



Consumer Data Right Consultation

**The Tide Foundation's Submission to
the Consumer Data Right (CDR) Rules Framework**

Tide Foundation
12 October 2018

[TIDE.ORG](https://www.tide.org)



About the Tide Foundation

Tide is a not-for-profit, community-driven foundation charged with the stewardship and adoption of the Tide Protocol - a technological infrastructure underpinning a fair and sustainable personal data ecosystem. It's an ecosystem that protects the right of individuals to maintain sovereignty over their personal data, while businesses and organisations can utilise it in a compliant and mutually beneficial environment. For more information please see <https://tide.org>

Executive summary

The Tide Foundation welcomes the opportunity to make its submission regarding the Consumer Data Right (CDR) Draft Framework released on 24 September 2018.

The introduction of the Consumer Data Right Rules Framework (draft) is an important step towards all Australians establishing sovereignty over their personal data – a concept the Tide Foundation wholeheartedly supports. We also believe that any infrastructure and legislation developed to address the control, flow and usage of personal data can be to the mutual benefit of consumer and commercial interests. In essence, provide consumers with assurance, transparency and control of their personal data as well as privacy centric access to reliable data for organisations - so as to foster innovation and ultimately provide greater utility back to consumers.

This submission has been developed primarily in response to the draft rules framework *Section 6 – Accreditation*.

- Tide notes the ACCC proposes to establish a Data Recipient Accreditor to assess and grant accreditation to data recipients.¹The ACCC also supports “...the development of lower tiers of accreditation and welcomes the views of stakeholders about the tiers that it would be practical to implement and the basis for any accreditation requirements”
- Part of this will include an assessment of whether “...the applicant has appropriate and proportionate systems, resources and procedures in place to comply with the legislation, the rules and the standards including in relation to information security.”

It is our belief that facilitating the greatest number of accredited and compliant Data Recipients is key to these objectives being realised. As such, the process by which Data Recipients can become accredited must be scalable and reliable. Given the magnitude of that task with the multitudes of organisations that collect and store personal data. We believe a process facilitated by applicants that adopt suitable technologies should be considered to vastly streamline accreditation assessment.

¹ Consumer Data Right Rules Framework Section 6 p22



Technology to streamline accreditation assessment

The adoption of certain technologies by applicants can provide increased assessment efficiency, transparency and auditability at scale. The nature of technologies utilising for example public blockchains and encryption provide reliable characteristics that can help determine accreditation compatibility. By way of example in accordance with these key aspects of the CDR:

- **Consent-based data sharing²** - Tide's Protocol encrypts consumers personal data residing with Data Holders and requires the consumer to consent to the use of that data by any third party, by providing their decryption key based on the use case request.
- **Easy management and record of consent³** - The Tide client application displays a record of all permissions that the user has granted and enables them to review and consent to any new requests according to their preferences or at their discretion.
- **Authorisation of various types of requests⁴** - Tide's technology enables authorization for both one-off requests and those that persist over time with granular control over the type of data shared.
- **Sharing via an API⁵** - If a Data Holder chooses to adopt the Tide Protocol, they are provided with an end-to-end Software Development Kit (SDK) which allows them to build and expose their own CDR ready API.
- **Tracking API performance⁶** - All requests and responses are permanently recorded on a public ledger which would facilitate easy reporting on API performance.

The Tide Foundation believes in particular, open-source frameworks which meet or exceed the technological capabilities outlined would introduce significant efficiencies, foster competition and innovation an economy reliant on personal data and position Australia as a world leader in enabling the ethical growth of a revolutionary data economy.

Acknowledging that adoption of solutions, such as the Tide Protocol, satisfy part of the accreditation requirements would also create major efficiencies for Data Recipient Accreditation. In effect, it could provide a form of 'prequalification' which would significantly reduce the work required to assess applications and increase the number of compliant ready Data Recipients.

The Tide Foundation looks forward to further discussions with the ACCC regarding how its technology and community can contribute to making the CDR practical and effective for consumers and business.

² Consumer Data Right Rules Framework Section 2 p12

³ Consumer Data Right Rules Framework Section 2 p12

⁴ Consumer Data Right Rules Framework Section 8 p37

⁵ Consumer Data Right Rules Framework Section 2 p13

⁶ Consumer Data Right Rules Framework Section 9 p40



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Background

[Information removed due to commercial in confidence]

Tide and the consumer data right

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S2.2 Data Sharing Via an API

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S3 CDR Consumer – Who May Take Advantage of the CDR?

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S4 Who Is Obligated to Share Data

[Information removed due to commercial in confidence]

S5 Data Sets – What Data Is Within Scope

[Information removed due to commercial in confidence]

S6 Accreditation

[Information removed due to commercial in confidence]

S7 The Register

Tide supports a public register of accredited parties.

S8 Consent

[Information removed due to commercial in confidence]

S9 Authorisation and Authentication Process

[Information removed due to commercial in confidence]



S10 Providing Consumer Data to Consumers

[Information removed due to commercial in confidence]

S11 Making Generic Product Data Generally Available

[Information removed due to commercial in confidence]

S12 Use of Data

[Information removed due to commercial in confidence]

S13 Rules in Relation to Privacy Safeguards

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S14 Reporting and Record Keeping

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Tide Protocol technology

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