

13 May 2019

Commissioner Sarah Court
Australian Competition & Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

By email: ACCC-CDR@accc.gov.au

Sarah
Dear Commissioner Court

Exposure Draft CDR Rules

We generally support the criteria for accreditation. We note that the draft rules are silent on the quantum of any application fee. We reiterate our earlier request that you consider a tiered structure with fees to reflect the size of the data recipient or the size of its customer base.

We previously advocated for the CDR rules to not require a potential data recipient to obtain additional insurances and we suggest further practical guidance be released on how "adequate insurance" is to be determined to be able to compensate CDR consumers.

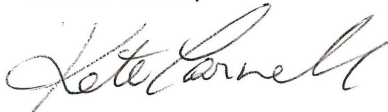
We accept the requirement for strict and comprehensive rules regarding privacy safeguards and data security. We note, in terms of audits by the Commissioner, the Information Commissioner and/or the Data Recipient Accreditor, that these should be in a cyclical and reliable pattern to support compliance by data recipients. We look for safeguards where a data recipient or outsourced service provider might suddenly cease business and the consumer data is at risk.

Finally, the draft rules address joint accounts between two individuals but do not address the operation of multi-party partnership business accounts which may be more complex. A key intent of the CDR is to open competition in banking so the applicability of the rules must encompass joint business accounts held by other than two individuals.

Further to our conversation with Cristina of your office, we acknowledge that ongoing work is required to address the protocols and systems for multi-party accounts. As we have previously submitted, we support the view that the existing basis for authorising transfers of money from an account could form the basis of authorisation controls with the condition that the rules be no more onerous on a small business than an individual consumer.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on [REDACTED] or at [REDACTED].

Yours sincerely



Kate Carnell AO
Australian Small Business and Family Enterprise Ombudsman