

GUIDE TO CONFIDENTIALITY ACCESS AND CONNECTION

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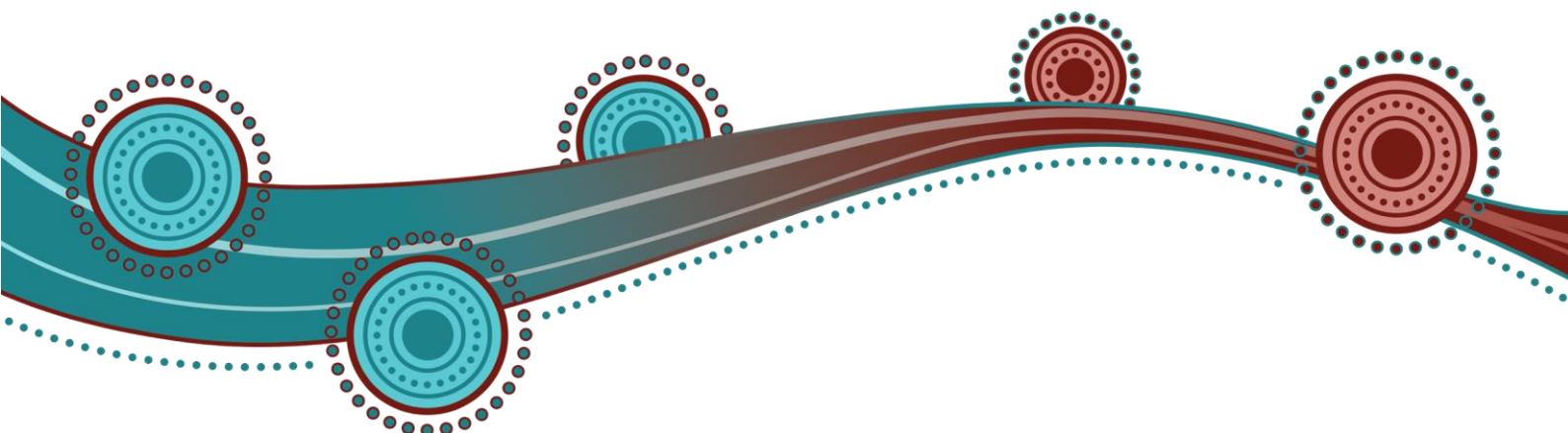
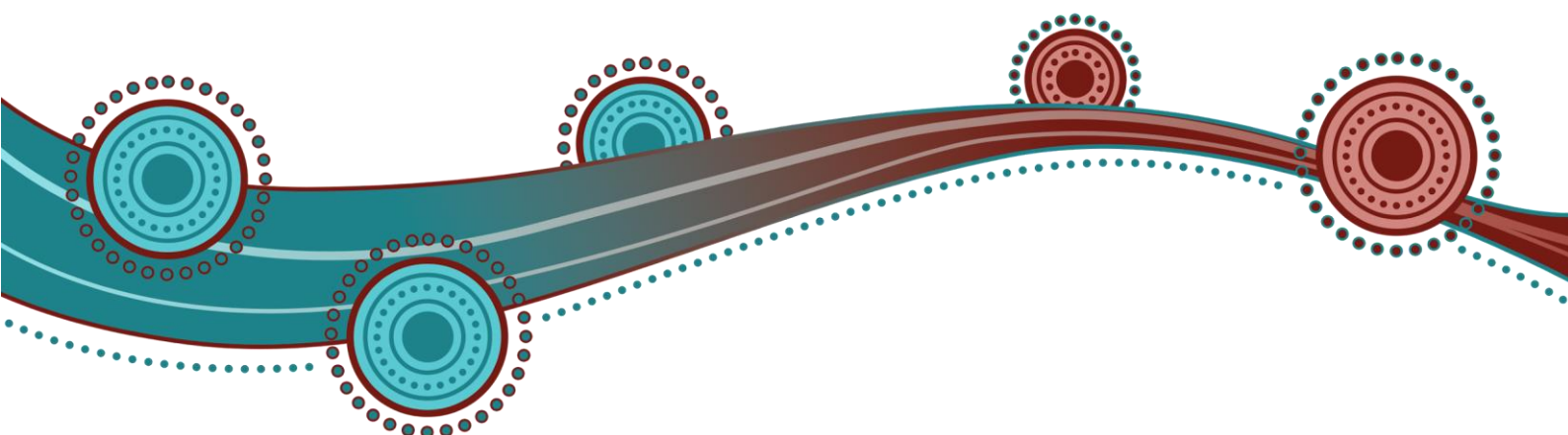


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1. Introduction

1.1 Purpose and Scope

- 1.1.1 The purpose of this Guide is to summarise the confidentiality requirements that apply under the Pilbara Networks Rules (Rules) in connection with information to be exchanged between the ISO, Access Seekers and Network Service Providers (NSP) related to access to the NWIS.
- 1.1.2 The *Electricity Industry Act 2004* (WA), the Electricity Industry (Pilbara Networks) Regulations 2021, the Pilbara Networks Access Code and the Rules prevail over this Guide to the extent of any inconsistency.
- 1.1.3 In this Guide, where obligations are conferred on a Rules Participant, that Rule Participant must comply with the relevant obligations in accordance with Rule 85, unless the Rule Participant has grounds for non-compliance under Rule 172 of the Rules.

1.2 Definitions and interpretation

- 1.2.1 Terms defined in the *Electricity Industry Act 2004* (WA), the Electricity Industry (Pilbara Networks) Regulations 2021, the Pilbara Networks Access Code and the Rules have the same meaning in this Guide unless the context requires otherwise.
- 1.2.2 Where there is a discrepancy between the Rules and information or a term in this Guide, the Rules take precedence.
- 1.2.3 Where there is a discrepancy between relevant Procedures and information or a term in this Guide, the Procedure takes precedence.
- 1.2.4 The following principles of interpretation apply in this Guide unless the context requires otherwise.
 - (a) Subchapter 1.2 of the Rules apply to this Guide.
 - (b) References to time are references to Australian Western Standard Time (AWST).
 - (c) A reference to the Rules or Procedures made under the Rules, have the meaning given to them in the Rules.
 - (d) Words expressed in the singular include the plural and vice versa.
 - (e) A reference to a paragraph refers to a paragraph in this Guide.
 - (f) A reference to a rule, subchapter or chapter refers to the relevant section in the Rules.
 - (g) References to the Rules in this Procedure in bold and square brackets, e.g. “**See Rule [XXX]**”, are included for convenience only, and do not form part of this Procedure.
 - (h) Explanatory notes are included for context and explanation and do not for part of this Procedure.
- 1.2.5 Appendix A of this Guide lists the relevant Rules covered by the Guide.

1.3 No Reliance or Warranty

- 1.3.1 This document does not constitute legal advice or business advice and should not be relied on as a substitute for obtaining legal advice about the Electricity Industry Act 2004 (WA), the Electricity Industry (Pilbara Networks) Regulations 2021, the Pilbara Networks Access Code, the Rules or any other applicable laws, procedures or policies.
- 1.3.2 While ISO has made every effort to ensure the quality of the information in this Guide, neither ISO, nor any of its employees, agents and consultants make any representation or warranty as to the accuracy, reliability, completeness, currency or suitability for particular purposes of that information.

1.4 Limitation of Liability

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1.5 Related Documents

- 1.5.1 The following Procedures, publications and user guides are associated with this Guide:
- (a) Access and Connection Procedure
 - (b) Power System Modelling Procedure

2. Access and Connection Process

2.1 Assessment Phases

See Rule [274]

2.1.1 The Access and Connection Procedure outlines the access and connection process relevant to the ISO in the NWIS.

2.2 ISO Functions

See Rule [268(1)(b); 268(1)(c); 271(1); 272]

2.2.1 The ISO's functions include the following which are relevant to this Guide:

- (a) assisting the Access Seeker and the Registered NSP in connection with the preparation and processing of Access Applications and the negotiation of Access Contracts [Rule 268(1)(b)];
- (b) providing modelling services for the preparation and processing of Access Applications and negotiation of Network Access Contracts and, if applicable, resolution of Access Disputes [Rule 268(1)(c)];
- (c) undertaking system modelling if requested [Rule 271(1)];
- (d) conferring with and making recommendations or providing guidance to either or both of the Registered NSP and Access Seeker in connection with an Access Application [Rule 272].

3. Confidential Information

3.1 Relating to Access

See Rule [120; Subchapter 11.2]

- 3.1.1 At each stage of the access and connection process information is exchanged between the Access Seeker, the Network Service Provider and the ISO. Some of this information will likely be Confidential Information, including power system modelling.
- 3.1.2 Rules Participants must comply with obligations to provide Modelling Information to the ISO whether or not the information is confidential (Rule 120(2)).
- 3.1.3 The confidentiality regime in Subchapter 11.2 of the Rules governs the process for preserving confidentiality, including Confidential Information in modelling provided to the ISO by a Rules Participant.¹

3.2 Under the Rules

See Rule [Subchapter 11.2]

- 3.2.1 Subchapter 11.2 of the Rules sets out primary and secondary confidentiality objectives as follows:

294	Confidentiality objective
(1)	The primary objective of this Subchapter 11.2 is – (a) to preserve the confidentiality of <i>confidential information</i> to the greatest extent practicable consistent with – (i) persons' performance of their functions under the <i>Pilbara regime</i> ; and (ii) the <i>Pilbara electricity objective</i> and any applicable <i>objective</i> stated in these rules; and (b) if a <i>recipient</i> receives <i>confidential information</i> in connection with the <i>Pilbara regime</i> , to ensure that a <i>recipient</i> uses it only for – (i) the <i>recipient's</i> performance of their functions under the <i>Pilbara regime</i> ; and (ii) in accordance with the <i>Pilbara electricity objective</i> and any applicable <i>stated objective</i> .
(2)	A secondary objective of this Subchapter 11.2 is to achieve the primary objective as quickly, simply, and with as little compliance burden and cost, as practicable.

- 3.2.2 Recipients of Confidential Information are subject to a general restriction on use of that information, unless the Information Owner's written consent is obtained. The Confidential Information can only be used for the purposes of performing a function under the Pilbara Regime and as required or permitted by the Rules or the Pilbara Regime (Rule 297).

¹ Subject to Rule 120(4)

4. Disclosure of Confidential Information

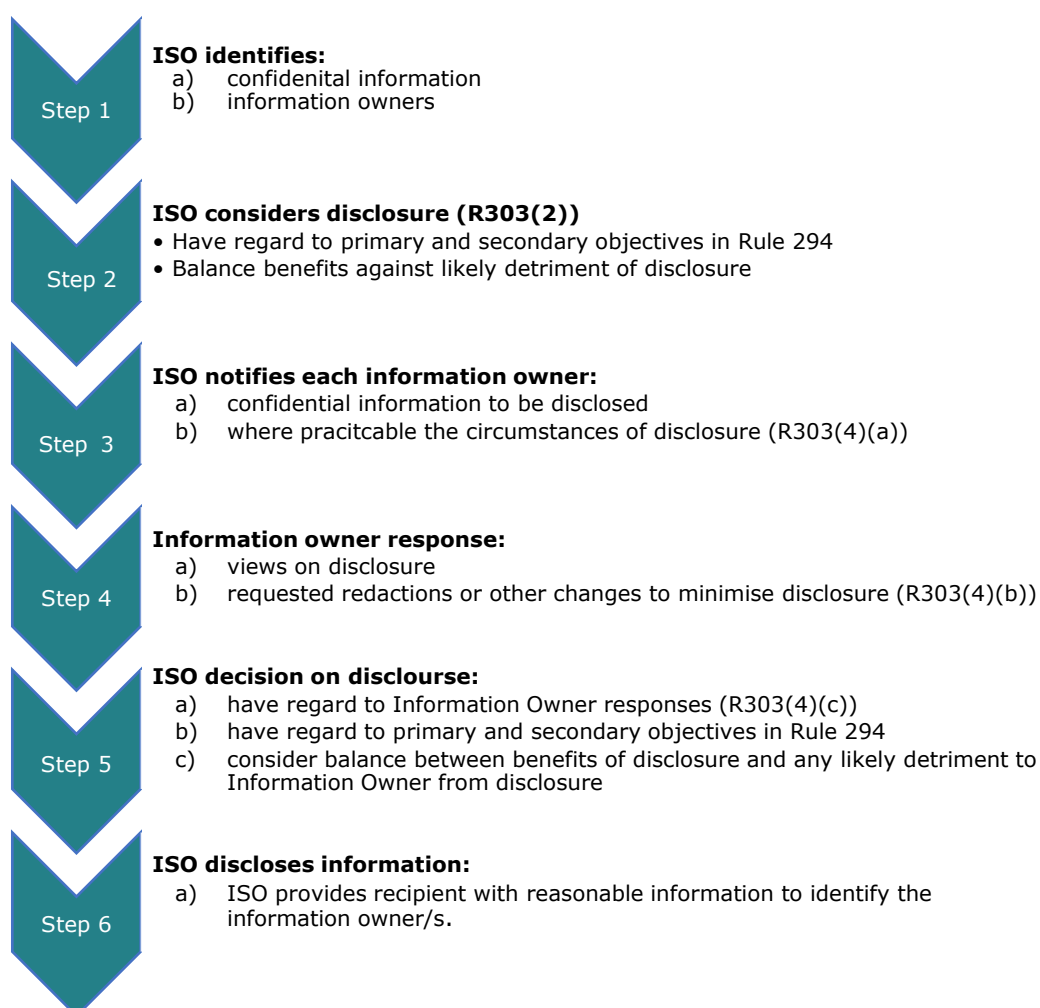
{Note: The Rules contain various categories of permitted disclosures which Rules Participants should familiarise themselves with [See Rules 298 to 302]}

4.1 Pre-Disclosure Process

See Rule [303]

4.1.1 If a Recipient of Confidential Information intends to disclose Confidential Information the pre-disclosure process generally applies (Rule 303).

4.1.2 The following describes the general steps the ISO will follow before disclosing Confidential Information in the access and connection process as set out in Rule 303 but note that the process in Rule 303 applies to any Intending Discloser:²



² Note Rule 120(4) which contains a modification to this process in relation to a software model provided by the ISO to an NSP under Rule 111 (ISO may assist NSP to maintain its network model). This requires the ISO to endeavour to provide the model to the NSP in a manner which performs appropriately but does not disclose Confidential Information.

- 4.1.3 The process described above may be abridged or modified having regard to the primary and secondary objectives in Rule 294, the benefits associated with disclosure and any likely detriment to Information Owners (Rule 303(b)).
- 4.1.4 Note that any Recipient receiving Confidential Information (including Modelling Information) through the above process is also subject to Subchapter 11.2 of the Rules.

Appendix A. Relevant Rules

Table 1 details the Rules under which this Guide has been developed and where an obligation, process or requirement has been documented in this Procedure.

Table 1: Relevant rules

Pilbara Networks Rules
120
268
271
272
274
Subchapter 11.2
298
299
300
301
302
303
Sub-appendix 4.8