

10 February 2020

Attn: Consumer Data Right Branch
Australian Competition and Consumer Commission

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

Dear ACCC

Consumer Data Right (CDR): Consultation on how best to facilitate participation of third-party service providers

Thank you for the opportunity to provide comment on how the CDR regime can best facilitate participation of third-party service providers. My comments are made in the context of the CDR regime being extended to the telecommunications sector.

Privacy and consumer protections for third-party access

I agree allowing CDR data to be shared with third parties is an important expansion of the CDR regime. To maintain the security of the data, disclosure of CDR data to non-accredited third parties should be subject to adequate controls.

I support obligations on accredited persons to secure consumer consent and provide consumer notification when CDR data is disclosed to a non-accredited third party. These obligations afford consumers the opportunity to keep informed and to respond to movement of their data.

The obligations on collection, storage, use and disclosure of CDR data should align with how the Privacy Act protects personal information. This will allow industry to quickly implement the CDR's privacy safeguards while also maintaining the security of consumer data.

Receipt of CDR data by external dispute resolution schemes

I would welcome clarity around whether external dispute resolution (EDR) schemes will be considered "non-accredited third parties" to whom CDR data can be disclosed, or whether a separate disclosure framework will apply for EDR schemes. Recognised EDR schemes under the CDR regime may need access to CDR data to effectively handle complaints.

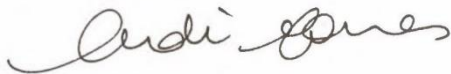
Since 2013, the TIO has been recognised by the Office of the Australian Information Commissioner as the EDR scheme for complaints about privacy in the telecommunications industry. This recognition shows TIO is trusted to handle sensitive and personal information of consumers.

The TIO and similar EDR schemes have a contractual relationship with their members which provides a mechanism for requiring information. Such a mechanism could be a requirement for recognition as an EDR scheme under the CDR regime.

Providing further information on EDR involvement will facilitate the establishment of an effective and timely dispute resolution scheme for CDR complaints.

I look forward to being more closely involved in future consultations as the CDR Rules are extended to the telecommunications sector.

Yours sincerely



Judi Jones
Telecommunications Industry Ombudsman