

7 April 2026

Spencer Jones

By email only to: fyi-request-33981-7fa2fcb2@requests.fyi.org.nz

Tēnā koe

Official Information Act Request (Our Ref: OIA/0521)

We refer to your Official Information Act request received on 9 March 2026. You requested information from 1 January 2020 to the present concerning smart meter data, advanced metering infrastructure (AMI), electricity-sector privacy issues, and related regulatory oversight.

Your request was for the following information:

1. Any internal briefings, legal analyses, position papers, guidance drafts, or correspondence concerning whether smart meter data may constitute personal information under the Privacy Act 2020.
2. Any records concerning collection, storage, retention, sharing, secondary use, disclosure, profiling, consent, or downstream analytics involving smart meter or AMI data.
3. Any interagency correspondence with MBIE, the Electricity Authority, Ministry of Health, Health NZ, ESR, or electricity retailers/distributors concerning privacy risks or safeguards associated with smart meter data.
4. Any complaint trend summaries, issue notes, enquiry logs, investigation records (in aggregated or anonymised form if necessary), or guidance development work relating to electricity retailers, metering providers, or smart meter data practices.
5. Any documents considering whether current privacy law and the Information Privacy Principles provide adequate safeguards for granular electricity-consumption data, inferred behavioural data, occupancy patterns, or related household analytics.
6. Any draft or final guidance documents prepared for the electricity sector on privacy compliance, consent, data minimisation, retention, access, correction, or disclosure in relation to metering data.

Response to your request – information

Some information is publicly available as follows:

Privacy Commissioner's guidance and case note

For question 1, see OPC's short guidance on smart meters and privacy issues with the link to a 2015 case note.¹

Privacy Commissioner's submission to the Electricity Authority's consultation on retail market monitoring

For question 3 see the Privacy Commissioner's 2024 submission to the Electricity Authority responding to its consultation on improving retail market monitoring.² In that submission (paras 12-14), we discussed information from smart meters as needing to be treated as personal information in the context of proposed data collection by the Authority:

12. The level of privacy risk depends on how much information is involved, how sensitive it is, and how easily it can be linked to identifiable individuals. The retail electricity market involves everyone in New Zealand, and the information includes sensitive details such as debts and medical dependency status, so the key question for privacy risk is how easily this information can be linked to identifiable individuals. Our understanding of the proposed notice is that the key fields which could link information to individuals are:

- the ICP number associated with a home or business, and
- the customer identifier (for example a retailer's customer number).

13. It is very easy to link these identifiers with other personal information. As well as electricity retailers having internal records linking these details with personal information such as billing details and history, the Electricity Authority offers a public website to look up street addresses by ICP number and vice versa, and it might be possible to do this in an automated way.

14. We agree that information collected under the proposed notice needs to be treated as personal information to manage privacy risks. Given current and growing access to automation tools, it is likely possible to link ICP level information to individuals in ways that harm privacy interests at scale, for example third parties could potentially gather ICP level information to build credit profiles on people based on this information.

Privacy Commissioner's media response

For question 6, in 2022, we responded to a media request about smart meter data and our response is **attached**.

Summary information - Privacy complaints and breach notifications (question 4)

OPC has received around 36 privacy breach notifications relating to energy companies.

In relation to information about our investigations and enquiry logs, please see the summary table below.

¹ <https://www.privacy.org.nz/resources-and-learning/knowledge-base/view/169/>

² <https://www.privacy.org.nz/assets/DOCUMENTS/Submissions/2024-02-29-PC-Submission-Electricity-Authority-retail-market-monitoring-A972678.pdf>

Summary table of enquiries, concerns and complaints about electricity retailers

OPC ref. 136676	2020-01-09	Online electricity retailer asking for advice about retention of information about former customers.
OPC ref. 141311	2020-01-19	Retailer asking for privacy advice about promotional and marketing activities
OPC ref. 31150	2020-05-06	Disclosure of address to ex-partner where a protection order in place.
OPC ref. 139188	2020-08-09	Concerns about power companies' representatives having access to customer data and electricity provider and asking if personal data can be deleted.
OPC ref. 140410	2020-11-12	Smart metering company wanting privacy advice – general privacy advice provided about IPPs.
OPC ref. 141686	2021-02-19	Concerns about new home having smart meter and surveillance
OPC ref. 31693	2021-03-02	Investigation of principle 6 access complaint.
OPC ref. 31671	2021-03-24	Concern about pricing enquiries leading to credit enquiries. In this case the company agreed to remove the credit enquiry from customer's credit report.
OPC ref. 142332	2021-03-26	Concerns about electricity retailer standard terms and conditions. Resolved by activating opt out from marketing.
OPC ref. 142529	2021-04-12	Complaint about incorrect outstanding debt on account affecting credit score.
OPC ref. 147026	2022-05-03	Concerns about principle 6 access requests for audio recordings, with electricity provider agreeing to provide notes and calls.
OPC ref. 32325	2022-07-19	Principle 6 access request to electricity co after it rang her mother's home asking if she wanted to set up a

		power account – information released to requester following investigation.
OPC ref. 148455	2022-09-05	Enquiry about collection of personal information to open an account with utility provider and credit check.
OPC ref. 149320	2022-11-17	Concerns about fraudulent account activity, request to remove credit check affecting credit rating.
OPC ref. 32769	2023-09-04	Complaint about fraudulent activity on electricity account and access requests for account information raising concerns under privacy principles 6-8. Complaint settled between the parties.
OPC ref. 153668	2024-02-22	Incorrect meter configuration – access and correction concerns. Also raised with Utilities Disputes and Electricity Authority.
OPC ref. 157216	2025-01-05	Complaint from customer about delay in responding to his requests for call recordings in connection with payment dispute.
OPC ref. 33411	2025-06-04	Complaint about electricity retailer linking a new business account in error with the customer's former and closed account linked to a former work address, with adverse consequences.
OPC ref. 160463	2025-09-15	Privacy concerns as a result of notification of a privacy breach by unauthorised third party. Provided guidance on how to raise concerns.
OPC ref. 160749	2025-10-15	CCTV camera query and whether the biometrics code applies
OPC ref. 162506	2025-12-19	Request for privacy advice relating to Solar Streets .

Response to your request - decision

Your request is granted to the extent set out above.

Apart from published outcomes, the Privacy Commissioner is subject to an obligation of secrecy under section 206 of the Privacy Act and is not able to comment specifically on

investigations of agencies or privacy breach notifications. The investigation process is confidential to ensure that the Privacy Commissioner can effectively carry out his role and exercise his functions under the Privacy Act. Therefore, your request for records of investigations is otherwise refused under section 18(c)(i) of the Official Information Act on the basis that release of this information would be contrary to another enactment (i.e. section 206 of the Privacy Act).

Otherwise, your request is refused under section 18(e) of the Official Information Act on the basis that following a search of our records, we do not hold the information requested.

Further information and your related OIA request

In 2017, the Privacy Commissioner published an open letter relating to the bulk disclosure of household level smart meter data under Use of System Agreements. This letter is **attached** and was publicly reported on at that time.³

As this predates the timeframe for your OIA request, the supporting information held by OPC is out of scope of this request. We are still considering your related OIA request of 13 March 2026. Can you please confirm if you are seeking information held by OPC relating to the Commissioner's open letter and we will consider if the supporting information may be within scope of that request.

Conclusion

While there is limited information that we are able to provide you in response to your request, you may be interested in the following articles:

- (a) Privacy and security of advanced metering infrastructure (AMI) data and network: a comprehensive review (12 April 2024);⁴
- (b) Ethical considerations in advanced metering infrastructure integration: a systematic review (November 2024);⁵
- (c) Smart Meter Data Privacy: A Survey (University of Auckland);⁶
- (d) AI and privacy concerns: a smart meter case study (29 July 2021).⁷

If you are not satisfied with this response to your request, under section 28 of the Official Information Act 1982 you have the right to ask the Ombudsman to investigate and review our decision on your request, however we would appreciate the opportunity to discuss this with you first.

Nāku iti noa, nā

Liz MacPherson
Deputy Privacy Commissioner

Encls.

³ <https://www.stuff.co.nz/business/industries/93086386/privacy-commissioner-calls-for-assurance-on-smart-meter-details>

<https://www.rnz.co.nz/news/national/331836/privacy-call-to-limit-power-usage-monitoring>

⁴ <https://link.springer.com/article/10.1186/s44147-024-00422-w>

⁵ <https://www.sciencedirect.com/science/article/pii/S2211467X24002803>

⁶ <https://www.cs.auckland.ac.nz/~asghar/papers/Asghar-CST17-pre-print-Smart-Meter-Privacy.pdf>

⁷ <https://www.emerald.com/jices/article-abstract/19/4/492/225368/AI-and-privacy-concerns-a-smart-meter-case-study?redirectedFrom=fulltext>