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# Ring-fencing Information Sharing Protocol

GOV-STD-A5415856



## 1. Purpose

This protocol describes how and when Powerlink will make ring-fenced information available to its Related Electricity Service Providers (RESPs), or other legal entities, as required under the Australian Energy Regulator's (AER's) Electricity Transmission Ring-fencing Guideline (Guideline), Version 4, published March 2023.

Under certain circumstances if Powerlink, as a Transmission Network Service Provider (TNSP), shares ring-fenced information with RESPs or other legal entities that provide contestable electricity services, we are required to provide access to that information on an equal basis to third parties who are competing in the provision of contestable electricity services.

## 2. Definitions

The definitions below have been taken from the Guideline:

Term	Definition
<b>Affiliated entity</b>	In relation to a TNSP, means a legal entity: <ul style="list-style-type: none"> <li>a) which is a direct or indirect shareholder in the TNSP or otherwise has a direct or indirect legal or equitable interest in the TNSP;</li> <li>b) in which the TNSP is a direct or indirect shareholder or otherwise has a direct or indirect legal or equitable interest; or</li> <li>c) in which a legal entity referred to in paragraph (a) or (b) is a direct or indirect shareholder or otherwise has a direct or indirect legal or equitable interest.</li> </ul>
<b>Contestable Electricity Services</b>	Services for the supply of electricity or that are necessary or incidental to the supply of electricity, other than prescribed transmission services, negotiated transmission services or direct control services. [Note: For the avoidance of doubt, contestable electricity services includes non-regulated transmission services].
<b>Electricity information</b>	Information about electricity networks, electricity customers or electricity services, other than: <ul style="list-style-type: none"> <li>a) aggregated financial information; or</li> <li>b) other service performance information;</li> </ul> that does not relate to an identifiable customer or class of customer.
<b>Legal entity</b>	A natural person, a body corporate (including a statutory corporation or public authority), a partnership, or a trustee of a trust, but excludes staff in their capacity as such.
<b>Related electricity service provider (RESP)</b>	In relation to a TNSP, includes: <ul style="list-style-type: none"> <li>a) any affiliated entity of the TNSP; and</li> <li>b) the part of the TNSP,</li> </ul> that provides contestable electricity services, but excludes a part of an affiliated entity that provides prescribed transmission services, negotiated transmission services or direct control services
<b>Ring-fenced information</b>	Means electricity information, acquired or generated by a TNSP in connection with its provision of prescribed transmission services, that is not already publicly available, and includes electricity information: <ul style="list-style-type: none"> <li>a) that the TNSP derives from that information; or</li> </ul>

	b) provided to the TNSP by or in relation to a customer or prospective customer of prescribed transmission services.
<b>TNSP</b>	Transmission Network Service Provider.

## 3. Information Sharing Protocol

The Guideline requires Powerlink to:

- keep ring-fenced information confidential; and
- only use ring-fenced information for the purpose for which it was acquired or generated.

Powerlink may not disclose ring-fenced information to any person, including a RESP, unless:

- a) Powerlink has first obtained the explicit informed consent of the relevant customer, or prospective customer, to whom the ring-fenced information relates;
- b) the disclosure is required by, or for the purpose of complying with, any law;
- c) the disclosure is necessary to enable Powerlink to provide transmission services or other services<sup>1</sup> (including by acquiring services from other legal entities);
- d) the information has been requested by or on behalf of a customer, or potential customer, of another legal entity, and the disclosure is necessary to enable the legal entity to provide non-regulated transmission services or other services to the customer or potential customer;
- e) the disclosure is solely for the purpose of providing assistance to the extent necessary to respond to an event (such as an emergency) that is beyond Powerlink's reasonable control;
- f) the disclosure is solely for the purposes of research by a legal entity other than one of Powerlink's RESPs;
- g) a RESP of Powerlink has requested the disclosure and Powerlink complies with clause 4.2.3 of the Guideline<sup>2</sup> in relation to that ring-fenced information; or
- h) another legal entity, other than a RESP of Powerlink, has requested the disclosure.

## 4. When Powerlink will disclose ring-fenced information

In some circumstances, where Powerlink shares ring-fenced information with a RESP, Powerlink must provide access to that information to other legal entities on an equal basis.

Powerlink is only required to provide information to a legal entity where:

- The legal entity has requested that it be included on the information register in respect of information of that kind; and
- The legal entity is competing, or seeking to compete, with a RESP in relation to the provision of contestable electricity services.

Powerlink is not required to provide information to a legal entity where Powerlink has disclosed the information in the circumstances set out in clauses 3a) to e) above.

<sup>1</sup> If authorised in accordance with the waiver process set out in clause 5 of the Guideline.

<sup>2</sup> This clause related to the sharing of information.

### 5. Information Register

Powerlink maintains an Information Register which is publicly available via the Powerlink website. Powerlink's Information Register contains details of all valid requests for ring-fenced information made by RESPs and other legal entities that provide contestable electricity services but are not affiliated entities of Powerlink. The Information Register:

- Records the names of the RESPs and other legal entities that have requested access to ring-fenced information;
- Identifies the kind of information requested by the RESP or other legal entity; and
- Describes the kind information requested in sufficient detail to enable other legal entities to make an informed decision about whether to request that kind of information from Powerlink.



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