



Independent Pricing and Regulatory Tribunal
New South Wales

Electricity Networks Audit Guideline – critical infrastructure licence conditions audits

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Amendment record

Issue	Date issued	Summary of amendments made
ENRAG - original	June 2016	First release of final Audit Guideline
ENRAG v2	May 2017	<p>Addition of Ms Deborah Cope as a Committee member, replacing Ms Catherine Jones.</p> <p>Amendments to Chapter 3 and appendix A regarding audit process.</p> <p>Addition of section 3.5.5.</p> <p>Removal of section 3.7.1 from previous version.</p> <p>Amendments to Chapter 6 - Critical infrastructure, including a minor amendment of 6.2.1 and general updates to reflect the new conditions in Ausgrid's operating licence.</p> <p>Amendments to Table C.1 to better reflect the licence conditions.</p> <p>Addition of Table C.2 to incorporate changes to Ausgrid's operating licence.</p> <p>Various further amendments unrelated to critical infrastructure audits.</p>
ENRAG v3	May 2017	Various amendments unrelated to critical infrastructure audits.
ENRAG – Critical infrastructure - draft	August 2017	<p>Separate Audit Guidelines published for consultation.</p> <p>Minor wording changes on page 1 to reflect incorporation of Endeavour Energy's new operating licence.</p> <p>Addition of Table A.3 to reflect Endeavour Energy's new operating licence.</p>

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1 Critical infrastructure licence conditions audit

This section of the Audit Guideline relates to particular conditions pertaining to critical infrastructure security that are in the Transmission Operator's Licence issued to the owners of TransGrid¹, in the distributor's licence issued to the owners of Ausgrid² and the distributor's licence issued to the owners of Endeavour Energy³. The conditions in the three licences vary, but, in general require:

- ▼ that a substantial presence is maintained in Australia including:
 - that the system maintenance is mainly undertaken from within Australia, with exceptions provided in the licence conditions
 - certain limitations around the operation and control of the transmission/distribution system, and
 - citizenship and security clearance requirements for persons in certain positions,
- ▼ certain data security measures, and
- ▼ annual compliance reporting and auditing.

IPART will publish an updated Guideline as required to address any changes in regulatory requirements.

1.1 Objective

New South Wales electricity networks are a critical component of national infrastructure, which, if destroyed, degraded or rendered unavailable for an extended period, would significantly impact on the security, social or economic wellbeing of the state and other connected States and Territories.

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- ¹ Issued by the Minister for Industry, Resources and Energy under the *Electricity Supply Act 1995* (NSW), granted to the NSW Electricity Networks Operations Pty Limited (ACN 609 169 959) as trustee for the NSW Electricity Network Operations Trust, dated 7 December 2015 (TransGrid licence).
 - ² Issued by the Minister for Industry, Resources and Energy under the *Electricity Supply Act 1995* (NSW), granted to the Ausgrid Operator Partnership a partnership carried on under that name by Blue Op Partner Pty Ltd (ACN 615 217 500) as trustee for the Blue Op Partner Trust, ERIC Alpha Operator Corporation 1 Pty Ltd (ACN 612 975 096) as trustee for ERIC Alpha Operator Trust 1, ERIC Alpha Operator Corporation 2 Pty Ltd (ACN 612 975 121) as trustee for ERIC Alpha Operator Trust 2, ERIC Alpha Operator Corporation 3 Pty Ltd (ACN 612 975 185) as trustee for ERIC Alpha Operator Trust 3, and ERIC Alpha Operator Corporation 4 Pty Ltd (ACN 612 975 210) as trustee for ERIC Alpha Operator Trust 4, dated 28 November 2016 (Ausgrid licence).
 - ³ Issued by the Minister for Resources, Energy and Utilities under the *Electricity Supply Act 1995* (NSW), granted to the Endeavour Energy Network Operator Partnership a partnership carried on under that name by Edwards O Pty Limited (CAN 618 643 486) as trustee for Edwards O Trust, ERIC Epsilon Operator Corporation 1 Pty Ltd (CAN 617 221 735) as trustee for ERIC Epsilon Operator Trust 1, ERIC Epsilon Operator Corporation 2 Pty Ltd (CAN 617 221 744) as trustee for ERIC Epsilon Operator Trust 2, ERIC Epsilon Operator Corporation 3 Pty Ltd (CAN 617 221 753) as trustee for ERIC Epsilon Operator Trust 3, ERIC Epsilon Operator Corporation 4 Pty Ltd (CAN 617 221 771) as trustee for ERIC Epsilon Operator Trust 4, dated 7 June 2017 (Endeavour Energy licence).

This audit seeks to satisfy the New South Wales Government that the network being audited is being maintained in a manner that assures security of supply, by assessing the licensee's compliance with the specific licence conditions that relate to critical infrastructure security.

1.2 Scope

The audits will assess the network operator's compliance with its critical infrastructure licence conditions over the preceding financial year, taking into account the annual compliance report it submits to IPART. The audit must be comprehensive and meet any requirements specified by IPART.

1.3 Specific auditor expertise

An Approved Critical Infrastructure Auditor is described in the licences as a person who has been approved by IPART as meeting certain criteria, including being independent of the licence holder, and having the necessary experience and expertise in system security or has otherwise demonstrated the capability to audit compliance with the critical infrastructure licence conditions.

When assessing the auditor, we will consider their qualifications and experience in the following areas:

- ▼ appropriate audit accreditation
- ▼ experience with application of audit standards (such as ASAE 3000 or AS/NZS ISO 19011)
- ▼ experience in auditing against ISO27001 or an equivalent standard, or other non-auditing experience with the standard
- ▼ experience in operational and management audits
- ▼ experience with maintenance of electricity networks or similar structures, structural/electrical engineering experience or other electrical systems experience
- ▼ experience auditing compliance with the *Privacy Act 1988* (Cth), and
- ▼ holding negative vetting 1 (NV1) security clearance, (desired but not essential).

1.4 Audit timing

A compliance report must be submitted to IPART by the licence holders by 31 August each year, or another date specified by the Tribunal.⁴ The compliance report must be audited and an audit report provided to IPART by 30 September of that year.⁵ Table 6.1 provides an indicative timeframe.

⁴ Condition 8.1 TransGrid licence; Condition 11.1 Ausgrid licence; Condition 11.1 Endeavour Energy licence.

⁵ Condition 8.2 TransGrid licence; Condition 11.2 Ausgrid licence; Condition 11.2 Endeavour Energy licence.

Table 1.1 Proposed timeline for critical infrastructure audit

Deadline	Indicative Date	Task
By 31 May		Auditor nomination submitted to IPART by electricity network.
	30 June	Auditor proposal submitted to IPART
	31 July	Audit proposal approved by IPART and auditor engaged by the ANO
31 August		Compliance report of critical infrastructure licence conditions delivered to IPART
30 September		Final audit report due to IPART

For Endeavour Energy, IPART has specified that:

- The network must report on its compliance with its critical infrastructure licence conditions for the 2016-17 year by 30 September 2017.
- The final audit report on its compliance during 2016-17 may be submitted along with its final audit report on compliance during 2017-18, which is due 30 September 2018.

1.5 Criteria

The auditor will review audit evidence to test against the audit criteria listed in Table A.1 and Table A.2 in Appendix A. Where possible, the criteria should be tested against the facts that existed in the financial year to which the audit relates, rather than the facts that exist when the audit takes place, to determine whether compliance was achieved during this period.

Critical infrastructure audits are independent audits. The evidence reviewed by the auditor should be sufficient for the auditor to form an opinion consistent with the findings outlined in IPART's *Audit Guideline – audit fundamentals, process and findings*. The minimum criteria listed in Appendix A are provided as guidance only. Auditors must rely on their professional experience, the audit scope and the relevant Australian or International standards to determine what appropriate evidence would be for the audit clauses.



Appendices

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A Audit criteria for critical infrastructure audits

Table A.1 Audit criteria for critical infrastructure audits against the Transmission Operator's licence

Licence condition	Minimum criteria ^b	Auditor's comments	Audit Grade
Substantial presence in Australia			
6.1 (a)	The licence holder has ensured that the maintenance of the licence holder's transmission system is undertaken solely from within Australia other than where such maintenance is not capable of being undertaken within Australia on reasonable commercial terms and conditions.		
6.1 (b)	The licence holder has ensured that the operation and control of the transmission system is capable of being undertaken only from within Australia.		
6.2 (a)	At least two directors of the licence holder are Australian citizens.		
6.2 (b) 6.3 6.4	The licence holder has senior officers who: <ul style="list-style-type: none"> ▼ are responsible for operational technology and network operations in relation to the transmission system ▼ reside in Australia, and ▼ hold (or possess an ability to hold) appropriate national security clearance of not less than Negative Vetting Level 1 (or equivalent) issued by the NSW Government on advice from the Australian Government Security Vetting Agency (AGSVA). Review these criteria in accordance with licence conditions 6.2(b), 6.3 and 6.4. 		
Data security			
7.1 (a)	The licence holder has ensured that all data as to the quantum of electricity delivered (both historical and current load demand) from or to any one or more sites (or their connection points) relating to or obtained in connection with the operation of the transmission system by a Relevant Person is: <ul style="list-style-type: none"> ▼ held solely within Australia ▼ accessible only by a Relevant Person or a person who has been authorised by 		

Licence condition	Minimum criteria ^b	Auditor's comments	Audit Grade
	<p>the licence holder, and</p> <ul style="list-style-type: none"> ▼ accessible only from within Australia. <p>Review this criterion in accordance with licence condition 7.2.</p>		
7.1 (b)	<p>The licence holder has ensured that all personal information within the meaning of the <i>Privacy Act 1988</i> (Cth) relating to or obtained in connection with the operation of the transmission system by a Relevant Person is:</p> <ul style="list-style-type: none"> ▼ held solely within Australia ▼ accessible only by a Relevant Person or a person who has been authorised by the licence holder, and ▼ accessible only from within Australia. <p>Review this criterion in accordance with licence condition 7.3.</p>		

Table A.2 Audit criteria for critical infrastructure audits against the Ausgrid licence

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
Substantial presence in Australia			
9.1(a)	<p>The Licence Holder has taken all practical and reasonable steps to ensure the maintenance of its distribution system is undertaken solely from within Australia, except where maintenance requires either physical servicing of components offshore or the acquisition of replacement components from outside Australia. In such an instance, this maintenance has not impacted condition 9.2.</p>		
9.1(b)	<p>Any third party or non-Licence Holder employee, including individuals/entities from outside Australia, undertaking maintenance of the distribution system is subject to the approval of the senior officer responsible for network operations.</p>		
9.2(a) & 9.2(c)	<p>The Licence Holder has used best industry practice for electricity network control systems to ensure;</p> <ul style="list-style-type: none"> ▼ the operation and control of its distribution system, including all associated ICT infrastructure, can be accessed, operated and controlled only from within Australia, and ▼ its distribution system is not connected to any other infrastructure or network 		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>which could enable it to be controlled or operated by persons outside Australia.</p> <p>OR</p> <p>The Licence Holder has undertaken the steps that are required to be undertaken in the 12 month period after the date of the licence as set out in an implementation plan approved by the Minister.</p>		
9.2(b)	The Licence Holder has notified the Commonwealth Representative if it entered into a contract under which it outsources the operation and control of its distribution system, including any associated ICT infrastructure.		
9.3(a) & 9.4(a)	<p>The Licence Holder has at least two directors who are Australian citizens.</p> <p>OR</p> <p>If, in the case of a casual vacancy on the board of directors, the vacancy is filled within two months of the casual vacancy first occurring.</p>		
9.3(b) & 9.4(b) & 9.5	<p>The Licence Holder has senior officers responsible for:</p> <ul style="list-style-type: none"> (i) operational technology; including <ul style="list-style-type: none"> ▼ delivering the Supervisory Control and Data Acquisition (SCADA) capability required to safely and reliably operate the NSW distribution system, ▼ developing and implementing strategies to manage cyber security and other threats affecting the network operational technology environment, and ▼ developing systems for effectively managing assets remotely, including but not limited to network switches, condition monitoring and remote interrogation or operation of protection systems and relays. (ii) network operations; including <ul style="list-style-type: none"> ▼ the day to day operation, monitoring and maintenance of the distribution systems, and ▼ directing the operational planning, management, control and security of the distribution systems. (iii) security operations; including <ul style="list-style-type: none"> ▼ approval for the Licence Holder's personnel or other nominated personnel to access the Licence Holder's information systems or physical access to the Licence Holder's premises and associated infrastructure, ▼ personnel security, and ▼ managing relationships with Commonwealth and state government agencies, 		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>in relation to the distribution system, who are persons</p> <ul style="list-style-type: none"> ▼ residing in Australia, and ▼ holding an appropriate national security clearance, being a clearance of net less than Negative Vetting Level 1 (or equivalent) issued by the NSW Government on advice from the Australia Government Security Vetting Agency (AGSVA). <p>OR</p> <p>(i) Following the first issue of the licence to the Licence Holder; or</p> <p>(ii) any position identified in condition 9.3 being vacated or the relevant person ceasing to satisfy the qualifications set out there for any reason,</p> <p>The Licence Holder</p> <p>(iii) procured the appointment of a person to the relevant position that the Licence Holder bona fide believed would be able to obtain the required security clearance; and</p> <p>(iv) procured that the person apply for the required security clearance.</p> <p>and</p> <p>(a) an appointment and application for national security clearance for the person was made within 4 months of (as relevant) the first issue of these conditions or the relevant vacancy or disqualification occurring; and</p> <p>(b) if the application referred to in condition 9.5(a) was made and rejected or withdrawn, the Licence Holder procured a replacement application being made within 4 months of that rejection or withdrawal; and</p> <p>(c) the Licence Holder procured compliance with condition 9.3(b) in any event with respect to any position within 8 months (or such longer period as approved in writing by the Minister) of (as relevant) the first issue of these conditions or the relevant vacancy occurring.</p>		
Data security			
10.1(a) & 10.2	<p>The Licence Holder has ensured that all of its information (being design specifications, operating manuals and the like) as to the operational technology (such as the SCADA system) and associated ICT infrastructure of the operational network is held solely within Australia, and that such information is accessible only by a Relevant Person who has been authorised by the Licence Holder and only from within Australia.</p> <p>EXCEPT IF</p> <p>The Licence Holder holds, uses or accesses information or data, or the Licence</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>Holder allows a Relevant Person approved by the senior officer referred to in condition 9.3(b)(i) to disclose, hold, use or access information or data for the purposes of:</p> <p>(a) disclosure to a recognised stock exchange so that such information is made available publicly in compliance with a binding obligation on the part of the Licence Holder or that Associate to do so;</p> <p>(b) complying with any law of the Commonwealth of Australia, or of any of its States and Territories;</p> <p>(c) disclosure to the financial, accounting, insurance, legal, regulatory and other advisers, auditors, insurers, security trustees and financiers (and each of their advisers) of the Licence Holder, any Associate, and any bona fide prospective purchaser of any interest in, or of any interest in the main undertaking of the Licence Holder or any Associate, but in each case only to the extent necessary in order for those persons to provide the advisory or other services bona fide required of them;</p> <p>(d) disclosure to participants, regulators and service providers in the electricity sector, provided it is in the ordinary course and in accordance with good electricity industry practice, and such information is required by those persons to provide the services or to perform the functions bona fide required of them;</p> <p>(e) providing aggregated data which does not permit identification of sites or groups of sites (or their connection points) or their demand characteristics;</p> <p>(f) allowing a service provider or contractor to hold, use or access information where that arrangement is approved by the Tribunal in writing having regard to whether:</p> <p>(i) the service provider or contractor is reputable; and</p> <p>(ii) the service provider or contractor has data security systems in place to ensure information security is maintained;</p> <p>(g) allowing a service provider or contractor who is a provider to the Licence Holder at the date of this Licence to hold, use or access information for the period of 12 months after the date of this Licence provided, after a transition plan is approved by the Tribunal in writing during that period, the Licence Holder undertakes the steps (if any) that are required to be undertaken in that 12 month period as set out in that transition plan; and</p> <p>(h) such other circumstances as approved by the Tribunal in writing.</p>		
10.1(b)	<p>The licence holder must show that all:</p> <p>(i) data as to the quantum of electricity delivered (both historical and current load</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>demand) from or to any one or more sites (or their connection points); and</p> <p>(ii) personal information within the meaning of the <i>Privacy Act 1988</i> (Cth) relating to or obtained in connection with the operation of the distribution system by a Relevant Person is held solely within Australia and is accessible only by a Relevant Person or a person who has been authorised by the Licence Holder.</p> <p>EXCEPT IF in relation to part (ii) above</p> <p>The Licence Holder holds, uses or accesses information or data, or the Licence Holder allows a Relevant Person approved by the senior officer referred to in condition 9.3(b)(i) to disclose, hold, use or access information or data for the purposes of:</p> <p>(a) disclosure to a recognised stock exchange so that such information is made available publicly in compliance with a binding obligation on the part of the Licence Holder or that Associate to do so;</p> <p>(b) complying with any law of the Commonwealth of Australia, or of any of its States and Territories;</p> <p>(c) disclosure to the financial, accounting, insurance, legal, regulatory and other advisers, auditors, insurers, security trustees and financiers (and each of their advisers) of the Licence Holder, any Associate, and any bona fide prospective purchaser of any interest in, or of any interest in the main undertaking of the Licence Holder or any Associate, but in each case only to the extent necessary in order for those persons to provide the advisory or other services bona fide required of them;</p> <p>(d) disclosure to participants, regulators and service providers in the electricity sector, provided it is in the ordinary course and in accordance with good electricity industry practice, and such information is required by those persons to provide the services or to perform the functions bona fide required of them;</p> <p>(e) providing aggregated data which does not permit identification of sites or groups of sites (or their connection points) or their demand characteristics;</p> <p>(f) allowing a service provider or contractor to hold, use or access information where that arrangement is approved by the Tribunal in writing having regard to whether:</p> <p>(i) the service provider or contractor is reputable; and</p> <p>(ii) the service provider or contractor has data security systems in place to ensure information security is maintained;</p> <p>(g) allowing a service provider or contractor who is a provider to the Licence Holder at the date of this Licence to hold, use or access information for the</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>period of 12 months after the date of this Licence provided, after a transition plan is approved by the Tribunal in writing during that period, the Licence Holder undertakes the steps (if any) that are required to be undertaken in that 12 month period as set out in that transition plan; and</p> <p>(h) such other circumstances as approved by the Tribunal in writing</p> <p>OR if in relation to (ii) above</p> <p>A Relevant Person or a person authorised to access the information by the Licence Holder discloses, holds, uses or accesses personal information as permitted by the <i>Privacy Act 1988</i> (Cth).</p>		
10.4	<p>The Licence Holder has ensured that third party data or information (including without limitation communications within the meaning of the <i>Telecommunications (Interception and Access) Act 1979</i> (Cth), personal information within the meaning of the <i>Privacy Act 1988</i> (Cth), and closed-circuit television footage) which is indirectly accessed or obtained by the Licence Holder because that third party data or information is transferred by a carrier or other party using the Licence Holder's infrastructure, are held by the Licence Holder solely within Australia, and are accessible only by a Relevant Person or a person who has been authorised by the Licence Holder, and in each case, only from within Australia.</p>		

Table A.3 **Audit criteria for critical infrastructure audits against the Endeavour Energy licence**

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
Substantial presence in Australia			
9.1(a)	<p>The Licence Holder has taken all practical and reasonable steps to ensure the maintenance of its distribution system is undertaken solely from within Australia, except where maintenance requires either physical servicing of components offshore or the acquisition of replacement components from outside Australia.</p> <p>In such an instance, this maintenance has not impacted condition 9.2.</p>		
9.1(b)	<p>Any third party or non-Licence Holder employee, including individuals/entities from outside Australia, undertaking maintenance of the distribution system is</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	subject to the approval of the senior officer responsible for network operations.		
9.2(a) & 9.2(c)	<p>The Licence Holder has used best industry practice for electricity network control systems to ensure;</p> <ul style="list-style-type: none"> ▼ the operation and control of its distribution system, including all associated ICT infrastructure, can be accessed, operated and controlled only from within Australia, and ▼ its distribution system is not connected to any other infrastructure or network which could enable it to be controlled or operated by persons outside Australia. <p>OR</p> <p>The Licence Holder has undertaken the steps that are required to be undertaken as set out in an approved plan.</p>		
9.2(b)	The Licence Holder has notified the Commonwealth Representative if it entered into a contract under which it outsources the operation and control of its distribution system, including any associated ICT infrastructure.		
9.3(a) & 9.4(a)	<p>The Licence Holder has at least two directors who are Australian citizens.</p> <p>OR</p> <p>If, in the case of a casual vacancy on the board of directors, the vacancy is filled within two months of the casual vacancy first occurring.</p>		
9.3(b) & 9.4(b) & 9.5	<p>The Licence Holder has senior officers responsible for:</p> <ul style="list-style-type: none"> (i) operational technology; including <ul style="list-style-type: none"> ▼ delivering the Supervisory Control and Data Acquisition (SCADA) capability required to safely and reliably operate the NSW distribution system, ▼ developing and implementing strategies to manage cyber security and other threats affecting the network operational technology environment, and ▼ developing systems for effectively managing assets remotely, including but not limited to network switches, condition monitoring and remote interrogation or operation of protection systems and relays. (ii) network operations; including <ul style="list-style-type: none"> ▼ the day to day operation, monitoring and maintenance of the distribution systems, and ▼ directing the operational planning, management, control and security of the distribution systems. (iii) security operations; including 		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>▼ approval for the Licence Holder's personnel or other nominated personnel to access the Licence Holder's information systems or physical access to the Licence Holder's premises and associated infrastructure,</p> <p>▼ personnel security, and</p> <p>▼ managing relationships with Commonwealth and state government agencies,</p> <p>in relation to the distribution system, who are persons</p> <p>▼ residing in Australia, and</p> <p>▼ holding an appropriate national security clearance, being a clearance of not less than Negative Vetting Level 1 (or equivalent) issued by the NSW Government on advice from the Australia Government Security Vetting Agency (AGSVA).</p> <p>OR</p> <p>(i) Following the first issue of the licence to the Licence Holder; or</p> <p>(ii) any position identified in condition 9.3 being vacated or the relevant person ceasing to satisfy the qualifications set out there for any reason,</p> <p>The Licence Holder</p> <p>(iii) procured the appointment of a person to the relevant position that the Licence Holder bona fide believed would be able to obtain the required security clearance; and</p> <p>(iv) procured that the person apply for the required security clearance.</p> <p>and</p> <p>(a) an appointment and application for national security clearance for the person was made within 4 months of (as relevant) the first issue of these conditions or the relevant vacancy or disqualification occurring; and</p> <p>(b) if the application referred to in condition 9.5(a) was made and rejected or withdrawn, the Licence Holder procured a replacement application being made within 4 months of that rejection or withdrawal; and</p> <p>(c) the Licence Holder procured compliance with condition 9.3(b) in any event with respect to any position within 8 months (or such longer period as approved in writing by the Minister) of (as relevant) the first issue of these conditions or the relevant vacancy occurring.</p>		
Data security			
10.1(a) &	The Licence Holder has ensured that all of its information (being design		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
10.2	<p>specifications, operating manuals and the like) as to the operational technology (such as the SCADA system) and associated ICT infrastructure of the operational network is held solely within Australia, and that such information is accessible only by a Relevant Person who has been authorised by the Licence Holder and only from within Australia.</p> <p>EXCEPT IF</p> <p>The Licence Holder holds, uses or accesses information or data, or the Licence Holder allows a Relevant Person approved by the senior officer referred to in condition 9.3(b)(i) to disclose, hold, use or access information or data for the purposes of:</p> <p>(a) disclosure to a recognised stock exchange so that such information is made available publicly in compliance with a binding obligation on the part of the Licence Holder or that Associate to do so;</p> <p>(b) complying with any law of the Commonwealth of Australia, or of any of its States and Territories;</p> <p>(c) disclosure to the financial, accounting, insurance, legal, regulatory and other advisers, auditors, insurers, security trustees and financiers (and each of their advisers) of the Licence Holder, any Associate, and any bona fide prospective purchaser of any interest in, or of any interest in the main undertaking of the Licence Holder or any Associate, but in each case only to the extent necessary in order for those persons to provide the advisory or other services bona fide required of them;</p> <p>(d) disclosure to participants, regulators and service providers in the electricity sector, provided it is in the ordinary course and in accordance with good electricity industry practice, and such information is required by those persons to provide the services or to perform the functions bona fide required of them;</p> <p>(e) providing aggregated data which does not permit identification of sites or groups of sites (or their connection points) or their demand characteristics;</p> <p>(f) allowing a service provider or contractor to hold, use or access information where that arrangement is approved by the Tribunal in writing having regard to whether:</p> <p>(i) the service provider or contractor is reputable; and</p> <p>(ii) the service provider or contractor has data security systems in place to ensure information security is maintained;</p> <p>(g) allowing a service provider or contractor who is a provider to the Licence Holder at the date of this Licence to hold, use or access information for the after</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>the date of this Licence provided the Licence Holder is at the relevant time undertaking the steps that are required to be undertaken as set out in a plan (and for the duration of the period set out in that plan) related to that service provider or contractor approved by the Minister, in the case of a plan approved as of the first issue of this Licence, or any plan or amended plan approved by the Tribunal subsequent to the first issue of this Licence (each an approved plan);</p> <p>(h) such other circumstances as approved by the Tribunal in writing.</p>		
10.1(b)	<p>The licence holder must show that all:</p> <p>(i) data as to the quantum of electricity delivered (both historical and current load demand) from or to any one or more sites (or their connection points); and</p> <p>(ii) personal information within the meaning of the <i>Privacy Act 1988</i> (Cth) relating to or obtained in connection with the operation of the distribution system by a Relevant Person is held solely within Australia and is accessible only by a Relevant Person or a person who has been authorised by the Licence Holder.</p> <p>EXCEPT IF in relation to part (ii) above</p> <p>The Licence Holder holds, uses or accesses information or data, or the Licence Holder allows a Relevant Person approved by the senior officer referred to in condition 9.3(b)(i) to disclose, hold, use or access information or data for the purposes of:</p> <p>(a) disclosure to a recognised stock exchange so that such information is made available publicly in compliance with a binding obligation on the part of the Licence Holder or that Associate to do so;</p> <p>(b) complying with any law of the Commonwealth of Australia, or of any of its States and Territories;</p> <p>(c) disclosure to the financial, accounting, insurance, legal, regulatory and other advisers, auditors, insurers, security trustees and financiers (and each of their advisers) of the Licence Holder, any Associate, and any bona fide prospective purchaser of any interest in, or of any interest in the main undertaking of the Licence Holder or any Associate, but in each case only to the extent necessary in order for those persons to provide the advisory or other services bona fide required of them;</p> <p>(d) disclosure to participants, regulators and service providers in the electricity sector, provided it is in the ordinary course and in accordance with good electricity industry practice, and such information is required by those persons to provide the services or to perform the functions bona fide required of them;</p> <p>(e) providing aggregated data which does not permit identification of sites or</p>		

Licence condition	Minimum criteria	Auditor's comments	Audit Grade
	<p>groups of sites (or their connection points) or their demand characteristics;</p> <p>(f) allowing a service provider or contractor to hold, use or access information where that arrangement is approved by the Tribunal in writing having regard to whether:</p> <p>(i) the service provider or contractor is reputable; and</p> <p>(ii) the service provider or contractor has data security systems in place to ensure information security is maintained;</p> <p>(g) allowing a service provider or contractor who is a provider to the Licence Holder at the date of this Licence to hold, use or access information for the after the date of this Licence provided the Licence Holder is at the relevant time undertaking the steps that are required to be undertaken as set out in a plan (and for the duration of the period set out in that plan) related to that service provider or contractor approved by the Minister, in the case of a plan approved as of the first issue of this Licence, or any plan or amended plan approved by the Tribunal subsequent to the first issue of this Licence (each an approved plan);</p> <p>(h) such other circumstances as approved by the Tribunal in writing</p> <p>OR if in relation to (ii) above</p> <p>A Relevant Person or a person authorised to access the information by the Licence Holder discloses, holds, uses or accesses personal information as permitted by the <i>Privacy Act 1988</i> (Cth).</p>		
10.4	<p>The Licence Holder has ensured that third party data or information (including without limitation communications within the meaning of the <i>Telecommunications (Interception and Access) Act 1979</i> (Cth), personal information within the meaning of the <i>Privacy Act 1988</i> (Cth), and closed-circuit television footage) which is indirectly accessed or obtained by the Licence Holder because that third party data or information is transferred by a carrier or other party using the Licence Holder's infrastructure, are held by the Licence Holder solely within Australia, and are accessible only by a Relevant Person or a person who has been authorised by the Licence Holder, and in each case, only from within Australia.</p>		