



Consumer Data Right Rules

Update 2 to Privacy Impact Assessment
Agency response

February 2021

ACCC response to final Privacy Impact Assessment - version 2 of the CDR rules

As required by the Competition and Consumer Act, the Australian Competition and Consumer Commission (ACCC) considers and seeks to balance a range of matters when developing and making the Competition and Consumer (Consumer Data Right) (CDR) Rules (CDR Rules):

- the interests of consumers
- the efficiency of relevant markets
- the privacy or confidentiality of consumers' information
- promoting competition
- promoting data-driven innovation
- any intellectual property in the information to be covered by the instrument
- the public interest.

The ACCC made the Competition and Consumer (CDR) Amendment Rules (No. 3) 2020 (the **Amending Instrument**) on 22 December 2020 (commonly referred to as 'Version 2' of the CDR rules). As part of the development of those rules, the ACCC engaged Maddocks to conduct an independent Privacy Impact Assessment (PIA) of the proposed changes to the CDR Rules.

This PIA was conducted on the basis that it was an update to the PIA report for the CDR Rules published by the Treasury on 11 December 2019. A draft of the PIA report was released on 2 October 2020 for consultation alongside the draft Rules. The draft Rules were published on 30 September 2020, for a period of 28 days.

The final PIA report made 25 recommendations in relation to the proposed changes to the CDR Rules. The final report is based on the draft Rules that were published for consultation as at 30 September 2020. Subsequent to the draft report, and prior to finalising the Amending Instrument, the ACCC made changes in response to some of those recommendations. Additionally, the ACCC decided not to make some of the proposed rules.

The table below outlines the ACCC's consideration of the recommendations, and the ACCC's response to each.¹

¹ For context, the CDR rule-making function will transfer from the ACCC to the Minister on 28 February 2021.

No	PIA Recommendation	ACCC Response
1	<p data-bbox="297 304 1133 371">Continue to refine drafting of the CDR Rules, and issue clear guidance</p> <p data-bbox="297 405 1200 472">We recommend that the ACCC continue to refine the drafting of the CDR Rules and issue detailed, comprehensive, and clear guidance:</p> <ul data-bbox="297 505 1223 1246" style="list-style-type: none"> <li data-bbox="297 505 1223 639">• about the intended application and operation of the CDR Rules, as amended by the proposed changes. We suggest that different forms of guidance could be developed and specifically tailored to assist: <ul data-bbox="394 673 1171 975" style="list-style-type: none"> <li data-bbox="394 673 656 703">○ CDR Consumers; <li data-bbox="394 737 819 767">○ applicants for accreditation; <li data-bbox="394 801 622 831">○ Data Holders; <li data-bbox="394 865 1171 895">○ Accredited Persons for each level of accreditation; and <li data-bbox="394 928 920 959">○ enclave providers and sponsors; and <li data-bbox="297 1008 1189 1110">• on how the process in Rule 4.11 is intended to operate, so as to ensure that CDR Consumers are provided with the right type of information and choices before providing their consent <li data-bbox="297 1144 1223 1246">• on the CDR Rules relevant to the new levels and kinds of accreditation (including clarification and expansion of Rule 1.7(v), which only relates to outsourced service arrangements). 	Noted.

<p>2</p>	<p>We recommend that the ACCC consider whether it would be appropriate to continue, in consultation with the Data Standards Body, conducting consumer research on:</p> <ul style="list-style-type: none"> • what is the best way to present a CDR Consumer with all of the different types of consents, to ensure that CDR Consumers are provided with an adequate amount of information before providing their consent, but balancing this against the risk of “information overload” for the CDR Consumer; • the appropriateness of presenting pre-selected options to a CDR Consumer with details of their current consent (and ensure the requirements around permitting pre-selected options are limited to only details of the CDR Consumer’s current consent), as this information may assist in informing a CDR Consumer which aspects of their consent they would like to amend (as they will be able to view what they previously selected, such as their election to delete redundant data); and • a suitable way for information in relation to Secondary Users to be presented to Account Holders without involving “information overload”. 	<p>Accepted.</p> <p>The ACCC accepts the recommendation, noting that much of the recommended research has already been undertaken.</p> <p>In performing the rule-making function, the ACCC has worked closely with the Data Standards Body to consider appropriate areas of research and development of consumer experience (CX) standards and guidelines. The Data Standards Body’s research into amending consents, separating consents and pre-selected options informed the development of the CDR Rules (as amended). Findings from this research is in the Data Standards Body’s Phase 3 CX reports.</p> <p>With regard to pre-selected options for amending consents, the CDR Rules (as amended) will allow an accredited person to present as pre-selected options to the CDR consumer the following information from their current consent: the types of CDR data to which the consent will apply; the period of time for which the consent is valid; for a disclosure consent, the person to whom the CDR data may be disclosed; and the election made with regards to deletion of redundant data. The CX research supported pre-selected options, finding that for</p> <p style="padding-left: 40px;">subsequent consent requests, allowing pre-selected datasets and uses for amending consent:</p> <ul style="list-style-type: none"> • simplifies the consent flow • does not reduce engagement with datasets and uses
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		<ul style="list-style-type: none"> • does not compromise the quality of consent.²
3	<p>Considerations in relation to amendment of consent</p> <p>We recommend that the ACCC:</p> <ul style="list-style-type: none"> • consider whether it would be appropriate to give the CDR Consumer the opportunity, when they are amending their consent, to withdraw their Use Consent if they do not want the Accredited Person to continue using any already-collected CDR Data; • in relation to information provided to CDR Consumers by Accredited Persons when they are amending their consent: <ul style="list-style-type: none"> ○ clarifying whether information specified in Rule 4.11(3) is required to be provided each time a CDR Consumer amends their consent, or only when the CDR Consumer provides their original consent; and ○ consider whether the CDR Consumer should only be provided the information in Rule 4.11(3) if the information has changed since the last time the CDR Consumer gave/amended their consent. This will assist in ensuring a CDR Consumer is provided with adequate information before amending their consent, but does not experience “information overload”; • consider including similar limitations on how often, and when, the Accredited Person can invite a CDR Consumer to amend their consent in general (because if a CDR Consumer is constantly 	<p>Accepted in part.</p> <p>The CDR Rules (as amended) require an Accredited Data Recipient to notify a CDR Consumer in circumstances where a collection consent expires but a use consent is current. The notification must outline that the CDR Consumer may, at any time, withdraw the use consent and make an election to delete redundant data in respect to that CDR data. A requirement to allow consumers to withdraw use consents for already-collected CDR data when amending consents would not support the ACCC’s position that consent to collect and consent to use do not have to align, and the two consents may relate to different data types or time periods.</p> <p>The Accredited Person must allow a CDR Consumer to amend their consents in the same manner that it asks CDR consumers to give consents. This means that information required to be provided to a CDR Consumer when giving a consent, must be provided to the CDR consumer when amending their consent, together with additional information relevant to amending the consent. While “information overload” is a relevant consideration, the ACCC considers it important for CDR Consumers to be given this information each time a consent is amended to ensure informed consent is given.</p> <p>The ACCC decided not to prescribe in the CDR Rules how often, and when, the Accredited Person can invite a CDR</p>

² ‘Consumer Experience Research Phase 3: Round 4 and 5’, June 2020, Consumer Data Standards, Data Standards Body, p. 37, available: <https://consumerdatastandards.gov.au/wp-content/uploads/2020/07/CX-Report--Phase-3--Rounds4-and-5.pdf>

	<p>inundated with invitations to amend their consent, they may feel pressured to do so, meaning the amendments to their consents may not be given voluntarily); and</p> <ul style="list-style-type: none"> consider including, as part of the information required to be provided as part of Rule 4.11, a requirement for Accredited Persons to notify CDR Consumers when asking for their consent that they can, at a later stage, amend that consent through the Accredited Person’s Consumer Dashboard (e.g. to vary the validity period of the consent, or to change the type of CDR Data the Accredited Person collects from a Data Holder). 	<p>Consumer to amend their consent. The CDR Rules (as amended) provide that an Accredited Person must not send an invitation earlier than a reasonable period before the current consent is expected to expire, or give more than a reasonable number of such invitations in this period. The ACCC decided not to require Accredited Persons to notify CDR Consumers when asking for consent that the CDR Consumer can, at a later stage, amend their consent through the Accredited Person’s Consumer Dashboard. This is because the functionality of amending consents is not required functionality for the Accredited Person.</p>
<p>4</p>	<p>Include timing requirements on obligations</p> <p>We recommend that the ACCC consider including requirements for the Accredited Person to provide the relevant information within a certain timeframe (to ensure that for example, an Accredited Person provides a CDR Consumer with the relevant information before they amend their consent), noting the importance of notifying CDR Consumers about information relating to their consents (such as in relation to the withdrawal or amendment of a consent).</p>	<p>Accepted.</p> <p>The final rules listed below were amended to contain an “as soon as practicable” requirement where this was not already provided for:</p> <ul style="list-style-type: none"> 4.18A(2); 4.18B(2) and (3); 4.18C(2)(b); 4.28(2); and 4.16(1)(a) of Schedule 3.
<p>5</p>	<p>Further consider the drafting of new concepts in relation to consent contained in the CDR Rules</p> <p>We recommend that the ACCC consider:</p> <ul style="list-style-type: none"> the need for the new concept of ‘categories’ as it adds further complexities to an already-complex to understand consent process; in relation to the selling of CDR Data: 	<p>Accepted in part.</p> <p>The final rules were amended to include ‘categories’. The concept of ‘categories of consent’ provides for simplified drafting of the legislative provisions and will support the intention to enable more granular consent control. Among other things, this may allow a consumer more control over their personal information by allowing them to independently withdraw each consent.</p>

<ul style="list-style-type: none"> ○ including requirements around the selling of CDR Data (e.g. requirements for the Accredited Person to seek a CDR Consumer’s express consent for the selling of their CDR Data); and ○ including a requirement for the Accredited Person to provide the CDR Consumer with a clear option to not consent to the selling of their CDR Data; ● whether it should expressly specify that if an Accredited Data Recipient becomes a Data Holder of CDR Data, any Disclosure Consents that relate to that CDR Data expire (or otherwise explain it is appropriate why those Disclosure Consents continue) (this would be a similar approach to the expiry of Collection Consents and Use Consents); ● whether it should include, similar to the proposed amendments to the requirements of an Accredited Person’s Consumer Dashboard, requirements for the Data Holder’s Dashboard to contain details of each amendment that has been made to each authorisation. 	<p>In relation to the selling of CDR data, the general position under the amended rules is that a consumer must give express, informed consent before the transfer of any CDR data (whether identified or de-identified) for a fee. The CDR rules place a number of safeguards around consent, including a prohibition on accredited persons presenting consumers with pre-selected options. This ensures that consents are always provided on an opt-in basis.</p> <p>The only exception to this is in relation to the de-identification and sale of ‘redundant data’, as defined in legislation. The amended rules do not change the existing consumer information requirements around the treatment of redundant data.</p> <p>In relation to any other de-identified CDR data, the amended rules introduce an express ‘de-identification’ consent, which must be sought in order to disclose the de-identified data (including for the purposes of sale).</p> <p>In relation to identifiable CDR data, the amended rules permit accredited persons to disclose that data for a fee, but only to other accredited persons. This type of disclosure may only occur with the consumer’s informed consent to (a) the disclosure by ADR 1; and (b) the collection and subsequent use by ADR 2. In relation to an Accredited Data Recipient becoming a Data Holder, the ACCC has amended the rules so that if an Accredited Data Recipient becomes a Data Holder of CDR Data, then all consents in relation to that CDR Data expire.</p> <p>The Data Standards Body is currently consulting on whether it is appropriate for data holders to present amendment of</p>
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		authorisation information to consumers in the consumer dashboard.
<p>6</p>	<p>Consider the use of CDR Data for the purposes of general research</p> <p>We recommend that the ACCC consider:</p> <ul style="list-style-type: none"> • requiring an Accredited Person to clearly notify the CDR Consumer, when seeking a Use Consent for the purposes of general research: <ul style="list-style-type: none"> ○ which specific research projects the Accredited Person will use the CDR Consumer’s CDR Data for; ○ the specific purposes for which the Accredited Person uses the relevant research (for example, to conduct market research on its customers to inform the development of new products); ○ the types of the CDR Consumer’s CDR Data used in the relevant research; and/or ○ any potential consequences on this use for research for the CDR Consumer (for example, that their de-identified data from the research may be disclosed and sold); or • alternatively, whether the information an Accredited Person will use for research should be de-identified, so that no identifiable information of a CDR Consumer will be used by the Accredited Person. 	<p>Accepted.</p> <p>The ACCC has made amendments to the CDR Rules that will require an Accredited Data Recipient to de-identify CDR data in accordance with the CDR data de-identification process before using it for general research purposes.</p> <p>Where de-identified CDR data is to be used for research, the Rules will require an Accredited Data Recipient to inform the CDR Consumer of the research to be conducted and include certain information in the CDR Policy.</p>

<p>7</p>	<p>Clarify information flow between Accredited Data Recipients and Accredited Persons</p> <p>We recommend that the ACCC consider clearly setting out the new information flow of disclosure of CDR Data from an Accredited Data Recipient to an Accredited Person (including clarifying the fact that an Accredited Person (A2) becomes an Accredited Data Recipient after receipt of CDR Data and therefore must comply with any obligations relevant to Accredited Data Recipients), given the importance of each party understanding their obligations (especially as the CDR Rules contain certain obligations on Accredited Persons, and certain obligations on Accredited Data Recipients).</p>	<p>Noted.</p>
<p>8</p>	<p>Clearly specify when, if one consent expires, the other consent expires</p> <p>We recommend that the ACCC consider whether it would be appropriate to clearly specify when, if one consent expires, the other consent expires. For example, this could include clarifying whether the expiry of a consent is contingent on one party notifying the other of the expiry of the associated consent, or whether the associated consent automatically expires.</p>	<p>Accepted.</p> <p>The ACCC has made amendments throughout the Rules to clarify that the second consent expires upon notification that the first consent has expired.</p> <p>See also the response to Recommendation 12, below. This covers notification requirements on expiry of a consent.</p>

<p>9</p>	<p>Obligations in relation to accreditation for AP Disclosures</p> <p>We recommend that the ACCC consider including obligations on:</p> <ul style="list-style-type: none"> • the Accredited Data Recipient (A1) to check the credentials of the Accredited Person (A2) before any CDR Data is disclosed (similar to the obligations on Data Holders); and • each party to notify the other if their accreditation gets suspended, revoked, or surrendered. 	<p>Not accepted.</p> <p>The CDR Rules do not permit the disclosure of CDR data to non-accredited persons, per rule 7.6. The ACCC considers that the inclusion of express obligations in relation to checking the credentials of another person and communications about accreditation status would not provide material additional protections as to the circumstances under which their data may be disclosed.</p> <p>The ACCC considers the CDR Rules adequately address and mitigate the identified risk, noting that the rules require:</p> <ul style="list-style-type: none"> • an Accredited Person to take certain steps in the event that its accreditation is surrendered, suspended or revoked • the Data Recipient Accreditor to notify the Accreditation Registrar about information relating to accreditation status of accredited data recipients, including of any surrender, suspension or revocation, and the Accreditation Registrar to update the Accreditation Register to reflect these details.
<p>10</p>	<p>Inform CDR Consumers about the status of any Accredited Data Recipient Requests</p>	<p>Not accepted.</p> <p>The ACCC considers that obligations of this kind are unnecessary, and that ADRs are incentivised to provide positive consumer experiences and this will likely include</p>

	<p>We recommend that the ACCC consider whether the CDR Consumer should be informed about:</p> <ul style="list-style-type: none"> the refusal to progress their Accredited Data Recipient Request (including by refusing to provide the CDR Data to the Accredited Person (A2)); and the reasons for the refusal. <p>This will assist in ensuring that CDR Consumers retains control over their CDR Data (and oversight over any Accredited Data Recipient Requests).</p>	<p>informing consumers when and why a consumer data request is refused.</p>
11	<p>Inviting CDR Consumer to amend their Disclosure Consent</p> <p>We recommend that the ACCC consider whether it would be appropriate to include requirements for the Accredited Data Recipient (A1) to invite the CDR Consumer to amend their Disclosure Consent if the Accredited Data Recipient (A1) is notified by the Accredited Person (A2) that the CDR Consumer has amended their Collection Consent. This requirement could be drafted in a similar way to the proposed amendments in relation to a Data Holder inviting a CDR Consumer to amend their authorisation if the Data Holder is notified that they have amended their associated Collection Consent with the Accredited Data Recipient (see Rule 4.22A).</p>	<p>Not accepted</p> <p>The ACCC will continue to monitor whether there may be a need for the rules to require A1 to invite the CDR Consumer to amend their Disclosure Consent if A1 is notified by A2 that the CDR Consumer has amended their Collection Consent. We note that ADRs may choose to provide consumers with the ability to amend consents.</p>
12	<p>Notification requirements if a Collection Consent for the purposes of an Accredited Data Recipient Request is withdrawn</p> <p>We recommend that the ACCC consider clarifying the obligations on an Accredited Person (A2) to notify an Accredited Data Recipient (A1) if a Collection Consent for the purposes of an Accredited Data Recipient Request is withdrawn, similar to the requirements specified</p>	<p>Accepted.</p> <p>Where a collection and AP disclosure consent are in place and one consent expires:</p>

	<p>in Rule 4.13(2)(b). This will assist in ensuring that an Accredited Data Recipient (A1) does not continue to disclose CDR Data if the associated Collection Consent given to an Accredited Person (A2) has been withdrawn.</p>	<ul style="list-style-type: none"> - rule 4.18B has been amended so that the Accredited Person or Accredited Data Recipient must notify the other “<i>as soon as practicable</i>”, and - subrule 4.14(1B) has been amended so that “ <i>the other [consent] expires when the accredited person or accredited data recipient is notified of the firstmentioned expiry</i>”. <p>The amendments to subrule 4.14(1B) bring the rule into alignment with the approach taken in rule 4.26.</p>
<p>13</p>	<p>Greater transparency for CDR Consumer in relation to direct marketing</p> <p>We recommend that the ACCC consider whether CDR Consumers should receive greater transparency, before providing Use Consents and Disclosure Consents for direct marketing, about what is “in it” for an Accredited Data Recipient if they recommend/provide information about another Accredited Person (e.g. information about any arrangements/monetary benefits the Accredited Data Recipient receives if they recommend that Accredited Person).</p>	<p>Noted.</p> <p>The amended rules relating to direct marketing when an Accredited Data Recipient is recommending the goods or service of another Accredited Person already introduce a threshold that the Accredited Data Recipient must reasonably believe that the CDR Consumer might benefit from those other goods or services. The ACCC considers that cognitive overload could result if a consumer must be presented with such information prior to giving a Use Consent or a Disclosure Consent.</p>
<p>14</p>	<p>Control and oversight over joint account data</p> <p>We recommend that the ACCC consider ensuring that the CDR Rules prescribe how JAHs can have control and visibility over their joint account data once it is held by an Accredited Data Recipient.</p>	<p>Noted.</p>

<p>15</p>	<p>Reflection of options made in offline version of JAMS into the online version</p> <p>We recommend that the ACCC consider:</p> <ul style="list-style-type: none"> • requiring Data Holders to promptly input any disclosure option selected in an offline version of JAMS into the online version of JAMS; and • implementing measures to ensure that the disclosure option selected in the offline version of JAMS is correctly reflected in the online version of JAMS. 	<p>Noted.</p> <p>The amended rules require data holders to:</p> <ul style="list-style-type: none"> • give effect to a disclosure option as soon as practicable (clause 4.6(5) of Schedule 3); and • provide a JAMS that, amongst other things, allows consumers to indicate a preference for a different disclosure option, or no disclosure option to apply (paragraph 4.6(1)(b) of Schedule 3). <p>The ACCC considers that the requirement that any JAMS be provided online has the effect that the online version of JAMS must reflect any disclosure option selected in an offline version of JAMS (where offered).</p>
<p>16</p>	<p>Measures in relation to vulnerable CDR Consumers</p> <p>We recommend that the ACCC:</p> <ul style="list-style-type: none"> • consider ensuring that the CDR Rules prescribe the level of evidence that a Data Holder must be satisfied of before determining that an exception to the disclosure option process in JAMS is to apply (or that a notification need not be given); and • continue to monitor the appropriateness of the measures in place in the CDR Rules to protect vulnerable CDR Consumers, including to investigate any additional measures that could be implemented to afford further protections. 	<p>Accepted in part.</p> <p>The ACCC considered that the CDR Rules should not prescribe the level of evidence that a Data Holder must be satisfied of before determining that an exception to the disclosure options process in JAMS is to apply (or that a notification need not be given).</p> <p>The ACCC is aware that data holders currently have systems and procedures in place to identify vulnerable consumers. Prescribing a level of evidence that a data holder must be satisfied of before relying on an exception may:</p> <ul style="list-style-type: none"> • undermine the procedures currently in place by data holders; and

		<ul style="list-style-type: none"> introduce conditions that do not consider the individual circumstances of vulnerable consumers.
17	<p>Disclose CDR Data and/or CDR Insights only to entities who comply with the APPs</p> <p>We recommend that the ACCC consider only allowing CDR Data and CDR Insights to be disclosed outside of the CDR Regime to APP entities, or to entities who agree to comply with the APPs as if they were an APP entity.</p>	The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.
18	<p>Consider measures to protect the transfer of CDR Data and CDR Insights</p> <p>We recommend that the ACCC consider implementing measures to ensure that CDR Data and CDR Insights are appropriately protected during the transfer between an Accredited Person and a Trusted Adviser or Insight Recipient</p>	The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.
19	<p>Consider appropriateness of CDR Insights in the CDR regime</p> <p>We recommend that the ACCC:</p> <ul style="list-style-type: none"> consider: <ul style="list-style-type: none"> whether it is appropriate for CDR Insights to be part of the CDR Regime in circumstances where there is a significant risk that vulnerable CDR Consumers may be pressured into providing an Insight Disclosure Consent, or may otherwise 	The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.

	<p>not fully understand the potential negative consequences that their consent may have; or</p> <ul style="list-style-type: none"> ○ if the ACCC determines that it is appropriate for CDR Insights to remain within the scope of the CDR Regime, implementing mechanisms to ensure that vulnerable CDR Consumers are giving free and fully-informed Insight Disclosure Consents; and ● consider whether it is generally appropriate for CDR Insights to be generated and disclosed as part of the CDR Regime. This is because of the inherent risks associated with the disclosure of the results of the analysis of raw CDR Data. 	
20	<p>Liability for affiliates</p> <p>We recommend that the ACCC consider whether the CDR Rules should specify that a sponsor should be liable for the actions of their affiliates and their compliance with the legislative framework (similar to the position for an Accredited Person’s outsourced service providers).</p>	<p>The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.</p>
21	<p>Notification if CAP arrangement is suspended or terminated, or expires</p> <p>We recommend that the ACCC consider whether there should be a requirement in the CDR Rules (or perhaps a condition of accreditation) to notify the Data Recipient Accreditor if the relevant CAP arrangement is suspended or terminated or expires, and for the Data Recipient Accreditor to have the ability to suspend or revoke the restricted accreditation in such a situation.</p>	<p>The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.</p>

<p>22</p>	<p>Mechanisms for restricted level Accredited Person to ‘switch’ enclave provider or sponsor</p> <p>We recommend that the ACCC consider clarifying the mechanisms available to a restricted level Accredited Person who wishes to ‘switch’ enclave provider or sponsor after accreditation.</p>	<p>The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.</p>
<p>23</p>	<p>Requirements in relation to CAP arrangements</p> <p>We recommend that the ACCC consider:</p> <ul style="list-style-type: none"> • the intended application of Rule 7.12(2)(b) to CAP arrangements for data enclave accreditation arrangements and for affiliate accreditation arrangements; and • including matters that must be included in a CAP arrangement, including: <ul style="list-style-type: none"> ○ that the provider must comply with a direction by the principal in respect of redundant data; • whether there would be benefits in broadening Rule 9.3(2)(i) to apply to providers in a CAP arrangement 	<p>The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.</p>
<p>24</p>	<p>Measures in relation to Limited Data Accredited Persons</p> <p>We recommend that the ACCC:</p> <ul style="list-style-type: none"> • ensure that it is satisfied that the types of CDR Data that may be handled by Limited Data Accredited Persons is appropriate, including through considering feedback received from stakeholders. This is particularly important once other sectors are introduced, and the CDR Data may (if appropriate consent is 	<p>The final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.</p>

	<p>obtained) be analysed together with other information about the CDR Consumer; and</p> <ul style="list-style-type: none"> consider whether it should clarify how a Data Holder or an Accredited Data Recipient who receives a request for CDR Data will know that the request is from, and/or made on behalf of, a Limited Data Accredited Person, and that the request is for the permitted types of CDR Data, before disclosure. This will assist in providing assurance that the Data Holder/Accredited Data Recipient will not mistakenly disclose more types of CDR Data than the Limited Data Accredited Person is permitted to handle. 	
<p>25</p>	<p>Clarification of rights of Secondary Users</p> <p>We recommend that the ACCC consider whether further clarification in the CDR Rules is required, and/or further guidance material should be issued in relation to:</p> <ul style="list-style-type: none"> the ability for Secondary Users to request the Accredited Data Recipient of CDR Data to further disclose that data to an additional Accredited Person, Trusted Advisor or an Insight Recipient; if a Secondary User Instruction is withdrawn by the Account Holder, whether an Accredited Data Recipient who has already received the CDR Data can still disclose it to another Accredited Person, a Trusted Advisor or an Insight Recipient; and 	<p>Accepted in part.</p> <ul style="list-style-type: none"> The ACCC's Rules set out the consequences of withdrawal or revocation of a Secondary User Instruction on authorisations that have already been given by the Secondary User (see rule 4.6A). <p>In relation to:</p> <ul style="list-style-type: none"> the ability for Secondary Users to request the Accredited Data Recipient of CDR Data to further disclose that data to additional Accredited Persons;³ if a Secondary User Instruction is withdrawn by the Account Holder, whether an Accredited Data Recipient who has already received the CDR Data can still disclose it to another Accredited Person,

³ As noted above, the final rules did not include the proposed rule amendments to permit the disclosure of CDR Data or CDR Insights to non-accredited persons.

<ul style="list-style-type: none"> the consequences of withdrawal or revocation of a Secondary User Instruction on authorisations that have already been given by the Secondary User. <p>We also recommend that the ACCC consider whether it would be appropriate to include in the legislative framework:</p> <ul style="list-style-type: none"> a mechanism so that, where there are several individuals with account privileges for an account, all individuals are notified that a Secondary User Instruction has been given by an Account Holder; a requirement for Data Holders to notify the Secondary User if a relevant Secondary User Instruction has been revoked or withdrawn through its Consumer Dashboard for the Secondary User; an ability for Secondary Users to authorise the disclosure of their CDR Data to Accredited Persons in situations where the account is a joint account with a co-approval option selected. 	<p>the rules do not place further restrictions or requirements on Secondary Users as compared to any other CDR Consumer in relation to these matters.</p> <p>The ACCC decided not to include:</p> <ul style="list-style-type: none"> a mechanism so that, where there are several individuals with account privileges for an account, all individuals are notified that a Secondary User Instruction has been given by an Account Holder; a requirement for Data Holders to notify the Secondary User if a relevant Secondary User Instruction has been revoked or withdrawn through its Consumer Dashboard for the Secondary User. <p>The ACCC included amendments at Schedule 3, Part 4 of the finalised Rules to provide for disclosure of CDR Data by Secondary Users in relation to joint accounts, including where a co-approval disclosure option applies to the account.</p>
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