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Via email: [ContractMarketMonitoring@aer.gov.au](mailto:ContractMarketMonitoring@aer.gov.au)

### **Wholesale Market Monitoring and Reporting – submission to the Marketing Monitoring Information Orders for electricity**

Alinta Energy welcomes the opportunity to provide feedback on the AER's draft Market Monitoring Information Order MMIO-ELEC-2025-02 (the draft Order).

#### **Key points:**

- **We support the changes to minimise burdens on participants.**
- **We recommend an annual reporting cycle be adopted to streamline costs and burdens for participants, whilst ensuring the AER's monitoring objectives are met.**
- **We remain concerned about the AER's data protection measures, which does not comply with the Australian Energy Sector Cyber Security Framework.**

We provide the following specific feedback in relation to the MMIO:

#### **Annual reporting cycle**

In our response to the previous draft (MMIO-ELEC-2025-01), Alinta Energy recommended that an annual reporting cycle be adopted to reduce the growing administrative burden and associated costs of Information Orders. We highlighted that quarterly reporting requirements increase operational expenses, which can ultimately lead to higher prices for consumers, while an annual cycle would achieve efficiencies without compromising the AER's monitoring objectives. Although the AER has since updated its Information Order, the requirement for quarterly submissions remains unchanged, meaning the administrative challenges we raised persist.

#### **Data protection**

We appreciate the AER providing additional clarification on its AER's security policies in the draft order, including alignment with the Protective Security Policy Framework (PSPF) and the Information Security Manual (ISM)<sup>1</sup>. However, we note that the draft Order does not address the concerns raised by Alinta Energy in our response to MMIO-ELEC-2025-01.

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<sup>1</sup> Explanatory Statement, MMIO-ELEC-2025-01, p.12.

Alinta Energy remains concerned about the AER's data protection measures, which does not comply with the Australian Energy Sector Cyber Security Framework. In our response to MMIO-ELEC-2025-01, our concerns focused on two areas: the AER's ability to manage the extreme sensitivity of the types of data sought by the AER; and that risks around confidentiality are much broader than just the technical aspects of the AER's portal and data management.

The possible risks we outlined, include:

1. inadvertent disclosures via either human vectors or IT systems;
2. cyber security threats leading to data theft;
3. misuse (deliberate or otherwise) of knowledge obtained where AER employees, contractors or agents with access to this information resign and accept roles in the industry. This concern arises from the risk that sensitive or proprietary information could influence decision-making or provide an unfair competitive advantage to specific market participants; and
4. misuse of knowledge obtained by employees, contractors or agents of the AER with access to this information for insider trading or corporate espionage.

We underscored that such events could undermine market fairness, erode trust in regulatory processes, and harm industry participants, investors and, ultimately, Australian consumers.

Noting the AER's commitment that it "will implement a range of established data protection measures designed to control access, secure information, and monitor its use"<sup>2</sup>, we seek further assurance and again recommend that at a minimum, the AER adopt the Australian Energy Sector Cyber Security Framework and obtain independent verification that it can meet the 'SP-21' level of maturity.

We also advise the AER to consider the following additional protections:

- enforceable restraints around post-employment/post-engagement confidentiality, potentially including restraint of trade clauses barring relevant participation in roles or the provision of services for a period of at least six months;
- safeguards against conflicts of interest;
- to the extent possible, anonymisation of all stored information;
- physical protection of all stored information; and
- detailed policies on information life cycle management through to deletion of information.

We request that the AER reconsider these recommendations prior to finalising the Information Order and would welcome the opportunity to discuss them further.

Thank you for your consideration of Alinta Energy's submission. If you would like to discuss this further, please get in touch with Isidora Stefanovic at [isidora.stefanovic@alintaenergy.com.au](mailto:isidora.stefanovic@alintaenergy.com.au).

Yours sincerely,

**Isidora Stefanovic**

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<sup>2</sup> Explanatory Statement, MMIO-ELEC-2025-01, p.12.