Information Sharing Protocol
& Information Register Application Form

Energex Information Sharing Protocol

This Information Sharing Protocol (**Protocol**) describes how and when we will share confidential information under the Australian Energy Regulator's (**AER**) Electricity Distribution Ring-Fencing Guideline (**Guideline**). Defined terms have the same meaning as set out in the Guideline which can be found on the AER's website.

Under the Guideline, if we share confidential information in certain circumstances with our related electricity service providers, we are required to provide access to that information on an equal basis with third parties who are competing in the provision of contestable electricity services.

1. What information will we share?

Subject to the requirements of clause 4.3.4 of the Guideline, we will provide eligible legal entities access to confidential electricity information that we have acquired or generated in connection with our direct control services that is not already publicly available but has been disclosed to our related electricity service providers, or which has been disclosed to a legal entity (that is not a related electricity service provider) for the purposes of research that is subsequently disclosed to a related electricity service provider.

We are not required to provide confidential information that we have disclosed to our related electricity service providers in the following circumstances:

- where the relevant customer, or prospective customer, to whom the confidential information relates has provided their consent;
- where the disclosure is required by law;
- where the disclosure is necessary to enable us to provide distribution services or other services;
- 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 its transmission services, contestable electricity services or other services to the customer or potential customer; or
- the disclosure is solely for the purpose of providing assistance to another network service provider to the extent necessary to respond to an event (such as an emergency) that is beyond the other network service provider's reasonable control.

2. Inclusion on the Information Register

We will provide access to confidential information to those legal entities on our Information Register. The Information Register records:

- the names of our related electricity service providers that we have shared confidential information with;
- the names of entities that request access to confidential information that we share with our related electricity service providers; and
- the kind of confidential information each entity has requested.

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For a legal entity to be included on the Information Register they must submit to InformationSharing@energyq.com.au a completed Information Register Application Form. We will only approve a legal entity's application if:

- the Information Register Application Form is complete;
- the information being requested is "confidential information", within the meaning of the Guideline; and
- we are satisfied (acting reasonably) that the legal entity is competing, or seeking to compete, with us, or any of our related electricity service providers, in relation to the provision of contestable electricity services.

Once we have approved an application, the legal entity will be registered on our Information Register. Information Register Application Forms will be processed as quickly as possible, however a minimum processing time of five business days should be anticipated.

Updating the Information Register with a legal entity's information request does not automatically grant an entitlement to any confidential information. Only where we have provided confidential information of the same kind to a related electricity service provider, will we then be under an obligation to provide that information to the legal entity.

A list of the current legal entities on the Information Register is available on our Ring-Fencing webpage

3. Information sharing process

In accordance with our obligations under the Guideline, if confidential information becomes available in a category for which a legal entity is registered, we will share it with the entity via email.

We will use reasonable endeavours to provide the confidential information to a registered legal entity within 30 business days of when the confidential information has first been relevantly shared or disclosed.

4. Terms on which confidential information will be shared

All confidential information is provided to legal entities subject to the following terms and conditions and, by submitting a request to receive, or otherwise obtain access, to any confidential information, and/or receiving, or otherwise, accessing any confidential information, the legal entity will be deemed to have acknowledged, agreed and consented to, each of the matters set out in sections 2 and 3 above, as well as the following terms:

4.1 Confidentiality

1. In this Protocol, Representatives of an entity means the employees, agents, officers, directors, auditors, advisors, consultants and contractors of that entity.
2. All confidential information is confidential and only the requesting entity and its Representatives are permitted to access and use the confidential information in accordance with this Protocol.
3. We may require the requesting entity to sign a confidentiality agreement to ensure that access to, as well as use and disclosure of the confidential information is restricted, and we are under no obligation to share the information until the executed agreement is returned to us.

4. The requesting entity and its Representative must:
    a. maintain the confidential nature of the confidential information and only use the confidential information for the purpose for which it was acquired;
    b. not disclose any of the confidential information to any person unless:
        i. the disclosure is required by, or for the purpose of complying with any law; or
        ii. subject to us providing our prior written consent, where:
            1. the requesting entity procures the explicit informed consent of the relevant customer, or prospective customer, to whom the confidential information relates to the disclosure;
            2. the disclosure is necessary for the requesting entity to provide Distribution Services, Transmission Services or Other Services; or
            3. 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 its Transmission Services, Contestable Electricity Services or Other Services to the customer or potential customer.
    c. establish and maintain effective security measures to safeguard the confidential information from unauthorised access, use, copying or disclosure and use the same degree of care a prudent person would use to protect that person's confidential information; and
    d. immediately notify us of any potential, suspected or actual breach of this Protocol.

4.2 Privacy

If the confidential information includes any personal information, as defined under the *Privacy Act 1988* (Cth), the requesting entity must with respect to that personal information:

1. comply with the *Privacy Act 1988* (Cth), and any other privacy laws by which the requesting entity is bound; and
2. not disclose that personal information outside of Australia without written consent from us.

4.3 Nature of the information

The requesting entity agrees that:

1. the confidential information has not been prepared for the requesting entity or its business activities or with the intention that the requesting entity should rely on it;
2. except where expressly identified as such, the confidential information has not been audited or independently verified;
3. we do not give any assurance as to the degree of care or diligence used in compiling or preparing the confidential information;
4. this document does not grant the requesting entity or its Representatives any licence or other right in relation to the confidential information except as expressly provided in this document;

5. certain confidential information may have been disclosed with the consent of third parties and may be subject to conditions imposed by those parties;
6. we do not make any representation or warranty, express or implied, as to the accuracy, content, legality or completeness of any confidential information;
7. we are not under any obligation to notify the requesting entity if we become aware of any inaccuracy, incompleteness or change in the confidential information; and
8. our approval of the requesting entity's Information Register Application Form is not confirmation by us that we have confidential information available to share.

4.4 Disclaimer

We and each of our Representatives do not accept:

1. any responsibility for any errors, omissions, lack of accuracy, completeness, currency or reliability of any confidential information made available;
2. any responsibility to provide any other information or notification of matters arising or coming to our notice which may affect any confidential information provided; or
3. any liability for any loss or damage (whether under statute, in contract or tort (including for negligence) or otherwise) suffered or incurred by the requesting entity or any other person in connection with the use of or reliance on any confidential information.

5. Updating details

It is the responsibility of registered legal entities to ensure their contact details are correct. Registered entities can update their details by submitting an updated Information Register Application Form to InformationSharing@energyq.com.au.

6. Removal from the Information Register

We may periodically request confirmation from registered legal entities that their contact details are up to date. In order to ensure that the Information Register remains accurate and user friendly, we may remove legal entities who do not respond to any request for confirmation within ten business days.

We may remove a legal entity from the Information Register if they breach their obligations under this Protocol. An entity may request to be removed from the Information Register by sending an email to InformationSharing@energyq.com.au.

7. Further information

Further details regarding the Ring-Fencing Guideline are available on the Australian Energy Regulator's website Ring-fencing | Australian Energy Regulator (AER).

Please contact InformationSharing@energyq.com.au for additional information about this Protocol.

Information Register Application Form

This form must be used to request our confidential electricity information in accordance with our Information Sharing Protocol. Completed forms must be sent via email to InformationSharing@energyq.com.au.

By signing and submitting this form, the requesting entity consents to its details and the details of its information request being made publicly available on our Information Register.

1.	**Requesting Entity's Details**	
	Full legal name:	
	ABN / ACN (if applicable):	
	Address:	
	Email address (where the confidential information will be sent):	
	Contact Name:	
	Position:	
	Telephone Number:	
	Email:	
	Alternate contact (if applicable):	
	Position:	
	Telephone Number:	
	Email:	
	Description of Requesting Entity's business activities (if applicable):	
2.	**Information Request**	
	The kind of information being requested:	
	Description of information requested: (describe the kind of information requested in sufficient detail to enable other legal entities to make an informed decision about whether to also request that kind of information)	
	Proposed use of the information:	

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3.	**Acknowledgement and Authority**	
	The Requesting Entity agrees to the terms on which we will share the confidential information with it as detailed in the Information Sharing Protocol. The Requesting Entity is responsible for all costs it incurs in relation to registering on the Information Register and accessing the confidential information. You warrant that you have the authority to sign this agreement and bind the Requesting Entity.	
	Signature:	
	Full Name:	
	Position:	
	Date:	

Please attach a separate page if you need more space