or the mitigants need updating. It will also implement a biennial Post Implementation Review for the RMM Notice to ensure the risk of collecting more information than necessary (*information privacy principle 1*) is proactively managed.

- 7.14. Retailers will need to assess their own compliance with the Privacy Act however we expect that retailers would be able to rely on the protections in section 24 of the Privacy Act when passing information to the Authority under the RMM Notice.

Alignment with the Consumer Data Right

- 7.15. Many submitters noted the potential for misalignment with any designation for the electricity industry under the Customer and Product Data Bill (Bill).¹⁰
- 7.16. The Authority has considered the Ministry of Business, Innovation and Employment's work to progress a designation for the electricity sector in accordance with the Bill.
- 7.17. It is the Authority's view that a new requirement for retailers to deliver data to the Authority does not contradict, or conflict with, the requirements contemplated in the Bill or a potential designation of the electricity sector.
- 7.18. The Bill is intended to facilitate greater access to, and sharing of, customer and product data by businesses and consumers (or someone acting on their behalf) held by 'data holders', whereas the Authority is collecting data to hold and use over the long term for its monitoring purposes. The practical implications are very different with the former requiring near instantaneous automated access, identification and transfer mechanisms.
- 7.19. The Authority and MBIE are working closely together on their respective work programmes as the Bill progresses to understand how development of the RMM Notice could support a potential designation for electricity.
- 7.20. Where certain data, like half-hourly metering data, is likely to be utilised in different contexts, any standardisation will be beneficial ie, efficiencies though API driven delivery of the same data for multiple use cases. The Authority has referred to the format of the existing EIEP1, EIEP3 and EIEP13 information exchange protocols in the development of the RMM Notice to ensure as much consistency as possible.

Data sharing with other agencies and regulators

- 7.21. Some submitters were concerned about confidential, personal and commercially sensitive information being shared.
- 7.22. As mentioned in our December 2023 consultation paper there is potential for data to be acquired by, or shared with, other agencies and regulators eg, Statistics New Zealand, Australian Securities and Investments Commission, MBIE and the Commerce Commission.
- 7.23. Any data sharing will be carried out in accordance with the law (eg, Data and Statistics Act 2022, Crown Entities Act 2004, the Code and section 47A of the Act) and with the Authority's:
- (a) Memorandums of Understandings with other organisations¹¹

¹⁰ [Exploring a consumer data right for the electricity sector - MBIE](#)

¹¹ [Our work with other organisations](#)

(b) Information Management Policy¹²

- 7.24. Clause 2.23 of the Code confirms that employees and participants that are individuals are provided with protection against self-incrimination.
- 7.25. Clause 2.21 reminds participants to mark information for which confidentiality is sought.

The Authority sees digitalisation as an enabler of our vision for the sector

- 7.26. One submitter requested that the Authority clarify its overall end goal for data access before proceeding with this collection, and others suggested that a central meter data store would be more appropriate.
- 7.27. In the first half of 2025, the Authority will be sharing more of our long-term view of how the sector is changing. This includes decentralisation, and digitalisation as an enabler of change. Our view of digitalisation is founded on the principle of a transparent and interoperable ecosystem, where information can be shared for improved decision making by consumers and participants.
- 7.28. The Authority plans to work with other agencies, regulators and the sector to align and deliver work as much as possible. We expect to consult first on the shared outcomes, before determining the deliverables that will get us there. However, there are several Authority activities that we see as generally contributing to this vision already, including:
- (a) Enabling distributor access to smart meter power quality data
 - (b) Establishing obligations around publishing network performance data
 - (c) Considering Market Development Advisory Group's recommendation to require retailers to use half-hourly metering data rather than default demand profiles for reconciliation
 - (d) Updating the consumption data template in the Default Distribution Agreement.
 - (e) We are also working closely with MBIE on a potential consumer data right for electricity as outlined in paras 7.15 to 7.20 above
 - (f) Establishing standards and addressing inconsistencies that prevent interoperability.
- 7.29. Detailed design aspects such as 'centralised data storage' will be considered following the initial consultation. Whilst this may mean some aspects of the future state remain unknown, we will work to ensure systems and data structures to handle automated data transfers are consistent with the shared outcomes.

¹² [Our corporate documents](#)

Appendix A Final version of the clause 2.16 notice

Appendix B Summary of changes to the clause 2.16 notice since October 2024

Appendix C Summary of feedback and the Authority's response

Appendix D External reconfirmation of cost benefit analysis