



Our ref: AA1000521
Contact officer: Jaime Martin
Contact phone: (03) 9290 1477

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

15/12/2020

David Vaile
Chair
Australian Privacy Foundation

exemptions@acc.gov.au
www.acc.gov.au

Via email: chair@privacy.org.au; [REDACTED]

ARCA application for re-authorisation — determination and interim authorisation

I refer to the ACCC's letter of 26 November 2020 regarding the submission received from the Australian Privacy Foundation which was not seen by the ACCC before it purported to make a determination on 19 November 2020, and the subsequent consultation process conducted by the ACCC.

As you are aware, ARCA and interested parties were invited to provide a response to Australian Privacy Foundation's submission by Friday, 4 December 2020.

Determination

After taking all submissions received within the specified timeframe into account, the ACCC has made a determination in respect of ARCA's application for reauthorisation AA1000521. A copy of the ACCC's determination is enclosed, and is also available from the ACCC's [Authorisations Public Register](#).

For the reasons outlined in the determination, the ACCC has decided to grant authorisation to the specific provisions of the PRDE for a further six years, until 31 December 2026.

Pursuant to section 101 of the Act, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 5 January 2021. If no application to review is lodged by this date, the ACCC's determination will come into effect on **6 January 2021**.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal, please refer to the [Tribunal's website](#).

Interim authorisation

To cover the gap between when the current authorisation would have expired (on 25 December 2020) and the new authorisation taking effect, the ACCC has also granted interim authorisation to enable ARCA and current and future signatories of the PRDE to continue give effect to certain reciprocity, consistency and enforceability provisions of the PRDE on the same terms as the existing authorisation A91482. Interim authorisation

commences immediately and will remain in place until it is revoked or the date the ACCC's final determination comes into effect.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Jaime Martin on (03) 9290 1477, or via email at exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Hatfield', is positioned above the typed name.

David Hatfield
Director
Competition Exemptions