



Productivity Commission

Harnessing data and digital technology interim report – ACCC Submission

19 September 2025

Acknowledgement of Country

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

Australian Competition and Consumer Commission

Land of the Ngunnawal people

23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

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ACCC 09/25

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Executive summary

Data sits at the heart of today's economy. It is generated in almost all aspects of our lives, and the business processes of most organisations involve some data sharing. The importance of data will become more pronounced with the rise of artificial intelligence.

The Productivity Commission has focused on four specific reform areas in its *Harnessing data and digital technology interim report* (the Interim Report). These reform areas sit in a much broader context and it will be important to consider this context to optimise wider opportunities to harness data and digital technology, including to increase connectivity across government and the economy, build consumer confidence and trust in the digital economy and drive further productivity gains.

The Australian Competition and Consumer Commission (ACCC) agrees that improved data access is good for consumers and the economy. However, it is important to note that 'improved' does not just mean *more* access, but access that is safe, transparent and reasonable.

Data plays a vital role across the economy, including in the retail, property, financial services, infrastructure, grocery, and insurance industries, and in key government and business functions. Data enables business and government to provide or enhance the products and services they offer to consumers, citizens and businesses. Done well, this contributes to overall economic growth and consumer wellbeing.

Data breaches and misuse of data can have significant impacts on individuals. Such incidents can also damage the very businesses that are collecting and using the data. This all has the potential to affect trust in the overall economy.

The significant role and use of data has important implications for consumer protection and competition, as well as privacy, data protection and broader issues such as national security.

Secure, consent-based and consumer-focused data access, through initiatives such as the Consumer Data Right (CDR), can drive competition, foster innovation, enhance consumer protection and promote digital and financial inclusion. These benefits will only be able to be fully realised if consumers can trust that data access is safe and secure, and protects the privacy of users.

When consumers do not have easy and safe data access, they often rely on unsecure methods such as screen scraping, where consumers share their login details to enable third parties to gain access to their data. This limits their control over how their data is collected and handled, puts their data at risk of misuse and increases their exposure to cybersecurity incidents by normalising the sharing of login details.

The CDR framework is driven by explicit, informed consent, providing real-time, secure data sharing between trusted entities, based on centralised data standards. The protections built into the CDR underpin the consumer trust that is essential to achieve the benefits of data access. Any changes to facilitate simpler data sharing should ensure that regulatory settings are proportionate and appropriately balance operational ease with sufficient consumer protections. Reducing consumer protections increases risks to consumers and any decisions to do so should be considered in the broader context of the digital economy. For example, the eighth interim report in the ACCC's Digital Platform Services Inquiry noted

the risk of data products and services being misused to facilitate scams or fraud.¹ The report also notes the importance of data quality, and the risks to consumers if entities rely on flawed data to make decisions.

While data products and services do not themselves necessarily create new categories of scams or fraud, their use may exacerbate existing risks if they are used to identify individuals or groups of consumers who may be more vulnerable to scams or fraud activity. The misuse of data resulting in data breaches can enable scams, and can also make scams more convincing and therefore more effective. Scams are currently costing our economy \$2 billion a year.

The CDR legal framework has been developed to address these and many other risks involved in sharing consumer data. The experience of the CDR demonstrates the significant challenges involved in creating secure data-sharing frameworks. The creation of any alternative data-sharing pathways that facilitate standardised data would face similar challenges that should not be underestimated.

While a one-size-fits-all approach to data sharing may not be appropriate, established data-sharing pathways like the CDR should be the starting point when considering new data sharing opportunities. CDR has experienced substantial growth over the past year, with more than 800,000 consumers having benefited from CDR from January to July 2025. The ACCC is working closely with Treasury and other regulatory bodies to improve the CDR by making it more flexible, scalable and proportionate. These planned changes to the framework will likely address many of the Productivity Commission's concerns about the CDR and cement its place as the preferred data-sharing pathway in Australia.

The CDR is a core piece of Australia's digital public infrastructure, alongside Australia's Digital ID System and the New Payments Platform. Taking an integrated approach to digital public infrastructure provides the opportunity to derive even greater value and is a precursor to realising economy-wide productivity gains.

The ACCC continues to strongly support the implementation of privacy measures to better empower consumers, protect their data and support the economy. Policy settings that support consumer trust in digital markets provide a strong signal that encourages participation in the online economy, and it is important that any changes to the *Privacy Act 1988* (Cth) (Privacy Act) do not degrade consumer protections.

Getting the regulatory settings right will be crucial to mitigate the risks without forgoing the benefits of AI. To avoid unnecessary regulatory burden, we support using existing regulatory frameworks as the basis for AI regulation with AI-specific regulation only being considered where existing frameworks cannot be sufficiently adapted and technology-neutral regulations are not feasible.

The use of accredited Digital ID should be considered in the design of any new portal for digital financial reporting to streamline administration and create efficiencies for entities.

The ACCC agrees that enhancing the useability of data, by fostering a policy environment that enables data access without unnecessary friction, is important for unlocking the full potential of digital technologies to increase productivity across the economy. To achieve the best outcomes for consumers and businesses, it is crucial to get regulatory protections right and safeguard consumer data privacy and security, so that Australian consumers and businesses can participate with confidence.

¹ ACCC, [Digital platform services inquiry interim report 8: data products and services – how information is collected and used by data firms in Australia](#), March 2024, p. 110.

Role of the ACCC

The ACCC welcomes the opportunity to comment on the Productivity Commission's Interim Report on Harnessing data and digital technology (the Interim Report).

The ACCC has explored data collection and use in a range of previous inquiries. We have considered the collection and use of data by digital platforms in a series of inquiries into digital platform markets since 2017. We have also considered how data is collected and used by customer loyalty schemes in a 2019 report. Other areas of our work have also analysed data and how consumers are informed about its collection.

Against this background, we appreciate that confidence and trust in the digital ecosystem are vital to supporting productivity and innovation. Today, the ACCC plays an important role in securing and maintaining this trust, including through our work:

- regulating **digital infrastructure**
 - We are the Registrar, Accreditor and regulator for the CDR. The ACCC also plans, designs, builds, tests, manages and secures enabling technologies for the CDR.
 - As Digital ID regulator, we accredit entities that provide digital ID services under the Digital ID legislation and approve entities to participate in the Australian Government Digital ID System (AGDIS). We also undertake compliance and enforcement activities.
- protecting consumers and promoting competition in **digital markets**
 - We operate the National Anti-Scam Centre (NASC) and support the Government's implementation of the Scams Prevention Framework, for which the ACCC is both the general regulator and responsible for the digital platform sector. We have had experience through the NASC of the benefits and challenges of establishing voluntary data sharing arrangements.
 - We are working closely with Government on the proposed new digital competition regime.

Competition, product safety, consumer and fair-trading issues in the digital economy are among our enforcement and compliance priorities for 2025-26. For example, we have recently commenced Federal Court proceedings against Google Asia Pacific over anti-competitive understandings that Google admits it reached in the past with Telstra and Optus regarding the pre-installation of Google Search on Android mobile phones. In recent years, we have taken successful court action against Google for misleading consumers about personal location data collection, and against Meta subsidiaries for misleading the public about the collection and use of data collected by the Onavo Protect VPN app.

The different elements of our work support business and consumer confidence, enabling them to harness data and digital technology for their own benefit and the benefit of the economy.

CDR as Australia's preferred data sharing pathway

Data sharing through open finance/open data schemes - like the CDR – is intended to enhance competition and innovation in financial services and other sectors of the economy. These schemes, which are predominantly regulatory-based, require data holders like banks and energy providers to share customer data with third parties through standardised application programming interfaces (APIs). They are an important competition policy tool and enabler of digital innovation that operate through a reliance on interoperability.

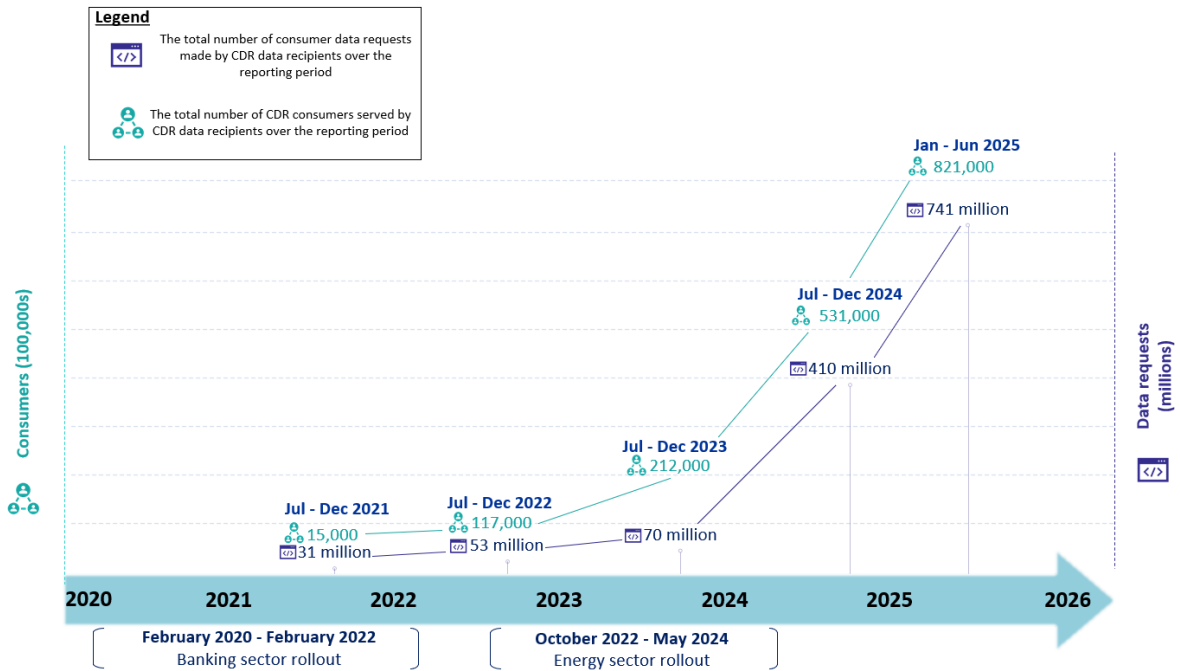
In the CDR program, a secure, consent-based framework for real-time data access has been created in Australia. The CDR has grown significantly over the past year and is delivering real benefits to consumers. Work is underway to make the CDR more flexible and scalable and changes like the expansion to non-bank lenders and screen scraping disruption are expected to strengthen momentum. Integrating CDR with other parts of Australia's digital public infrastructure can drive benefits even further.

Redirecting efforts away from CDR to investigating and developing alternative data pathways risks inefficiency and duplication, given the strong current state of CDR and the significant challenges that will be faced creating alternative pathways. Wherever possible, we suggest focus should be put on leveraging the strong data-sharing fundamentals the CDR has already established.

CDR is growing

The CDR is experiencing substantial and rapid growth, as evidenced by the increasing numbers of consumers and the volume of data requests. Data recipients report uptake metrics to the ACCC every 6 months, with the most recent reports showing over 821,000 consumers served and 741 million data requests over the 6 month period from January to June 2025. If this current uptake trend continues, CDR will be on track to surpass 1 million consumers served during the next reporting period.

Figure 1: CDR rollout and uptake milestones



Commentary from participants indicates that these figures are likely to continue to grow as entities voluntarily chose to move from screen scraping to CDR. One reason for this voluntary move is because screen scraping is becoming increasingly disrupted and less reliable as banks implement increased security measures such as multifactor authentication. The obligations to prevent scams under the Scams Prevention Framework are likely to accelerate this trend. We expect expansion to the non-bank lenders sector (starting in 2026) to drive uptake even further.

Current CDR use cases are delivering benefits to consumers

CDR has made significant progress to date in enabling three priority use cases for individuals and businesses:

- consumer finance and borrowing
- energy switching
- accounting services to small businesses.

There is encouraging growth in each of these areas, and further benefits to still be realised through ongoing support and improvement of the CDR.

Consumer finance and borrowing

Helping consumers take control of their finances

Digital personal finance management tools powered by the CDR allow consumers to provide explicit consent to securely consolidate their banking information in one place, regardless of institution. Soon information from non-bank lenders will also be available.

These tools help consumers calculate their net worth, identify opportunities to save, reduce their debt, and identify spending trends.

CDR can also assist financial counsellors and charities to quickly and securely get a full view of a client's financial situation to assist with developing an accurate and sustainable budget for their client and helping them provide timely and effective support to assist clients to return to financial stability.

Improving credit and lending decisions

CDR-powered finance tools help speed up credit and loan applications by quickly calculating cash flow, summarising spending categories, and identifying income. CDR data is also being used to power alternatives to traditional credit scoring processes, by analysing transaction data and assessing a consumers overall financial wellbeing. This helps improve financial inclusion for vulnerable and 'credit-invisible' consumers and contributes to more informed lending decisions, including by small and medium credit providers.

Providing a more efficient and secure alternative for mortgage brokers

Without CDR, when engaging a mortgage broker for home loan applications, consumers are often presented with a screen scraping interface where they must enter their bank username and password into a third-party platform.

- This encourages consumers to normalise the behaviour of sharing login details with third parties, leaving them vulnerable to scams and exposing them to the risk of reduced protections under the ePayments Code.
- Consumers who decline to share their login details must instead spend time filtering, downloading and emailing point-in-time PDF documents to their broker, which may be required multiple times throughout the loan process.

Using CDR to access banking data ensures the consumer has given explicit consent to the sharing and benefits from the CDR's privacy and security protections. The broker can efficiently gather the data they need through a real-time, direct connection to the consumers accounts and transactions.

Energy switching

There are several emerging apps that use CDR to provide consumers with more visibility over their energy usage and offer them tailored energy plan recommendations. This helps consumers save money through easier switching to a lower-cost plan. It can also help them analyse their usage trends and identify sustainability improvements to help their household run more efficiently. By using a 3rd party app with secure access to detailed plan and usage data, it saves consumers having to navigate complex energy information on their own.

Small business accounting

Small business accounting platforms combine multiples datasets into a single application, allowing business owners to efficiently stay on top of their finances and monitor their business performance. CDR helps by providing a secure and continuous connection to business bank accounts. This then allows platforms to easily monitor transactions and invoices, complete bank reconciliations, and automate other everyday accounting tasks.

Business adoption of CDR is growing following the introduction of business consumer disclosure consents.

There is emerging growth happening in each of the priority use case areas outlined above and there is significant further potential to still be realised:

- Access to additional finance data and integration with payments, digital identity and actions could allow even more sophisticated financial management through personal finance management apps and provide consumers with a more complete financial picture.
- A recent industry survey of over 700 mortgage brokers revealed 18% had utilised CDR, (an increase of over 200% from the previous year) and a further 34% responded they are planning to implement it in the near future².
- The ACCC has found more than 80% of Australian households in the National Electricity Network could move to a cheaper electricity plan.³ The recent CDR energy switching experiment run by the Data Standards Body and Treasury has identified opportunities which could further unlock CDR-powered energy switching.
- In the UK by 2024, 17% of Small to Medium Enterprises (SMEs) were using Open Banking. There is significant uptake potential amongst the 2.6 million small and medium businesses⁴ in Australia if CDR is further integrated into the leading business accounting platforms. Further business-friendly enhancements to the CDR framework will support continued business uptake.

Simplifying CDR and making it more flexible and scalable

We believe in the potential of CDR but recognise that gains will only be fully realised when the framework is easy to interact with and right sized in terms of the compliance burden for participants. We are working closely with Treasury and other regulatory bodies to get this balance right. The more that CDR can be improved, the more suitable it will be as a key vehicle for further sector expansion.

In August 2024, the Australian Government announced a CDR reset to address concerns about high compliance costs and the limited uptake of use cases by consumers. We agree with the Interim Report that the changes that have been made to the CDR rules since this reset could help to reduce the cost of bringing in adjacent sectors in the future and note that Treasury is actively considering further improvements as part of a future rules change package. We will continue to work closely with Treasury and other our CDR co-regulators to identify and action opportunities for improvement.

We support changes to address current CDR framework barriers, including addressing the complexity of the dual-privacy regime, restrictions on permitted disclosures and so-called 'derived data', and friction in the nominated representatives process (see below), while maintaining the integrity of the system.

² NextGen, [Industry Insights Report: Explore insights collected from interviews with over 700 Australian mortgage brokers](#) (June 2025)

³ ACCC, [No reward for being loyal: Australians urged to shop around for a better value electricity plan](#), (December 2024)

⁴ Australian Small Business and Family Enterprise Ombudsman (ASBFEO), [Number of small businesses in Australia](#), Small Business Data Portal (August 2024)

Making these changes to CDR would reduce regulatory burden and increase the value of CDR data-sharing, addressing many of the Productivity Commission's concerns about the CDR and cementing its place as the preferred data-sharing pathway in Australia.

CDR's bespoke privacy settings

CDR participants are required to comply with its bespoke privacy regime, creating cost and complexity to maintain two separate privacy systems for CDR and non-CDR data. In addition, the bespoke privacy safeguards apply restrictions to uses and disclosures that can limit the usefulness of CDR data-sharing and may stifle innovation. In contrast to Australia, New Zealand's soon to be implemented CDR will rely on its economy-wide privacy laws.

The Interim Report notes the bespoke privacy settings as a key reason the Productivity Commission considers the CDR's settings to be too onerous for most sectors.

Uplifting the Privacy Act to better align with the CDR framework could reduce or remove the need for a dual privacy regime. A single, strong privacy regime, to the standard of the CDR Privacy Safeguards, would simplify regulatory requirements, level the playing field for providers and allow greater certainty for consumers and businesses.

Removing restrictions on downstream use of CDR data

The definition of 'CDR data' includes any information derived from the information about a consumer provided by a data holder (or derived from the derived information). This creates a link between the original datasets shared with a data requester and any subsequent downstream use of that data, even where the data is changed or enhanced. This restricts how businesses can use, share and store the data and creates regulatory overhead.

Removing restrictions on derived data could significantly open up use cases and help drive productivity gains and innovation. An uplifted Privacy Act would provide a strong basis to remove the derived data restrictions, giving increased confidence in the protections that would apply to that data.

Simplifying the experience for businesses

Before a business's data can be shared via the CDR, it must nominate an individual as a 'nominated representative' to manage the business's CDR data. The nomination process varies but is often complex and cumbersome and is considered a key barrier to greater business participation in CDR.

Changes to the CDR 'nominated representative' rules to allow anyone with an existing authorisation on a business account to act on behalf of the business could allow small and medium businesses to seamlessly share data through CDR, potentially reducing red tape.

Integration with other parts of the digital public infrastructure

Well designed and integrated digital public infrastructure⁵ – with its core elements of secure data exchange, digital identity and payment platforms – is foundational to consumer

⁵ Digital Public Infrastructure is defined by the OECD as 'digital systems that can secure and support the inclusive delivery and access to public and private services across society.' World Bank, [Digital Public Infrastructure and Development: A World Bank Group Approach. Digital Transformation White Paper, Volume 1](#) (March 2025), p. 13.

confidence and a strong economy in our digital world, and a precursor to realising economy-wide productivity gains.

The CDR is a core pillar of Australia's existing digital public infrastructure, along with Australia's Digital ID System and the New Payments Platform. For digital public infrastructure to achieve its full potential for consumers, industry and governments, it must be scalable, standardised, interoperable and secure.

Work is currently underway to explore the opportunities arising from a more integrated approach that leverages different components of the existing digital public infrastructure. For example, the Department of Finance and Treasury are currently undertaking a pilot of how CDR and Digital ID can be used in combination in the rental sector to drive efficiencies and better protect consumers' personal information. The pilot's objectives are to demonstrate that the Digital ID and CDR frameworks can support people to share less personal information when they apply for a rental, and to generate insights and support the use of Digital ID and CDR to improve data handling practices across the wider rental sector.

We note the recent passage of legislation to modernise Australia's payment system through updates to the regulatory framework to cover new payment platforms, such as digital wallets and 'buy now, pay later' services. This should make Australia's payments system more seamless and safer as rapid advancements in financial technology continue to unfold.

Australia's Digital ID System

Setting up a Digital ID allows a person to verify their identity online, without having to provide extra personal information or repeatedly provide the same ID documents to different organisations. It gives users greater control over the use of their personal information and reduces the number of copies of identity documents out in the world. It also works to protect consumer's privacy, facilitates digital commerce and can contribute to the decrease in consumer scams.

Australia's Digital ID System is made up of a voluntary accreditation scheme for Digital ID providers and the Australian Government Digital ID System (AGDIS). The ACCC oversees the system.

New Payments Platform

Launched in February 2018, the New Payments Platform (NPP) is a centralised platform that facilitates real-time clearing and settlements of payments between participating Australian financial institutions. The NPP was developed by a group of 13 financial institutions, including the Reserve Bank.

The first two services introduced on the NPP are Osko (near-real time payments) and PayID (easy to remember identifier – such as a mobile number – that links to your account).

The India Stack is widely considered to be the world's most advanced digital public infrastructure.⁶ It includes Aadhaar (digital ID), UPI (digital payments), and the Account Aggregator Framework (consent-based data sharing), which has transformed financial

⁶ Amitabh Kant and Satwik Mishra, [The international significance of India's Digital Public Infrastructure](#), World Economic Forum (August 2023).

access and digital commerce through increased competition,⁷ with GDP growth projected to rise by 2.9–4.2% by 2030.⁸ India's financial inclusion has improved, with account ownership rising from 53% in 2014 to 80% in 2025, alongside rapid uptake of its digital public infrastructure initiatives.⁹

As the Indian experience shows, by leveraging the investment that has already been made in the core components of Australia's digital public infrastructure there is the opportunity to derive greater value for businesses and consumers, reduce duplication and waste and increase productivity. Taking a connected approach to Australia's digital public infrastructure can deliver further benefits than any of the initiatives individually.

Alternative access pathways

In CDR, the Government has created a secure, consent-based framework for real-time data access. The CDR framework and technical infrastructure incorporates many fundamental elements needed for a secure and successful data-sharing regime, including:

- trusted and secure underlying technical infrastructure
- controlled ecosystem, with clearly defined access pathways
- strong consumer consent framework
- standardised API specifications, including authentication requirements

The experience of the CDR shows the significant challenges of creating secure data-sharing frameworks, including getting the safeguards right, ensuring data holder participation and compliance, and developing common data standards. Addressing these issues has required substantial resources from Government and industry. Any alternative data-sharing pathways would face similar challenges that should not be underestimated.

The Interim Report suggests enabling an industry-led data-sharing pathway, with minimal government involvement. It is worth noting the challenges involved in encouraging voluntary data-sharing. The Interim Report refers to the Global State of Open Banking report finding that mandatory requirements were essential to initiate data access in the banking sector and that purely voluntary approaches have generally failed to gain traction.¹⁰ The ACCC's experience running the NASC has demonstrated that data is crucial to effectively disrupt scams and warn the public, but without mandatory obligations, the appetite of entities to share data with the ACCC through the NASC has been low. We consider that ensuring cooperation of established market players will likely be a significant challenge for any proposed alternative data access pathways relying on voluntary data sharing.

The Interim Report notes that current data access schemes (CDR, My Health Record and Motor Vehicle Service and Repair Information Sharing Scheme) are improving data access within their respective domains, but they remain siloed and disconnected, limiting the potential to scale up data access across the broader economy. We consider that the risk of disconnect will increase if more bespoke data-sharing pathways are introduced, rather than improving and expanding existing pathways.

⁷ Yan Carrière-Swallow, Vikram Haksar and Manasa Patnam, [India's Approach to Open Banking: Some Implications for Financial Inclusion](#), International Monetary Fund Working Paper 21/52.

⁸ The India Stack already increased India's GDP by 0.9% by 2022, equal to \$31.8 bn USD. estimate also excludes non-economic benefits related to sustainability, time savings and digital inclusion, see: Nasscom and Arthur Little, [India's Digital Public Infrastructure: Accelerating India's Digital Inclusion](#) (February 2024), p. 40, 52.

⁹ Cambridge Centre for Alternative Finance (CCAF), [Digital Public Infrastructure and Digital Financial Services: Convergence, Landscape and Regulatory Considerations](#) (July 2025), p. 34

¹⁰ See, e.g., Cambridge Centre for Alternative Finance, [The Global State of Open Banking and Open Finance Report](#), 2024, p. 41.

Given the challenges and risks with developing alternative pathways, we suggest leveraging the strong data-sharing fundamentals Australia has already built to generate more value for consumers and business would be better for productivity and minimises duplication, disconnect, and waste.

The ACCC suggests that alternative data access pathways should only be considered where the needs of consumers and the nature of the data are materially different to that shared via CDR. For example, for some use cases it would be sufficient if consumers were able to export data on a periodic (snapshot) basis, and the high-frequency data transfers and interoperability available through CDR would not be required. The use case in the Interim Report of rental ledger data would not require continuous data flows to be useful to consumers and is an example of where an alternative data-sharing pathway may be appropriate.

Assessing sector readiness

The Interim Report suggests a review process could be established to identify and assess the 'readiness' of individual sectors to be designated to a data-sharing pathway. In CDR, before the Minister designates a sector to be subject to the regime, they must fulfil certain consultation requirements, including consultation with the ACCC. We suggest the ACCC could provide similar input into any sector assessment process, if that approach is adopted.

We note there are also similarities between the considerations set out in table 2.3 of the Interim Report and the statutory factors the Minister must consider before designating a sector to be subject to the CDR. We suggest the development of any sector readiness assessment process should draw on lessons learned from the CDR sector designation experience, and other relevant data-sharing programs.

Privacy regulation

The Interim Report recommends an alternative compliance pathway for privacy. If this recommendation is taken forward it will be important to ensure that the interests of consumers relating to the use of their data and their privacy are appropriately protected.

The ACCC has consistently found that consumers want greater control over how their data is collected and used. The ACCC's recommendation for a review of the Privacy Act, made as part of the 2017-2019 Digital Platforms Inquiry, reflected this, and we welcomed the passage of the first tranche of these reforms earlier this year. We have also welcomed other privacy-enhancing initiatives such as Australia's Digital ID System, which reduces the volume of personal identity information shared and stored across the digital economy.

The Final Report of the Digital Platform Services Inquiry also highlighted the importance of strengthened protections in the Privacy Act and broader reform of Australian privacy law, and noted this is particularly important in light of the rapidly evolving nature of digital platform services and the privacy risks that can be associated with them.

Disconnect between industry data practices and consumer preferences

- Throughout the ACCC's recently concluded 2020-2025 Digital Platform Services Inquiry (DPSI), our concerns about the disconnect between consumer preferences in relation to their data, and the practices of some digital platforms regarding the collection and use of user data, have been reinforced.
- With respect to how companies use consumer data to train their generative AI models, there appears to be a discrepancy between consumer preferences and industry practice. According to ACCC consumer survey data set out in the Final Report of the DPSI, 83% of consumers surveyed consider companies should seek their consent before using their data to train AI models. Further, 65% of consumers were concerned about the implications of generative AI for their personal privacy.

In addition to benefitting consumers, policy settings that protect consumers' interests and preferences regarding the use of their data provide a strong signal that encourages participation in the online economy. Conversely, the ACCC has also found that, where competition and innovation is driven by extracting more individual-level consumer data, this may further reduce trust and confidence in digital markets.

The ACCC's March 2023 submission to the *Privacy Act Review Report* indicated our support for privacy proposals that would provide consumers with additional safeguards and rights in relation to their personal information. This included supporting the introduction of a 'fair and reasonable' test for the collection, use and disclosure of personal information, as an additional privacy safeguard for consumers alongside other relevant proposals in the report. We noted the importance of clear and definitive guidance to support this test, and recommended that the test is not open to be interpreted in a way that gives undue weight to the commercial needs of companies that earn revenue by commercialising consumer information and data.

The ACCC's submission to the *Privacy Act Review Report* also recognised the importance of implementing privacy measures in a balanced and proportionate way that provides effective privacy protections without unduly reducing competition, productivity and innovation.

Artificial intelligence

The ACCC agrees that getting the regulatory settings right will be crucial to mitigate the risks of AI, without forgoing the benefits.

Some uses of AI technologies in Australia could lead to adverse impacts on competition in markets and could exacerbate a range of consumer harms. For example, the use of AI to create and disseminate misleading or deceptive advertising, scams, fake reviews and harmful applications.

The ACCC supports the Interim Report's proposals to use existing regulatory frameworks as the basis for AI regulation, underpinned by comprehensive gap analyses and to apply AI-specific regulation only where specific, limited criteria are satisfied.

The Interim Report notes that a number of Australian Government agencies have begun AI-focused regulatory gap analyses. At the federal level this includes Treasury's [review of AI and the Australian Consumer Law](#) (ACL), which is examining whether the ACL remains fit-

for-purpose to protect consumers and support the safe and responsible use of AI by businesses. The ACCC has participated in this review. Our submission identified some small but significant gaps in the ACL's provisions that may benefit from further clarification and modernisation to address consumer protection issues that are likely to arise from the use of digital technologies, including AI. The ACCC understands that the Government is currently considering submissions made to finalise a report on the review. Broadly, the ACCC considers that where gaps in the existing law are identified, changes to those existing laws should be made expeditiously to address them.

We refer to the July 2023 Digital Platform Regulator Forum's joint submission to the Department of Industry, Science and Resources' consultation on the Safe and responsible use of AI in Australia Discussion Paper.¹¹ In this submission, we supported consideration of:

- the extent to which Australia's existing regulatory frameworks provide appropriate safeguards for the Australian public in relation to this technology
- how existing frameworks may be strengthened and enhanced in the first instance.

We also refer to the Digital Platform Regulator Forum's joint submission to the Interim Report, which outlines how the ACCC and fellow forum members are working together to help Australians safely realise the productivity gains made available by AI. We are continuing to work to identify gaps in our respective regulatory frameworks, and potential solutions which do not add unnecessary regulatory burden.

The Productivity Commission is also seeking feedback on the issue of copyrighted materials being used to train AI models. In the ACCC's 2019 Digital Platforms Inquiry Final Report, we recommended a mandatory Australian Communications and Media Authority take-down code to assist copyright enforcement on digital platforms, but did not recommend any broad amendments to the Copyright Act.

The ACCC recognises the value of datasets that can be used to train AI models, and that a text and data mining (TDM) exemption for the use of copyrighted works in training AI may have the potential to increase productivity. However, the ACCC considers that any such exemptions should be designed in a way that does not reduce incentives for innovation and investment in Australian content. For example, in the context of generative AI models trained on copyrighted works being integrated into general search services, the ACCC has previously identified potential harms to content creators and websites hosting human-authored content, if traffic from search engines to those websites declines. We note recent reports indicating AI-generated content in search results is negatively impacting website traffic.¹²

Digital financial reporting

The Interim Report recommends implementation of mandatory digital financial reporting for reporting entities (including disclosing entities and listed companies). This would require the implementation of a new lodgement portal to accept reports.

We suggest any new portals include the option of using an accredited Digital ID to support the lodgement process. While the use of accredited Digital ID would remain voluntary,

¹¹ Digital Platform Regulator's Forum, [DP-REG joint submission to Department of Industry, Science and Resources' AI discussion paper](#), 26 July 2023

¹² For example: Pew Research Center, [Google users are less likely to click on links when an AI summary appears in the results](#), 22 July 2025; The Wall Street Journal, [News Sites Are Getting Crushed by Google's New AI Tools](#), 10 June 2025

providing this option would streamline administration and save time for entities that access multiple government services.

Using an accredited Digital ID would ensure that only individuals who have been nominated by the entity can submit information on the entity's behalf. It potentially reduces the administrative burden of having to set up and manage another log-in, and can be used to access other government services, helping to streamline processes and improve operational efficiency.