

Attachment A: Overview of proposed amendments to the *Competition and Consumer (Consumer Data Right) Rules 2020*

Rule(s)	Proposed amendment	Explanatory notes	
1.	1.13(4)	Replace 'an accredited person' with 'a data holder'.	Correction of typographical error.
2.	New rule, 1.16A	If the data standards indicate that the CDR logo may be used in particular circumstances, authorise accredited persons and data holders to use the CDR logo in those circumstances and in accordance with the CDR licencing conditions and the requirements (if any) of the data standards. An accredited person must not use the CDR logo other than as authorised under this rule.	The CDR logo will be used as a sign of trust. Use of the CDR logo is intended to inspire trust in the CDR regime, and in particular, trust in the consent and authorisation processes in the CDR regime. The use of the CDR logo is contemplated in the current CX Guidelines, and the ACCC has received feedback that the testing participants are keen to incorporate it into their CDR materials. The amendments are to the effect that if accredited persons or data holders choose to use the CDR logo, they are authorised to do so in accordance with the circumstances indicated by the data standards and in accordance with the CDR logo licencing conditions and any requirements of the data standards. An accredited person must not use the CDR logo other than as authorised under the rule. The CDR logo licencing conditions means the conditions for use of the CDR logo published by the ACCC, as in force from time to time. These terms are under development and will be published on the ACCC's website when finalised.

The ACCC has made an application for the registration of the trade mark for the CDR logo, and this is pending approval at this time.

3 Rr 3.5 and 4.7 Expanding the circumstances in which a data holder may refuse to disclose CDR data to include circumstances where an account is 'blocked or suspended'.

The references to 'blocked or suspended accounts' are intended to be interpreted in accordance to the common meaning of those terms in the banking industry, and to cover the circumstances in which accounts are blocked or suspended as part of usual business practices.

4.	Rr 4.13, 4.25	<p>Amending to allow CDR consumers to withdraw consent to collect and use particular CDR data using an alternative method of communication made available by accredited person for that purpose, and to allow CDR consumers to withdraw authorisation to disclose CDR data to an accredited person by using an alternative method of communication made available by a data holder.</p>	<p>The amendments are intended to better reflect existing methods of communication made available by accredited persons and data holders to consumers, such as phone communication, which allow for concurrent authentication of the consumer and provide a more secure method for CDR consumers to withdraw consent or disclosure.</p>
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5.	<p>New rules 5.33 and 5.34; minor amendments to item 4 of rule 5.17 and rule 5.30(b)</p>	<p>New rules 5.33 and 5.34 will provide the Registrar with additional powers that may be exercised for a period of up to 10 days where the Registrar reasonably believes this is necessary to protect the security, integrity and stability of the Register.</p> <p>New rule 5.33 will enable the Registrar to temporarily amend information about a data holder in the database associated with the Register (for example, change a data holder's status from 'active' to 'inactive'). The Registrar will also be able to take any other steps required to protect the security, integrity and stability of the Register. This would include revocation of PKI certificates issued to the data holder.</p>	<p>These Rules will augment the powers of the Registrar to protect the security, integrity and stability of the Register and associated database and will clarify the basis of which the Registrar can take steps affecting data holders.</p> <p>The Rules already provide for action to be taken in relation to accredited data recipients by decisions of the Data Recipient Accreditor to revoke or suspend accreditation, and for consequential action to be taken by the Registrar in those circumstances.</p> <p>These Rules will not be subject to merits review. This is because the power is limited as it can only be</p>

exercised for a period of up to 10 days.

Rule 5.33(4) provides an exemption for a data holder from the obligation to respond to CDR requests where that is prevented by action taken by the Register under rule 5.33.

New rule 5.34 would allow the Registrar to issue a notification to a data holder or to an accredited person to stop processing or sending requests for a period of up to 10 days. A notification of this kind could be associated with a request under 5.31 or with the steps taken under 5.34. Rule 5.34(4) provides corresponding obligations that, on receiving such a notification from the Registrar, a data holder must refuse to process requests, or an accredited person must cease to send requests to data holders.

The actions that may be taken by the Registrar under rules 5.33 and 5.34 would apply on a temporary basis for up to 10 days.

The amendment to rule 5.30(b) confirms that the Register's functions include facilitating testing by CDR participants.

There is a minor amendment to item 4 in rule 5.17 relating to the ability of the Data Recipient Accreditor to revoke or suspend the accreditation of an accredited person to protect the security, integrity and stability of the Register. The amendments clarifies that this includes protection of the database associated with the Register.

5.	Clause 1.3(2)(b)(iii) of Schedule 3	Amending the definition of 'account data' to state 'available balance', rather than 'the opening and closing balances for the account, including a current balance and available funds'.	This is a minor amendment to ensure alignment between the Rules and the data standards.
6.	Schedule 2, Part 2, Mandatory control 3	Replace existing reference to 'ADR' with 'accredited data recipient'	Minor typographical amendment.
7.	Schedule 3, cll 2.1 and 3.2	<p>Clause 2.1 is amended to clarify that a CDR consumer is eligible if the CDR consumer is an individual who has an account with the data holder and is the account holder. The eligibility of the account holder to authorise CDR data sharing is not affected by the existence of third party signatories or secondary card holders on the account.</p> <p>Clause 3.2 has consequential amendments, as well as clarifying that required consumer data is available through the data holder's primary retail banking channel in relation to the brand of the account.</p>	These amendments clarify that the accounts in scope for consumer data sharing from the commencement of mandatory obligations are accounts owned by individuals. This is consistent with the intended policy position that the accounts initially in scope are those held by a single account holder and include simple small business accounts.