Competition and Consumer (Consumer Data Right) Rules 2020

made under section 56BA of the

Competition and Consumer Act 2010

Compilation No. 4

Compilation date:	6 October 2021
Includes amendments up to:	F2021L01392
Registered:	10 November 2021

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Competition and Consumer (Consumer Data Right) Rules 2020* that shows the text of the law as amended and in force on 6 October 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary

Division 1.1—Preliminary

1.1 Name

This instrument is the *Competition and Consumer (Consumer Data Right) Rules 2020*.

1.3 Authority

This instrument is made under section 56BA of the *Competition and Consumer Act 2010*.

Division 1.2—Simplified outline and overview of these rules

1.4 Simplified outline of these rules

There are 3 ways to request CDR data under these rules.

Product data requests
Any person may request a data holder to disclose CDR data that relates to products offered by the data holder. Such a request is called a product data request.

A product data request is made in accordance with relevant data standards, using a specialised service provided by the data holder. Such a request cannot be made for CDR data that relates to a particular identifiable CDR consumer. The data is disclosed, in machine-readable form, to the person who made the request. The data holder cannot impose conditions, restrictions or limitations of any kind on the use of the disclosed data.

Consumer data requests made by CDR consumers
A CDR consumer who, in accordance with a Schedule to these rules, is eligible to do so may directly request a data holder to disclose CDR data that relates to them. Such a request is called a consumer data request.

A consumer data request that is made directly to a data holder is made using a specialised online service provided by the data holder. The data is disclosed, in human-readable form, to the CDR consumer who made the request.

Consumer data requests made on behalf of CDR consumers

A CDR consumer who, in accordance with a Schedule to these rules, is eligible to do so may request an accredited person to request a CDR participant to disclose CDR data that relates to the consumer. The request made by the accredited person is called a consumer data request.

A consumer data request that is made to a data holder on behalf of a CDR consumer by an accredited person must be made in accordance with relevant data standards, using a specialised service provided by the data holder. The data is disclosed, in machine-readable form, to the accredited person.

Under the data minimisation principle, the accredited person may only collect and use CDR data in order to provide goods or services in accordance with a request from a CDR consumer, and may only use it for that purpose, or for a limited number of other purposes which require an additional consent from the CDR consumer.

These rules only apply in relation to certain classes of product and consumer CDR data that are set out in Schedules to these rules which relate to different designated sectors. Schedule 3 relates to the banking sector. Initially, these rules

will apply only in relation to certain products that are offered by certain data holders within the banking sector. These rules will then apply to a progressively broader range of data holders and products.

These rules also deal with a range of ancillary and related matters.

1.5 What these rules are about

(1) These rules set out details of how the consumer data right works.

(2) These rules should be read in conjunction with the following:
   (a) the *Competition and Consumer Act 2010* (the Act), and in particular, Part IVD of the Act, which sets out the general framework for how the consumer data right works;
   (b) designation instruments made under section 56AC of the Act;
   (c) guidelines made by the Information Commissioner under section 56EQ of the Act;
   (d) data standards made under section 56FA of the Act;
   (e) regulations made under section 172 of the Act.

1.6 Overview of these rules

(1) Part 1 of these rules deals with preliminary matters, such as:
   (a) definitions of terms that are used in these rules; and
   (b) the usage, in these rules, of certain terms that are defined in the Act.

   The other provisions of these rules should be read together with these definitions and other interpretive provisions. Part 1 also deals with services that must be provided by data holders and accredited persons that allow consumers to make and manage requests for CDR data.

(2) Part 2 of these rules deals with product data requests, and should be read in conjunction with relevant Schedules to these rules that deal with particular designated sectors.

(3) Part 3 of these rules deals with consumer data requests that are made by CDR consumers, and should be read in conjunction with relevant Schedules to these rules that deal with particular designated sectors. Only CDR consumers who are eligible to do so may make such requests. Schedule 3 to these rules sets out eligibility criteria for the banking sector.

(4) Part 4 of these rules deals with consumer data requests that involve accredited persons, and should be read in conjunction with relevant Schedules to these rules that deal with particular designated sectors.

(5) Part 5 of these rules deals with how persons can become accredited persons. It also deals with ancillary matters, such as revocation and suspension of accreditation, obligations of accredited persons, and the Register of Accredited Persons. The rules set out in this Part should be read in conjunction with Division 3 of Part IVD of the Act.

(6) Part 6 of these rules deals with dispute resolution.

(7) Part 7 of these rules deals with rules relating to the privacy safeguards. The rules set out in this Part should be read in conjunction with Division 5 of Part IVD of the Act. Part 7 also sets out some additional civil penalty provisions that protect the privacy or confidentiality of CDR consumers' CDR data.

(8) Part 8 of these rules deals with data standards. The rules set out in this Part should be read in conjunction with Division 6 of Part IVD of the Act.

(9) Part 9 of these rules deals with miscellaneous matters, such as review of decisions, reporting, record keeping and audit, and civil penalty provisions of the consumer data rules.

(10) Schedule 1 to these rules deals with default conditions on accreditations.

(11) Schedule 2 to these rules sets out detailed steps for privacy safeguard 12 (subsection 56EO(1) of the Act and rule 7.11 of these rules). These steps are also relevant to persons who hold CDR data (service data) under a CDR outsourcing arrangement, and are an element of the ongoing obligations of persons accredited at the "unrestricted" level (see paragraph 5.12(1)(a)).

(12) Schedule 3 to these rules contains details that are relevant to the banking sector. Schedule 3:

(a) sets out the specific CDR data in respect of which requests under these rules may be made; and

(b) sets out the circumstances in which CDR consumers are eligible in relation to requests for banking sector CDR data that relates to themselves; and

(c) deals with the progressive application of these rules to the banking sector.

It is intended that these rules will be amended at a later time to deal with additional sectors of the economy.

Division 1.3—Interpretation

1.7 Definitions

Note 1: A number of expressions used in this instrument are defined in the Act, including the following:

- Accreditation Registrar;
- accredited data recipient;
- accredited person;
- Australian Consumer Law;
- binding data standard;
- CDR consumer;
- CDR data;
- CDR participant;
- collects;
- Commission;
- court/tribunal order;
- data holder;
- Data Recipient Accreditor;
- data standard;
- Data Standards Body;
- Data Standards Chair;
- designated sector;
- directly or indirectly derived;
- privacy safeguards;
- Regulatory Powers Act.

Note 2: ***Information Commissioner*** has the same meaning as in the Act: see section 3A of the *Australian Information Commissioner Act 2010* and paragraph 13(1)(b) of the *Legislation Act 2003*.

(1) In this instrument:

account privileges, in relation to:

(a) an account with a data holder; and

(b) a particular designated sector;

has the meaning set out in a Schedule to these rules that relates to that sector.

accreditation applicant means a person who has applied to be an accredited person under rule 5.2.

accreditation number of an accredited person has the meaning given by rule 5.6.

accredited data recipient has a meaning affected by subrule (2).

Note: The term "accredited data recipient" is defined in the Act: see section 56AK of the Act. Subrule (2) deals with the usage of this term in these rules.

accredited person request service has the meaning given by subrule 1.13(3).

Act means the *Competition and Consumer Act 2010*.

addresses for service means both of the following:

(a) a physical address for service in Australia;
(b) an electronic address for service.

ADI (short for authorised deposit-taking institution) has the meaning given by the *Banking Act 1959*.

AP disclosure consent has the meaning given by rule 1.10A.

associated person, of another person, means any of the following:
(a) a person who:
(i) makes or participates in making, or would (if the other person were an accredited person) make or participate in making, decisions that affect the management of CDR data by the other person; or
(ii) has, or would have (if the other person were an accredited person), the capacity to significantly affect the other person's management of CDR data;
(b) if the other person is a body corporate—a person who:
(i) is an associate (within the meaning of the *Corporations Act 2001*) of the other person; or
(ii) is an associated entity (within the meaning of the *Corporations Act 2001*) of the other person.

authorisation to disclose CDR data means:
(a) an authorisation given by a CDR consumer under Part 4 to a data holder; or
(b) such an authorisation as amended in accordance with these rules.

category, of consents, has the meaning given by rule 1.10A.

CDR complaint data, in relation to a CDR participant, means the following:
(a) the number of CDR consumer complaints received by the CDR participant;
(b) the number of such complaints for each complaint type into which the CDR participant categorises complaints in accordance with its complaints handling process;
(c) the number of such complaints resolved;
(d) the average number of days taken to resolve CDR consumer complaints through internal dispute resolution;
(e) the number of CDR consumer complaints referred to a recognised external dispute resolution scheme;
(f) the number of CDR consumer complaints resolved by external dispute resolution;
(g) in relation to a CDR participant that is a data holder—the number of CDR product data complaints received.

Note: Complaints covered by paragraph (g) are not "CDR consumer complaints".

CDR consumer has a meaning affected by subrule (2).

Note: The term "CDR consumer" is defined in the Act: see subsection 56AI(3) of the Act. Subrule (2) deals with the usage of this term in these rules.

CDR consumer complaint means any expression of dissatisfaction made by a CDR consumer to or about a CDR participant:

(a) that relates to:

(i) the CDR participant's obligations under or compliance with:

(A) Part IVD of the Act; or

(B) these rules; or

(C) binding data standards; or

(ii) the provision to the CDR consumer, by the CDR participant, of the goods or services in respect of which the consumer granted consent under Part 4; and

(b) for which a response or resolution could reasonably be expected.

Note: Complaints of a kind referred to in sub-subparagraph (a)(i)(B) include a complaint relating to the participant's obligations under, or compliance with, rules dealing with the handling of CDR consumer complaints.

CDR data de-identification process has the meaning given by rule 1.17.

CDR data deletion process has the meaning given by rule 1.18.

CDR insight, in relation to an insight disclosure consent, means the CDR data subject to the consent.

CDR logo means a logo or symbol, including one whose use requires a licence or authorisation from a person other than the Commonwealth, approved by the Commission for the purposes of this definition.

CDR outsourcing arrangement has the meaning given by rule 1.10.

CDR participant has a meaning affected by subrule (2).

Note: The term "CDR participant" is defined in the Act: see subsection 56AL(1) of the Act. Subrule (2) deals with the usage of this term in these rules.

CDR policy means a policy that a CDR participant has and maintains in compliance with subsection 56ED(3) of the Act.

CDR product data complaint means an expression of dissatisfaction made to a data holder about its required product data or its voluntary product data for which a response or resolution could reasonably be expected.

co-approval option has the meaning given by rule 4A.5.

collection consent has the meaning given by rule 1.10A.

consent means:

(a) a collection consent, a use consent or a disclosure consent; or

(b) such a consent as amended in accordance with these rules.

consumer dashboard:

(a) in relation to an accredited person—has the meaning given by rule 1.14; and

(b) in relation to a data holder—has the meaning given by rules 1.15 and 4A.13.

consumer data request:

(a) by a CDR consumer—has the meaning given by rule 3.3; and

(b) by an accredited person on behalf of a CDR consumer—has the meaning given by rule 4.4 or rule 4.7A.

Note: The different types of consumer data request are summarised in the following table:

A consumer data request made under:	is made by:	to:	for disclosure of CDR data to:
rule 3.3	a CDR consumer	a data holder	the CDR consumer
rule 4.4	an accredited person on behalf of a CDR consumer	a data holder	the accredited person
rule 4.7A	an accredited person on behalf of a CDR consumer	an accredited data recipient	the accredited person

current:

(a) a consent is ***current*** if it has not expired in accordance with rule 4.14; and

(b) an authorisation to disclose particular CDR data is ***current*** if it has not expired in accordance with rule 4.26.

Note: For paragraph (a), there are the following 3 kinds of consent:

- collection consents;
- use consents;
- disclosure consents.

data holder has a meaning affected by subrule (2).

Note: The term "data holder" is defined in the Act: see subsection 56AJ of the Act. Subrule (2) deals with the usage of this term in these rules.

data minimisation principle has the meaning given by rule 1.8.

Data Standards Advisory Committee has the meaning given by rule 8.2.

de-identification consent has the meaning given by rule 1.10A.

direct marketing consent has the meaning given by rule 1.10A.

direct request service has the meaning given by subrule 1.13(2).

disclosure consent has the meaning given by rule 1.10A.

disclosure option has the meaning given by rule 4A.5.

disclosure option management service has the meaning given by rule 4A.6.

eligible, in relation to a particular designated sector, has the meaning set out in a Schedule to these rules that relates to that sector.

Note: For the banking sector, see clause 2.1 of Schedule 3 to these rules.

fit and proper person criteria has the meaning given by rule 1.9.

foreign entity means a person who:

(a) is not a body corporate established by or under a law of the Commonwealth, of a State or of a Territory; and

(b) is neither an Australian citizen, nor a permanent resident (within the meaning of the *Australian Citizenship Act 2007*).

Note: See subsection 56CA(2) of the Act.

general research, in relation to an accredited data recipient, means research by the accredited data recipient:

(a) using CDR data that has been de-identified in accordance with the CDR data de-identification process; and

(b) that does not relate to the provision of goods or services to any particular CDR consumer.

goods includes products.

insight disclosure consent has the meaning given by rule 1.10A.

joint account:

(a) means a joint account with a data holder for which there are 2 or more joint account holders, each of which is an individual who:

(i) so far as the data holder is aware, is acting in their own capacity and not on behalf of another person; and

(ii) is eligible in relation to the data holder; but

(b) does not include a partnership account with a data holder.

law relevant to the management of CDR data means any of the following:

(a) the Act;

(b) any regulation made for the purposes of the Act;

(c) these rules;

(d) the *Corporations Act 2001* and the *Corporations Regulations 2001*;

(e) the *Privacy Act 1988*;

(f) in relation to a particular designated sector—any law that is specified for the purposes of this paragraph in a Schedule to these rules that relates to that designated sector.

Note: In relation to paragraph (f), for the banking sector, see clause 7.1 of Schedule 3.

local agent, in relation to a foreign entity, means a person who:

(a) is appointed by the foreign entity; and

(b) has addresses for service; and

(c) is authorised to accept service of documents on behalf of the foreign entity.

meet the internal dispute resolution requirements, in relation to the banking sector, has the meaning given by clause 5.1 of Schedule 3.

nominated representative has the meaning given by subparagraph 1.13(1)(c)(i) or subparagraph 1.13(1)(d)(i), as appropriate.

non-disclosure option has the meaning given by rule 4A.5.

ordinary means of contacting an account holder by a data holder means:

(a) if the data holder has agreed with the account holder on a particular means of contacting the account holder for the purposes of the relevant provision—that means; and

(b) otherwise—the default means by which the data holder contacts the account holder in relation to the account.

outsourced service provider has the meaning given by rule 1.10.

partnership account, with a data holder, means an account with a data holder that is held by or on behalf of a partnership or the partners in a partnership.

pre-approval option has the meaning given by rule 4A.5.

product data request has the meaning given by rule 2.3.

product data request service has the meaning given by rule 1.12.

recognised external dispute resolution scheme means a dispute resolution scheme that is recognised under section 56DA of the Act.

redundant data has the meaning given by paragraph 56EO(2)(a) of the Act.

Register of Accredited Persons means the Register of Accredited Persons established under subsection 56CE(1) of the Act.

requester, in relation to a product data request, means the person who made the request under rule 2.3.

required consumer data, in relation to the banking sector, has the meaning given by clause 3.2 of Schedule 3.

required product data, in relation to the banking sector, has the meaning given by clause 3.1 of Schedule 3.

restricted ADI means an ADI that has an authority under section 9 of the *Banking Act 1959* to carry on a banking business in Australia for a limited time specified in accordance with section 9D of that Act.

secondary user: a person is a ***secondary user*** for an account with a data holder in a particular designated sector if:

(a) the person has account privileges in relation to the account; and

(b) the account holder has given the data holder an instruction to treat the person as a secondary user for the purposes of these rules.

secondary user instruction means an instruction given for the purposes of paragraph (b) of the definition of secondary user.

service data has the meaning given by rule 1.10.

TA disclosure consent has the meaning given by rule 1.10A.

trusted adviser has the meaning given by rule 1.10C.

type of CDR data means a type of data that is identified in the data standards.

Note: See paragraph 8.11(1)(d).

use consent has the meaning given by rule 1.10A.

valid has the meaning given by subrule 3.3(3) or subrule 4.3(3) as appropriate.

voluntary consumer data, in relation to the banking sector, has the meaning given by clause 3.2 of Schedule 3.

voluntary product data, in relation to the banking sector, has the meaning given by clause 3.1 of Schedule 3.

(2) The table has effect:

Meaning of references to certain terms

	A reference, in a particular provision of these rules, to:	**is, depending on the context, a reference to:**
1	a CDR consumer	(a) a CDR consumer for any CDR data; or (b) a CDR consumer for the particular CDR data that is dealt with in relation to the reference.
2	a data holder	(a) a data holder of any CDR data; or (b) the data holder of the particular CDR data that is dealt with in relation to the reference.
3	an accredited data recipient	(a) an accredited data recipient of any CDR data; or (b) the accredited data recipient of the particular CDR data that is dealt with in relation to the reference.
4	a CDR participant	(a) a CDR participant for any CDR data; or (b) the CDR participant for the particular CDR data that is dealt with in relation to the reference.

*References to **data holder***

(3) In these rules, depending on the context, a reference to a data holder is a reference to a data holder that would be required or that is authorised to disclose CDR data in response to a product data request or a consumer data request that is made in accordance with these rules.

Note: These rules will progressively apply to a broader range of data holders within the banking sector: see Part 6 of Schedule 3 to these rules.

References to a person's CDR data

(4) In these rules, a reference to a person's CDR data is a reference to the CDR data for which that person is a CDR consumer.

*References to **accredited person***

(5) In these rules, unless the contrary intention appears, a reference to an accredited person making a consumer data request, collecting CDR data, obtaining consents, providing a consumer dashboard, or using or disclosing CDR data does not include a reference to an accredited person doing those things on behalf of a principal in its capacity as the provider in an outsourced service arrangement, in accordance with the arrangement.

1.8 Data minimisation principle

Note: The data minimisation principle is relevant when:

- a CDR consumer requests an accredited person to provide goods or services to the CDR consumer or to another person; and
- the accredited person needs to access the CDR consumer's CDR data in order to provide those goods or services.

The data minimisation principle is also relevant when an accredited person uses CDR data to provide requested goods or services to a CDR consumer.

The data minimisation principle limits the CDR data that an accredited person can collect, and also limits the uses that the accredited person can make of collected CDR data.

An accredited person complies with ***the data minimisation principle*** if:

(a) when making a consumer data request on behalf of a CDR consumer, it does not seek to collect:

(i) more CDR data than is reasonably needed; or

(ii) CDR data that relates to a longer time period than is reasonably needed;

in order to provide the goods or services requested by the CDR consumer; and

(b) when providing the requested goods or services, or using collected CDR data for any other purpose consented to by the CDR consumer, it does not use the collected CDR data, or CDR data derived from it, beyond what is reasonably needed in order to provide the requested goods or services or fulfil the other purpose.

1.9 Fit and proper person criteria

(1) For these rules, the ***fit and proper person criteria***, in relation to a person, are the following:

(a) whether the person, or any associated person, has, within the previous 10 years, been convicted of:

(i) a serious criminal offence; or

(ii) an offence of dishonesty;

against any law of the Commonwealth or of a State or a Territory, or a law of a foreign jurisdiction;

(b) whether the person, or any associated person, has been found to have contravened:

(i) a law relevant to the management of CDR data; or

(ii) a similar law of a foreign jurisdiction;

(c) whether the person, or any associated person, has been the subject of:
  (i) a determination under paragraph 52(1)(b) or any of paragraphs 52(1A)(a), (b), (c) or (d) of the *Privacy Act 1988*; or
  (ii) a finding or determination of a similar nature under a similar law of a foreign jurisdiction;
(d) if the person is a body corporate—whether any of the directors (within the meaning of the *Corporations Act 2001*) of the person, or any associated person:
  (i) has been disqualified from managing corporations; or
  (ii) is subject to a banning order;
(e) whether the person, or any associated person, has a history of insolvency or bankruptcy;
(f) whether the person, or any associated person, has been the subject of a determination made under an external dispute resolution scheme that:
  (i) included a requirement to pay monetary compensation; and
  (ii) was, at the time the determination was made:
    (A) recognised under the *Privacy Act 1988*; or
    (B) a recognised external dispute resolution scheme;
(g) any other relevant matter, including but not limited to the objects of Part IVD of the Act.

Note: The objects of Part IVD are set out in section 56AA of the Act.

(2) In this rule:

banning order has the same meaning as in the *Corporations Act 2001*.

serious criminal offence means an offence for which, if the act or omission had taken place in the Jervis Bay Territory, a person would be liable, on first conviction, to imprisonment for a period of not less than 5 years.

Note: Jervis Bay Territory is mentioned because it is a jurisdiction in which the Commonwealth has control over the criminal law.

1.10 Meaning of *outsourced service provider* and related terms

(1) For these rules, where two persons are the principal and the provider in a CDR outsourcing arrangement, the provider is an ***outsourced service provider*** of the principal.

(2) For these rules, a ***CDR outsourcing arrangement*** is a written contract between a person (the ***principal***) and another person (the ***provider***) under which:
(a) the provider will do one or both of the following:
  (i) if the provider is an accredited person—collect CDR data from a CDR participant in accordance with these rules on behalf of the principal;
  (ii) in any case—provide goods or services to the principal using CDR data disclosed to it by the principal; and
(b) the provider is required to comply with the following requirements in relation to any service data:

(i) the provider must take the steps in Schedule 2 to protect the service data as if it were an accredited data recipient; and

(ii) the provider must not use or disclose the service data other than in accordance with a contract with the principal; and

(iii) the provider must, when so directed by the principal, do any of the following:

(A) provide the principal with access to any service data that it holds;

(B) return to the principal CDR data that the principal disclosed to it;

(C) delete any service data that it holds in accordance with the CDR data deletion process;

(D) provide, to the principal, records of any deletion that are required to be made under the CDR data deletion process;

(E) direct any other person to which it has disclosed CDR data to take corresponding steps; and

(iv) where the provider is to collect CDR data under the contract as mentioned in subparagraph (a)(i)—the provider must not further outsource that collection; and

(v) the provider must not disclose any service data to another person, otherwise than under a further CDR outsourcing arrangement; and

(vi) if the provider does disclose such CDR data in accordance with subparagraph (v), it must ensure that the other person complies with the requirements of the further CDR outsourcing arrangement.

Note: See rule 1.18 for the definition of "CDR data deletion process".

(3) For subparagraph (2)(a)(ii), the principal is taken to disclose CDR data to the provider if the principal gives the provider permission to access or use CDR data collected by the provider on behalf of the principal.

(4) For these rules, the ***service data*** in relation to a CDR outsourcing arrangement consists of any CDR data that:

(a) was collected from a CDR participant in accordance with the arrangement; or

(b) was disclosed to the provider in the CDR outsourcing arrangement for the purposes of the arrangement; or

(c) directly or indirectly derives from such CDR data.

1.10A Types of consents

(1) For these rules:

(a) a ***collection consent*** is a consent given by a CDR consumer under these rules for an accredited person to collect particular CDR data from a CDR participant for that CDR data; and

(b) a ***use consent*** is a consent given by a CDR consumer under these rules for an accredited data recipient of particular CDR data to use that CDR data in a particular way; and

(c) a ***disclosure consent*** is a consent given by a CDR consumer under these rules for an accredited data recipient of particular CDR data to disclose that CDR data:
  (i) to an accredited person in response to a consumer data request (an ***AP disclosure consent***); or
  (ii) to an accredited person for the purposes of direct marketing; or
  (iii) to a trusted adviser of the CDR consumer (a ***TA disclosure consent***); or
  (iv) to a specified person in accordance with an insight disclosure consent; and
(d) a ***direct marketing consent*** is a consent given by a CDR consumer under these rules for an accredited data recipient of particular CDR data to use or disclose the CDR data for the purposes of direct marketing; and
(e) a ***de-identification consent*** is a consent given by a CDR consumer under these rules for an accredited data recipient of particular CDR data to de-identify some or all of the collected CDR data and do either or both of the following:
  (i) use the de-identified data for general research;
  (ii) disclose (including by selling) the de-identified data.

(2) For these rules, each of the following is a ***category*** of consents:
(a) collection consents;
(b) use consents relating to the goods or services requested by the CDR consumer;
(c) direct marketing consents;
(d) de-identification consents;
(e) AP disclosure consents;
(f) TA disclosure consents;
(g) insight disclosure consents.

(3) For these rules, an ***insight disclosure consent*** in relation to particular CDR data of a CDR consumer held by an accredited data recipient is a consent given by the CDR consumer under these rules that:
(a) authorises the accredited data recipient to disclose the CDR data to a specified person for one or more of the following purposes:
  (i) verifying the consumer's identity;
  (ii) verifying the consumer's account balance;
  (iii) verifying the details of credits to or debits from the consumer's accounts; but
(b) where the CDR data relates to more than one transaction—does not authorise the accredited data recipient to disclose an amount or date in relation to any individual transaction.

1.10C Trusted advisers

(1) An accredited person may invite a CDR consumer to nominate one or more persons as ***trusted advisers*** of the CDR consumer for the purposes of this rule.

(2) A trusted adviser must belong to one of the following classes:

(a) qualified accountants within the meaning of the *Corporations Act 2001*;

(b) persons who are admitted to the legal profession (however described) and hold a current practising certificate under a law of a State or Territory that regulates the legal profession;

(c) registered tax agents, BAS agents and tax (financial) advisers within the meaning of the *Tax Agent Services Act 2009*;

(d) financial counselling agencies within the meaning of the *ASIC Corporations (Financial Counselling Agencies) Instrument 2017/792*;

(e) relevant providers within the meaning of the *Corporations Act 2001* other than:

(i) provisional relevant providers under section 910A of that Act; and

(ii) limited-service time-sharing advisers under section 910A of that Act;

(f) mortgage brokers within the meaning of the *National Consumer Credit Protection Act 2009*.

(3) Where the accredited person has taken reasonable steps to confirm that a person nominated as a trusted adviser was, and remains, a member of a class mentioned in subrule (2), the person is taken to be a member of that class for the purposes of this rule.

(4) The accredited person must not make:

(a) the nomination of a trusted adviser; or

(b) the nomination of a particular person as a trusted adviser; or

(c) the giving of a TA disclosure consent;

a condition for supply of the goods or services requested by the CDR consumer.

Division 1.4—General provisions relating to data holders and to accredited persons

Subdivision 1.4.1—Preliminary

1.11 Simplified outline of Division

This Division sets out:

- general obligations of data holders which relate to product data requests and consumer data requests; and
- general obligations for data holders and accredited persons to provide CDR consumers with consumer dashboards, which contain information relating to consumer data requests, and a functionality for amending or withdrawing consents, and for withdrawing authorisations, under these rules.

Subdivision 1.4.2—Services for making requests under these rules

1.12 Product data request service

(1) A data holder must provide an online service that:

(a) can be used to make product data requests; and

(b) enables requested data to be disclosed in machine-readable form; and

(c) conforms with the data standards.

Note 1: See rule 2.3 for the meaning of "product data request".

Note 2: This subrule is a civil penalty provision (see rule 9.8).

(2) Such a service is a ***product data request service***.

1.13 Consumer data request service

(1) A data holder must provide:

(a) an online service that:

(i) can be used by eligible CDR consumers to make consumer data requests directly to the data holder; and

(ii) allows a request to be made in a manner that is no less timely, efficient and convenient than any of the online services that are ordinarily used by customers of the data holder to deal with it; and

(iii) enables requested data to be disclosed in human-readable form; and

(iv) sets out any fees for disclosure of voluntary consumer data; and

(v) conforms with the data standards; and

(b) an online service that:

(i) can be used by accredited persons to make consumer data requests, on behalf of eligible CDR consumers, to the data holder; and

(ii) enables requested data to be disclosed in machine-readable form; and

(iii) conforms with the data standards; and

(c) for each eligible CDR consumer that is not an individual—a service that can be used to:

(i) nominate one or more individuals (***nominated representatives***) who are able to give, amend and manage authorisations to disclose CDR data for the purposes of these rules on behalf of the CDR consumer; and

(ii) revoke such a nomination; and

(d) for each partnership that relates to a partnership account with the data holder—a service that can be used to:

(i) nominate one or more individuals (***nominated representatives***) who are able to give, amend and manage authorisations to disclose CDR data that relate to the partnership accounts of that partnership for the purposes of these rules on behalf of the CDR consumers who are its partners; and

(ii) revoke such a nomination; and

(e) in relation to each account in relation to which a person has account privileges—a service that can be used by the account holder to:

(i) make a secondary user instruction; and

(ii) revoke the instruction.

Note 1: See rule 3.3 for the meaning of "consumer data request" in relation to a request made by a CDR consumer directly to a data holder.

Note 2: See rule 4.4 for the meaning of "consumer data request" in relation to a request made by an accredited person to a data holder on behalf of a CDR consumer.

Note 3: In the circumstances of paragraphs (1)(c) and (d), a person or partnership that does not have a nominated representative will not able to give or amend authorisations, or use the dashboard to manage authorisations (see subrule 1.15(2A)), and accordingly, the data holder will be neither required nor permitted to disclose the requested CDR data under these rules.

Note 4: The services of paragraphs (c), (d) and (e) may, but need not, be online.

Note 5: This subrule is a civil penalty provision (see rule 9.8).

(2) The service referred to in paragraph (1)(a) is the data holder's ***direct request service***.

(3) The service referred to in paragraph (1)(b) is the data holder's ***accredited person request service***.

(4) A data holder does not contravene subrule (1) in relation to subparagraph (1)(a)(ii) so long as it takes reasonable steps to ensure that the online service complies with that subparagraph.

Subdivision 1.4.3—Services for managing consumer data requests made by accredited persons

1.14 Consumer dashboard—accredited person

(1) Subject to subrule (5), an accredited person must provide each eligible CDR consumer on whose behalf the accredited person makes a consumer data request with an online service that:

(a) can be used by the CDR consumer to manage:

(i) such requests; and

(ii) associated consents; and

(b) contains the details of each consent specified in subrule (3) and the information specified in subrule (3A); and

(c) has a functionality that:

(i) allows the CDR consumer, at any time, to:

(A) withdraw current consents; and

(B) elect that redundant data be deleted in accordance with these rules and withdraw such an election; and

(ii) is simple and straightforward to use; and

(iii) is prominently displayed.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) Such a service is the accredited person's ***consumer dashboard*** for that consumer.

(2A) The consumer dashboard may, on and after 1 July 2021, also include a functionality that allows a CDR consumer to amend a current consent.

(3) For paragraph (1)(b), the information is the following for each consent:

(a) details of the CDR data to which the consent relates;

(b) for a use consent—details of the specific use or uses for which the CDR consumer has given their consent;

(c) when the CDR consumer gave the consent;

(d) whether the consent applies:

(i) on a single occasion; or

(ii) over a period of time;

(e) if a collection consent or disclosure consent applies over a period of time:

(i) what that period is; and

(ii) how often data has been, and is expected to be, collected or disclosed over that period;

(ea) for an insight disclosure consent—a description of the CDR insight and to whom it was disclosed;

(f) if the consent is current—when it is scheduled to expire;

(g) if the consent is not current—when it expired;

(h) information relating to CDR data that was collected or disclosed pursuant to the consent (see rule 7.4 and rule 7.9);

(i) details of each amendment (if any) that has been made to the consent.

Note 1: For paragraph (f), consents expire at the latest 12 months after they are given or, in some circumstances, amended: see paragraph 4.14(1)(d).

Note 2: For the specific uses that are possible, see the data minimisation principle (rule 1.8).

Note 3: The consumer dashboard could contain other information too, for example, the written notices referred to in rule 7.15 (which deals with correction requests under privacy safeguard 13, section 56EP of the Act).

(3A) For paragraph (1)(b), the other information is:

(a) a statement that the CDR consumer is entitled to request further records in accordance with rule 9.5; and

(b) information about how to make such a request.

(4) An accredited person does not contravene subrule (1) in relation to subparagraph (1)(c)(ii) so long as it takes reasonable steps to ensure that the functionality complies with that subparagraph.

1.15 Consumer dashboard—data holder

(1) If a data holder receives a consumer data request from an accredited person on behalf of a CDR consumer, the data holder must ensure that it provides the CDR consumer with an online service that:

(a) can be used by the CDR consumer to manage authorisations to disclose CDR data in response to consumer data requests; and

(b) contains the details of each authorisation to disclose CDR data specified in subrule (3); and

(ba) contains any information in the data standards that is specified as information for the purposes of this rule; and

(bb) contains any information on the Register of Accredited Persons that is specified as information for the purposes of this rule; and

(c) has a functionality that:

(i) allows for withdrawal, at any time, of authorisations to disclose CDR data; and

(ii) is simple and straightforward to use; and

(iii) is no more complicated to use than the process for giving the authorisation to disclose CDR data; and

(iv) is prominently displayed; and

(v) as part of the withdrawal process, displays a message relating to the consequences of the withdrawal in accordance with the data standards; and

(d) contains any other details, and has any other functionality, required by a provision of these rules.

Note 1: This subrule is a civil penalty provision (see rule 9.8).

(2) Such a service is the data holder's ***consumer dashboard*** for that consumer.

Note: If the consumer data request relates to a joint account, there may be an obligation to provide all joint account holders with consumer dashboards: see rule 4A.13.

(2A) For subrule (1), the online service must allow only nominated representatives to manage authorisations in the following circumstances:

(a) where the CDR consumer is not an individual;

(b) where the CDR data relates to a partnership account.

(3) For paragraph (1)(b) and paragraph (5)(a), for each authorisation:

(a) details of the CDR data that has been authorised to be disclosed;

(b) when the CDR consumer gave the authorisation;

(c) the period for which the CDR consumer gave the authorisation;

(d) if the authorisation is current—when it is scheduled to expire;

(e) if the authorisation is not current—when it expired;

(f) information relating to CDR data that was disclosed pursuant to the authorisation (see rule 7.9);

(g) for a disclosure of CDR data that relates to the authorisation but that was pursuant to a request under subsection 56EN(4) of the Act—that fact.

Note 1: For paragraph (d), authorisations to disclose CDR data expire at the latest 12 months after they are given: see paragraph 4.26(1)(e).

Note 2: The consumer dashboard could contain other information too, for example, the written notice referred to in rules 7.10 (which deals with quality of CDR data under privacy safeguard 11, section 56EN of the Act) and 7.15 (which deals with correction requests under privacy safeguard 13, section 56EP of the Act).

(4) A data holder does not contravene subrule (1) in relation to subparagraphs (1)(c)(ii) and (iii) so long as it takes reasonable steps to ensure that the functionality complies with those subparagraphs.

Secondary users

(5) If the CDR consumer is a secondary user for an account, the data holder must also provide the account holder with an online service that:

(a) for each authorisation to disclose CDR data given by the secondary user—contains the details specified in subrule (3); and

(b) has a functionality that:

(i) allows for the account holder to, at any time, give the indication referred to in subparagraph 4.6A(a)(ii) in relation to a particular accredited person; and

(ii) allows for the withdrawal of the secondary user instruction; and

(iii) is simple and straightforward to use; and

(iv) is no more complicated to use than the processes for giving the authorisations or instructions; and

(v) is prominently displayed; and

(vi) as part of the withdrawal process, displays a message relating to the consequences of the withdrawal in accordance with the data standards.

Note 1: This subrule is a civil penalty provision (see rule 9.8).

Note 2: If the account holder makes an indication in accordance with subparagraph (5)(b)(i), the data holder will no longer be able to disclose CDR data relating to that account to that accredited person: see subrules 4.6(2) and (4) and subrule 4.6A(1).

(6) A data holder does not contravene subrule (5) in relation to subparagraphs (5)(b)(iii) and (iv) so long as it takes reasonable steps to ensure that the functionality complies with those subparagraphs.

(7) If the data holder provides a consumer dashboard for the account holder, the service mentioned in subrule (5) must be included in the consumer dashboard.

Note: This subrule is a civil penalty provision (see rule 9.8).

Subdivision 1.4.4—Other obligations of accredited persons

1.16 Obligations relating to CDR outsourcing arrangements

(1) If an accredited person is the principal in a CDR outsourcing arrangement, it must ensure that the provider complies with its requirements under the arrangement.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) If an accredited person collects CDR data on behalf of another accredited person (the ***principal***) under a CDR outsourcing arrangement:

(a) rule 7.4 and rule 7.9 apply only in relation to the principal; and

(b) paragraph 7.10(1)(a) requires the principal to be identified.

Subdivision 1.4.5—Deletion and de-identification of CDR data

1.17 CDR data de-identification process

(1) This rule sets out the ***CDR data de-identification process*** for particular CDR data (the ***relevant data***).

Note: This process is applied by an accredited data recipient when de-identifying CDR data in accordance with a consent from a CDR consumer (see Subdivision 4.3.3) and when de-identifying redundant data for the purposes of privacy safeguard 12 (see rule 7.12).

(2) First, the accredited data recipient must consider whether, having regard to the following:

(a) the DDF;

(b) the techniques that are available for de-identification of data;

(c) the extent to which it would be technically possible for any person to be once more identifiable, or reasonably identifiable, after de-identification in accordance with such techniques;

(d) the likelihood (if any) of any person once more becoming so identifiable, or reasonably identifiable from the data after de-identification;

it would be possible to de-identify the relevant data to the extent (the ***required extent***) that no person would any longer be identifiable, or reasonably identifiable, from:

(e) the relevant data after the proposed de-identification; and

(f) other information that would be held, following the completion of the de-identification process, by any person.

(3) If this is possible, the accredited data recipient must:

(a) determine the technique that is appropriate in the circumstances to de-identify the relevant data to the required extent; and

(b) apply that technique to de-identify the relevant data to the required extent; and

(c) delete, in accordance with the CDR data deletion process, any CDR data that must be deleted in order to ensure that no person is any longer identifiable, or reasonably identifiable, from the information referred to in paragraphs (2)(e) and (f); and

(d) as soon as practicable, make a record to evidence the following:

(i) its assessment that it is possible to de-identify the relevant data to the required extent;

(ii) that the relevant data was de-identified to that extent;

(iii) how the relevant data was de-identified, including records of the technique that was used;

(iv) any persons to whom the de-identified data is disclosed.

(4) If this is not possible, the accredited data recipient must delete the relevant data and any CDR data directly or indirectly derived from it in accordance with the CDR data deletion process.

Note: For the CDR data deletion process, see rule 1.18.

(5) For this rule, the ***DDF*** is *The De-Identification Decision-Making Framework* published by the Office of the Australian Information Commissioner and Data61, as in force from time to time.

Note: The *De-Identification Decision-Making Framework* could in 2020 be downloaded from Data61's website (https://www.data61.csiro.au/).

1.17A Identification of otherwise redundant data that is not to be deleted

(1) Where the accredited data recipient has identified CDR data as redundant, it must identify whether any of the following provisions of the Act apply to the CDR data:

(a) paragraphs 56BAA(2)(a), (b) or (c) of the Act (deletion request by consumer);

(b) paragraphs 56EO(2)(b) or (c) of the Act (privacy safeguard 12).

(2) Where one of those provisions applies, the accredited person must retain the CDR data while that provision applies.

(3) For the purposes of paragraph 56BAA(2)(c) of the Act, in relation to CDR data of a CDR consumer, the person may:

(a) request the CDR consumer to state whether or not proceedings of the kind mentioned in that paragraph are current or anticipated; and

(b) rely on that statement.

1.18 CDR data deletion process

For these rules, the ***CDR data deletion process*** in relation to a person that holds CDR data that is to be deleted consists of the following steps:

(a) delete, to the extent reasonably practicable, that CDR data and any copies of that CDR data;

(b) make a record to evidence the deletion; and

(c) where another person holds the CDR data on its behalf and will perform those steps—direct that person to notify it when those steps have been performed.

Note: The CDR data deletion process is applied by an accredited data recipient when deleting CDR data in accordance with a CDR consumer's right to deletion (see Subdivision 4.3.4) and when deleting redundant data for the purposes of privacy safeguard 12 (see rule 7.13).

Part 2—Product data requests

2.1 Simplified outline of this Part

This Part deals with product data requests. Such requests are made using a data holder's product data request service.

A product data request may be for required product data, voluntary product data, or both. Schedule 3 to these rules provides for what is required product data and voluntary product data for the banking sector.

When requested in accordance with this Part, a data holder:

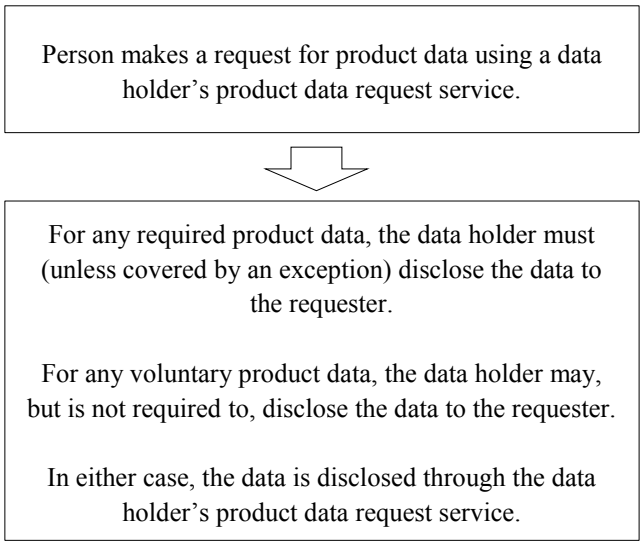
- must, subject to an exception outlined in this Part, disclose required product data; and
- may, but is not required to, disclose voluntary product data.

In either case, the data is disclosed to the person who made the request, in machine-readable form and in accordance with the data standards. A data holder must not impose conditions, restrictions or limitations of any kind on the use of the disclosed data.

A fee cannot be charged for the disclosure of required product data, but could be charged for the disclosure of voluntary product data.

2.2 Making product data requests—flowchart

The following is a flowchart for how product data requests are made:



2.3 Product data requests

(1) A person may:

(a) using the data holder's product data request service; and

(b) in accordance with the data standards;

request a data holder to disclose some or all of the CDR data that relates to one or more products that are offered by or on behalf of the data holder.

Note: These rules will progressively permit product data requests to be made to a broader range of data holders within the banking sector, and in relation to a broader range of CDR data, according to the timetable set out in Part 6 of Schedule 3.

(2) Such a request is a ***product data request***.

Note: A fee cannot be charged for making a product data request.

2.4 Disclosing product data in response to product data request

(1) This rule applies if a data holder has received a product data request.

(2) The data holder may disclose any requested voluntary product data to the requester.

Note: See rule 1.7 for the definition of "voluntary product data", and see clause 3.1 of Schedule 3 for the definition of "voluntary product data" in relation to the banking sector.

(2A) If the data holder discloses any requested voluntary product data to the requester, it must do so:

(a) through its product data request service; and

(b) in accordance with the data standards.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) The data holder must, subject to subrule (4) and rule 2.5:

(a) disclose the requested required product data to the requester:

(i) through its product data request service; and

(ii) in accordance with the data standards; and

(b) include in the disclosed data any required product data that is:

(i) the subject of the product data request; and

(ii) contained:

(A) on the data holder's website; or

(B) in a disclosure document that relates to the product.

Note 1: See rule 1.7 for the definition of "required product data", and see clause 3.1 of Schedule 3 for the definition of "required product data" in relation to the banking sector.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

Note 3: A fee cannot be charged for the disclosure of required product data: see section 56BU of the Act.

(4) If:

(a) a data holder (the ***first data holder***) receives a request for CDR data that relates to a product (the ***relevant product***); and

(b) the first data holder offers the relevant product on behalf of another data holder (the ***second data holder***), such that the second data holder is the data holder that enters into contracts with consumers to provide the relevant product;

the first data holder is not required to disclose the requested required product data under subrule (3).

(5) If:

(a) the second data holder receives such a request; and

(b) the data holders have agreed in writing that, in such a case, the first data holder will disclose the requested required product data;

then:

(c) subrule (3) applies as if:

(i) it permitted the CDR data to be disclosed through the first data holder's product data request service; and

(ii) in the case that the first data holder disclosed CDR data in response to the request—the reference to the data holder's website in sub-subparagraph (3)(b)(ii)(A) was to the first data holder's website; and

(d) rule 2.6 applies as if it applied in relation to each of the first data holder and the second data holder.

(6) In this rule, ***disclosure document*** includes:

(a) a Product Disclosure Statement within the meaning of the *Corporations Act 2001*; or

(b) a key facts sheet within the meaning of the *National Consumer Credit Protection Act 2009*; or

(c) a similar document that is required by law to be disclosed to a customer prior to entering into a contract with that customer.

2.5 Refusal to disclose required product data in response to product data request

(1) Despite subrule 2.4(3), the data holder may refuse to disclose required product data in response to the request in circumstances (if any) set out in the data standards.

(2) The data holder must inform the requester of such a refusal in accordance with the data standards.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

2.6 Use of data disclosed pursuant to product data request

A data holder that discloses CDR data in response to a product data request must not impose conditions, restrictions or limitations of any kind on the use of the disclosed data.

Note: This rule is a civil penalty provision (see rule 9.8).

Part 3—Consumer data requests made by eligible CDR consumers

Division 3.1—Preliminary

3.1 Simplified outline of this Part

This Part deals with consumer data requests that are made directly by eligible CDR consumers to data holders. Such requests are made using the data holder's direct request service.

A request may be for the CDR consumer's required consumer data, their voluntary consumer data, or both. Schedule 3 to these rules:

- provides for what is required consumer data and voluntary consumer data for the banking sector; and
- sets out the circumstances in which CDR consumers are eligible to request their banking sector CDR data.

When validly requested in accordance with this Part, a data holder:

- must, subject to an exception outlined in this Part, disclose required consumer data; and
- may, but is not required to, disclose voluntary consumer data.

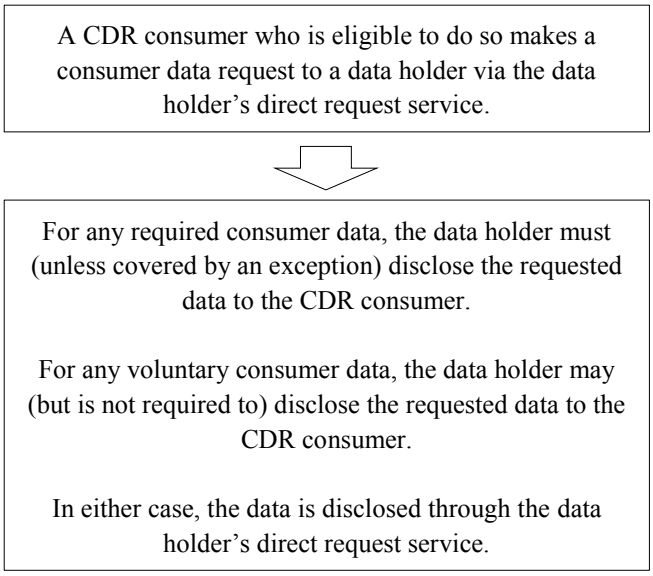
In either case, the data is disclosed to the CDR consumer who made the request, in human-readable form and in accordance with the data standards.

Special rules apply to joint accounts with 2 or more individual joint account holders. These are set out in Part 4A.

A fee cannot be charged for the disclosure of required consumer data, but could be charged for the disclosure of voluntary consumer data.

3.2 How an eligible CDR consumer makes a consumer data request—flowchart

The following is a flowchart for how an eligible CDR consumer makes a consumer data request under this Part:



Division 3.2—Consumer data requests made by CDR consumers

3.3 Consumer data requests made by CDR consumers

(1) A CDR consumer may, using the data holder's direct request service, request a data holder to disclose some or all of their CDR data.

Note: These rules will progressively permit consumer data requests to be made to a broader range of data holders within the banking sector, and in relation to a broader range of CDR data, according to the timetable set out in Part 6 of Schedule 3.

(2) Such a request is a ***consumer data request*** made by a CDR consumer.

Note: A fee cannot be charged for the disclosure of required consumer data: see section 56BU of the Act.

(3) A consumer data request made under this Part is ***valid*** if it is made by a CDR consumer who is eligible to make the request.

Note: See subrule 1.7(1) for the meaning of "eligible". For the banking sector, see clause 2.1 of Schedule 3 for when a CDR consumer is eligible.

3.4 Disclosing consumer data in response to a valid consumer data request

(1) This rule applies if a data holder has received a request that it reasonably believes to be a valid consumer data request made under this Part, for disclosure of CDR data of which it is the data holder.

(2) The data holder may disclose any requested voluntary consumer data to the CDR consumer who made the request.

Note: See rule 1.7 for the definition of "voluntary consumer data", and see clause 3.2 of Schedule 3 for the definition of "voluntary consumer data" in relation to the banking sector.

(3) The data holder must, subject to rule 3.5, disclose any requested required consumer data to the CDR consumer who made the request:

(a) through its direct request service; and

(b) in accordance with the data standards.

Note 1: See rule 1.7 for the definition of "required consumer data", and see clause 3.2 of Schedule 3 for the definition of "required consumer data" in relation to the banking sector.

Note 2: For a request that relates to a joint account, see rules 4A.10 and 4A.15 for additional circumstances in which data relating to the joint account might not be disclosed under these rules.

Note 3: This subrule is a civil penalty provision (see rule 9.8).

Note 4: A fee cannot be charged for the disclosure of required consumer data: see section 56BU of the Act.

3.5 Refusal to disclose required consumer data in response to consumer data request

(1) Despite subrule 3.4(3), the data holder may refuse to disclose required consumer data in response to the request:

(a) if the data holder considers this to be necessary to prevent physical, psychological or financial harm or abuse; or

(aa) in relation to an account that is blocked or suspended; or

(b) in circumstances (if any) set out in the data standards.

(2) The data holder must inform the CDR consumer of such a refusal in accordance with the data standards.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Part 4—Consumer data requests made by accredited persons

Division 4.1—Preliminary

4.1 Simplified outline of this Part

This Part deals with consumer data requests that are made to CDR participants by accredited persons on behalf of CDR consumers. Such requests, if made to a data holder, are made using the data holder's accredited person request service.

In order for such a request to be made, the CDR consumer must have first asked the accredited person to provide goods or services to the CDR consumer or to another person, where provision of those goods or services requires the use of the CDR consumer's CDR data.

Before making a consumer data request on behalf of a CDR consumer, the consumer must first have consented to the accredited person collecting and using specified CDR data to provide the requested goods or services.

Subject to certain limitations, the requested data can be any CDR data that relates to the CDR consumer.

Collection and use of CDR data under this Part is limited by the data minimisation principle, under which the accredited person:

(a) must not collect more data than is reasonably needed in order to provide the requested goods or services; and

(b) may use the collected data only as reasonably needed in order to provide the requested goods or services or as otherwise consented to by the consumer.

A request may be for the CDR consumer's required consumer data, their voluntary consumer data, or both. Schedule 3 to these rules:

- provides for what is required consumer data and voluntary consumer data for the banking sector; and
- sets out the circumstances in which CDR consumers are eligible in relation to a request for their banking sector CDR data.

Consumer data requests made to data holders

Subject to exceptions outlined in this Part, if a request is made to a data holder, the data holder:

- must seek the CDR consumer's authorisation to disclose required consumer data; and
- must seek the CDR consumer's authorisation to disclose any voluntary consumer data that it intends to disclose.

The data holder then must disclose, to the accredited person, the required consumer data it is authorised to disclose, and may (but is not required to) disclose the voluntary consumer data it is authorised to disclose. The data is disclosed in machine-readable form and in accordance with the data standards.

Consumer data requests made to accredited data recipients

If a request is made to an accredited data recipient, the accredited data recipient:

- may (but is not required to) seek the CDR consumer's consent to disclose the requested CDR data; and
- once that consent is obtained, may (but is not required to) disclose that CDR data to the accredited person.

Special rules apply to joint accounts with 2 or more individual joint account holders. These are set out in Part 4A.

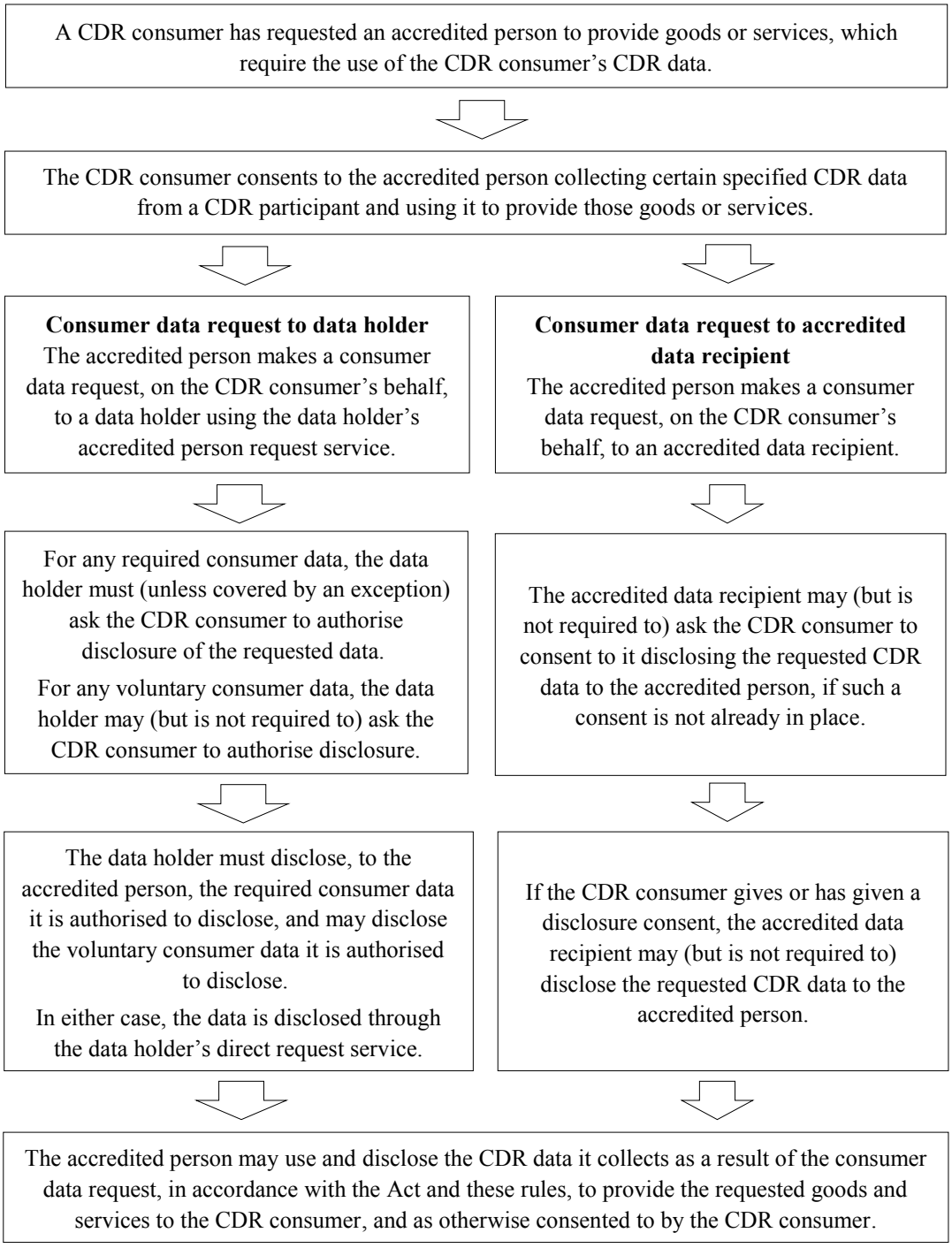
A fee cannot be charged for the disclosure by a data holder of required consumer data, but could be charged for the disclosure by a data holder of voluntary consumer data, or by an accredited data recipient for disclosure of any CDR data.

Division 4.2—Consumer data requests made by accredited persons to CDR participants

Subdivision 4.2.1—Preliminary

4.2 Consumer data requests made by accredited persons to CDR participants—flowchart

The following is a flowchart for how an accredited person makes a consumer data request to a CDR participant under this Division.



Subdivision 4.2.2—Requests to seek to collect CDR data from CDR participants

4.3 Request for accredited person to seek to collect CDR data

(1) This rule applies if:

(a) a CDR consumer requests an accredited person to provide goods or services to the CDR consumer or to another person; and

(b) the accredited person needs to collect the CDR consumer's CDR data from a CDR participant under these rules and use it in order to provide those goods or services.

(2) The accredited person may, in accordance with Division 4.3, ask the CDR consumer to give:

(a) a collection consent for the accredited person to collect their CDR data from the CDR participant; and

(b) a use consent for the accredited person to use that CDR data;

in order to provide those goods or services.

Note 1: In order to provide goods or services in accordance with the CDR consumer's request, it might be necessary for the accredited person to request CDR data from more than 1 CDR participant.

Note 2: The accredited person is able to collect and use CDR data only in accordance with the data minimisation principle: see rule 1.8.

(3) In giving the consents, the CDR consumer gives the accredited person a ***valid*** request to seek to collect that CDR data from the CDR participant.

Note: If the accredited person seeks to collect CDR data under this Part without a valid request, it will contravene privacy safeguard 3 (a civil penalty provision under the Act): see section 56EF of the Act.

(4) The request ceases to be ***valid*** if the collection consent is withdrawn.

Note: So long as the use consent is not also withdrawn, the accredited person could continue to use CDR data it had already collected in order to provide the requested goods or services. However, the notification requirement of rule 4.18A would apply.

(5) If an accredited person asks for a CDR consumer's consents for the purpose of making a consumer data request under this Part, the accredited person must do so in accordance with Division 4.3.

Note: This subrule is a civil penalty provision (see rule 9.8).

Subdivision 4.2.3—Consumer data requests by accredited persons to data holders

4.4 Consumer data request by accredited person to data holder

(1) If:

(a) a CDR consumer has given an accredited person a request under rule 4.3 to seek to collect CDR data from a data holder; and

(b) the request is valid;

the accredited person may request the data holder to disclose, to the accredited person, some or all of the CDR data that:

(c) is the subject of the relevant collection consent and use consent; and

(d) it is able to collect and use in compliance with the data minimisation principle.

Note: See rule 1.8 for the definition of the "data minimisation principle".

(2) Such a request is a ***consumer data request*** by an accredited person to a data holder on behalf of a CDR consumer.

Note 1: An accredited person might need to make consumer data requests to several CDR participants in order to provide the goods or services requested by the CDR consumer, and might need to make regular consumer data requests over a period of time in order to provide those goods or services.

Note 2: These rules will progressively permit consumer data requests to be made in relation to CDR data held by a broader range of data holders within the banking sector, and in relation to a broader range of CDR data, according to the timetable set out in Part 6 of Schedule 3.

(3) An accredited person must, if it makes a consumer data request under this Subdivision, make the request:

(a) using the data holder's accredited person request service; and

(b) in accordance with the data standards.

Note 1: A data holder cannot charge an accredited person a fee for making a consumer data request in relation to required consumer data.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

4.5 Data holder must ask eligible CDR consumer to authorise disclosure

(1) This rule applies if:

(a) a data holder receives a consumer data request under rule 4.4; and

(b) there is no current authorisation for the data holder to disclose the requested data to the person who made the request; and

(c) the data holder reasonably believes that the request was made by an accredited person on behalf of an eligible CDR consumer.

Note: See subrule 1.7(1) for the meaning of "eligible". For the banking sector, see clause 2.1 of Schedule 3 for when a CDR consumer is eligible.

(2) If the data holder is considering disclosing any of the requested voluntary consumer data, the data holder must ask the CDR consumer on whose behalf the request was made to authorise the disclosure:

(a) in accordance with Division 4.4; and

(b) in accordance with the data standards.

Note 1: See rule 1.7 for the definition of "voluntary consumer data", and see clause 3.2 of Schedule 3 for the definition of "voluntary consumer data" in relation to the banking sector.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

(3) The data holder must, subject to rule 4.7, ask the CDR consumer on whose behalf the request was made to authorise the disclosure of any requested required consumer data:

(a) in accordance with Division 4.4; and

(b) in accordance with the data standards.

Note 1: See rule 1.7 for the definition of "required consumer data", and see clause 3.2 of Schedule 3 for the definition of "required consumer data" in relation to the banking sector.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

4.6 Disclosing consumer data in response to a consumer data request

(1) This rule applies if:

(a) a data holder has received a consumer data request made under rule 4.4 for disclosure of CDR data; and

(b) the CDR consumer on whose behalf the request was made has given the data holder a current authorisation to disclose some or all of that CDR data.

(2) The data holder may, subject to rule 4.6A, disclose, to the person who made the request, any of the requested voluntary consumer data that it is authorised to disclose.

Note 1: See rule 1.7 for the definition of "voluntary consumer data", and see clause 3.2 of Schedule 3 for the definition of "voluntary consumer data" in relation to the banking sector.

Note 2: For requests that relate to joint accounts, additional requirements need to be met in order for the data holder to be authorised to disclose requested CDR data that relates to the joint account: see Part 4A.

(3) It must do so:

(a) through its accredited person request service; and

(b) in accordance with the data standards.

Note: This subrule is a civil penalty provision (see rule 9.8).

(4) The data holder must, subject to rule 4.6A and rule 4.7, disclose, to the person who made the request, the requested required consumer data that it is authorised to disclose:

(a) through its accredited person request service; and

(b) in accordance with the data standards.

Note 1: See rule 1.7 for the definition of "required consumer data", and see clause 3.2 of Schedule 3 for the definition of "required consumer data" in relation to the banking sector.

Note 2: For requests that relate to joint accounts, additional requirements need to be met in order for the data holder to be authorised to disclose requested CDR data that relates to the joint account: see Part 4A.

Note 3: A fee cannot be charged for the disclosure of required consumer data: see section 56BU of the Act.

Note 4: Rule 7.4 (which deals with privacy safeguard 5, paragraph 56EH(a) of the Act) requires the accredited person to update its consumer dashboard for the CDR consumer on whose behalf the request was made to indicate the CDR data that was collected.

Note 5: Rule 7.9 (which deals with privacy safeguard 10, paragraph 56EM(1)(a) of the Act) requires the data holder to update its consumer dashboard for the CDR consumer on whose behalf the request was made to indicate the CDR data that was disclosed.

Note 6: This subrule is a civil penalty provision (see rule 9.8).

4.6A Disclosure of CDR data relating to account not permitted if not approved by account holder

Despite subrules 4.6(2) and (4), the data holder must not disclose requested CDR data that relates to a particular account to the person who made the request if:

(a) both of the following are satisfied:

(i) the request was made on behalf of a secondary user of the account;

(ii) the account holder has indicated, through their consumer dashboard, that they no longer approve CDR data relating to that account being disclosed to that accredited person in response to consumer data requests made by that secondary user; or

(b) a Schedule to the rules provides that the requested CDR data must not be disclosed.

Note 1: For subparagraph (a)(ii), the account holder is able to indicate this using the functionality referred to in subparagraph 1.15(5)(b)(i).

Note 2: For paragraph (b), for the banking sector, see clause 4.13 of Schedule 3 to these rules.

4.7 Refusal to disclose required consumer data in response to consumer data request

(1) Despite subrules 4.5(3) and 4.6(4), a data holder may refuse to ask for an authorisation in relation to the relevant CDR data, or refuse to disclose required consumer data in response to the request:

(a) if the data holder considers this to be necessary to prevent physical, psychological or financial harm or abuse; or

(b) if the data holder has reasonable grounds to believe that disclosure of some or all of that data would adversely impact the security, integrity or stability of:

(i) the Register of Accredited Persons; or

(ii) the data holder's information and communication technology systems; or

(c) in relation to an account that is blocked or suspended; or

(d) in circumstances (if any) set out in the data standards.

(3) The data holder must inform the accredited person of such a refusal in accordance with the data standards.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Subdivision 4.2.4—Consumer data requests by accredited persons to accredited data recipients

4.7A Consumer data request by accredited person to accredited data recipient

(1) If:

(a) a CDR consumer has given an accredited person a request under rule 4.3 to seek to collect CDR data from an accredited data recipient; and

(b) the request is valid;

the accredited person may request the accredited data recipient to disclose, to the accredited person, some or all of the CDR data that:

(c) is the subject of the relevant collection consent and use consent; and

(d) it is able to collect and use in compliance with the data minimisation principle.

Note: See rule 1.8 for the definition of the "data minimisation principle".

(2) Such a request is a ***consumer data request*** by an accredited person to an accredited data recipient on behalf of a CDR consumer.

Note: An accredited person might need to make consumer data requests to several CDR participants in order to provide the goods or services requested by the CDR consumer, and might need to make regular consumer data requests over a period of time in order to provide those goods or services.

4.7B Accredited data recipient may ask eligible CDR consumer for AP disclosure consent

(1) This rule applies if:

(a) an accredited data recipient receives, or reasonably anticipates receiving, a consumer data request under rule 4.7A; and

(b) there is no current AP disclosure consent for the accredited data recipient to disclose the requested data to the person who made the request; and

(c) the accredited data recipient reasonably believes that the request was or will be made by an accredited person on behalf of an eligible CDR consumer.

Note: See subrule 1.7(1) for the meaning of "eligible". For the banking sector, see clause 2.1 of Schedule 3 for when a CDR consumer is eligible.

(2) The accredited data recipient may, in accordance with Division 4.3, ask the CDR consumer for such an AP disclosure consent.

Note: If the CDR consumer consents to the disclosure, the accredited data recipient is authorised (but not required) to disclose the requested CDR data to the accredited person: see paragraph 7.5(1)(f) and rules 7.6, 7.7 and 7.8.

(3) If an accredited data recipient asks for an AP disclosure consent for the purposes of subrule (2), it must do so in accordance with Division 4.3.

Note: This subrule is a civil penalty provision (see rule 9.8).

Division 4.3—Giving and amending consents

Subdivision 4.3.1—Preliminary

4.8 Purpose of Division

This Division deals with giving and amending collection consents, use consents and disclosure consents, as well as related matters.

4.9 Object

The object of this Division is to ensure that a consent is:

(a) voluntary; and
(b) express; and
(c) informed; and
(d) specific as to purpose; and
(e) time limited; and
(f) easily withdrawn.

Subdivision 4.3.2—Giving consents

Note: Under rule 4.3, if an accredited person asks a CDR consumer for their consent to collect and use their CDR data, it must do so in accordance with this Division, and in particular, rules 4.10, 4.11 and 4.12. A failure to do so could contravene one or more civil penalty provisions: see section 56EF of the Act and rule 4.3.

4.10 Requirements relating to accredited person's processes for seeking consent

(1) An accredited person's processes for asking a CDR consumer to give and amend a consent:

(a) must:

(i) accord with any consumer experience data standards; and

(ii) having regard to any consumer experience guidelines developed by the Data Standards Body, be as easy to understand as practicable, including by use of concise language and, where appropriate, visual aids; and

(b) must not:

(i) include or refer to the accredited person's CDR policy or other documents so as to reduce comprehensibility; or

(ii) bundle consents with other directions, permissions, consents or agreements.

4.11 Asking CDR consumer to give consent

Asking CDR consumer to give consent

(1A) An accredited person must not ask a CDR consumer to give a disclosure consent in relation to CDR data unless the consumer has already given the collection and use consents required to collect the CDR data to be disclosed.

Note: This does not prevent the accredited person from asking for a disclosure consent in relation to CDR data that has yet to be collected.

(1) When asking a CDR consumer to give a consent, an accredited person must:

(a) allow the CDR consumer to choose the types of CDR data to which the consent will apply by enabling the CDR consumer to actively select or otherwise clearly indicate:

(i) in the case of a collection consent or a disclosure consent—the particular types of CDR data to which the consent will apply; and

(ii) in the case of a use consent—the specific uses of collected data to which they are consenting; and

(b) allow the CDR consumer to choose the period of the collection consent, use consent, or disclosure consent (as appropriate) by enabling the CDR consumer to actively select or otherwise clearly indicate whether the consent would apply:

(i) on a single occasion; or

(ii) over a specified period of time; and

(ba) in the case of a disclosure consent—allow the CDR consumer to select the person to whom the CDR data may be disclosed;

(c) ask for the CDR consumer's express consent to the choices referred to in paragraphs (a), (b) and (ba) for each relevant category of consents; and

(d) if the accredited person intends to charge a fee for disclosure of CDR data, or pass on to the CDR consumer a fee charged by a data holder for disclosure of CDR data:

(i) clearly distinguish between the CDR data for which a fee will, and will not, be charged or passed on; and

(ii) allow the CDR consumer to actively select or otherwise clearly indicate whether they consent to the collection or disclosure, as appropriate, of the CDR data for which a fee will be charged or passed on; and

(e) allow the CDR consumer to make an election in relation to deletion of redundant data in accordance with rule 4.16.

Example: For a collection consent, an accredited person could present the CDR consumer with a set of un-filled boxes corresponding to different types of data, and permit the CDR consumer to select the boxes that correspond to the data they consent to the accredited person collecting.

Note 1: An accredited person could not infer consent, or seek to rely on an implied consent.

Note 2: For paragraph (b), the specified period may not be more than 12 months: see subrule 4.12(1). After the end of the period, redundant data would need to be dealt with in accordance with subsection 56EO(2) of the Act (privacy safeguard 12) and rules 7.12 and 7.13.

Note 3: For paragraph (d), a data holder could charge a fee for disclosure of voluntary consumer data, while an accredited data recipient could charge a fee for the disclosure of any CDR data.

(2) The accredited person must not present pre-selected options to the CDR consumer for the purposes of subrule (1).

Information presented to CDR consumer when asking for consent

(3) When asking a CDR consumer to give consent, the accredited person must give the CDR consumer the following information:

(a) its name;

(b) its accreditation number;

(c) in the case of a collection consent or a use consent—how the collection or use (as applicable) indicated in accordance with subrule (1) complies with the data minimisation principle, including how:

(i) in the case of a collection consent—that collection is reasonably needed, and relates to no longer a time period than is reasonably needed; and

(ii) in the case of a use consent—that use would not go beyond what is reasonably needed;

in order to provide the requested goods or services to the CDR consumer or make the other uses consented to;

(ca) in the case of an insight disclosure consent—an explanation of the CDR insight that will make clear to the CDR consumer what the CDR insight would reveal or describe;

(d) if the accredited person intends passing a fee on, or charging a fee, to the CDR consumer as described in paragraph (1)(d)—the following information:

(i) the amount of the fee;

(ii) the consequences if the CDR consumer does not consent to the collection, or to the disclosure, of that data;

(e) if the accredited person is seeking a de-identification consent—the additional information specified in rule 4.15;

(f) if the CDR data may be disclosed to, or collected by, an outsourced service provider (including one that is based overseas) of the accredited person:

(i) a statement of that fact; and

(ii) a link to the accredited person's CDR policy; and

(iii) a statement that the consumer can obtain further information about such disclosures from the policy if desired;

(g) the following information about withdrawal of consents:

(i) a statement that, at any time, the consent can be withdrawn;

(ii) instructions for how the consent can be withdrawn;

(iii) a statement indicating the consequences (if any) to the CDR consumer if they withdraw the consent;

(h) the following information about redundant data:

(i) a statement, in accordance with rule 4.17, regarding the accredited person's intended treatment of redundant data;

(ii) a statement outlining the CDR consumer's right to elect that their redundant data be deleted;

(iii) instructions for how the election can be made.

Note: For paragraph (c), if the accredited person is seeking the CDR consumer's consent to de-identification as referred to in paragraph (e), the accredited person would need to indicate how that would comply with the data minimisation principle.

4.12 Restrictions on seeking consent

(1) An accredited person must not specify a period of time for the purposes of paragraph 4.11(1)(b) that is more than 12 months.

(2) An accredited person must not ask for a collection consent or a use consent unless it would comply with the data minimisation principle in respect of that collection or those uses.

Note: See rule 1.8 for the definition of "data minimisation principle".

(3) An accredited person must not ask for a consent:

(a) that is not in a category of consents; or

(b) subject to subrule (4), for using the CDR data, including by aggregating the data, for the purpose of:

(i) identifying; or

(ii) compiling insights in relation to; or

(iii) building a profile in relation to;

any identifiable person who is not the CDR consumer who made the consumer data request.

(4) Paragraph (3)(b) does not apply in relation to a person whose identity is readily apparent from the CDR data, if the accredited person is seeking consent to:

(a) derive, from that CDR data, CDR data about that person's interactions with the CDR consumer; and

(b) use that derived CDR data in order to provide the requested goods or services.

Subdivision 4.3.2A—Amending consents

4.12A Amendment of consent

An amendment of a consent takes effect when the CDR consumer amends the consent.

Note: It is not possible for the CDR consumer to specify a different day or time.

4.12B Inviting CDR consumer to amend consent

(1) An accredited person may invite a CDR consumer to amend a consent given in accordance with this Division only in accordance with this rule.

(2) The accredited person may give the invitation:
(a) if its consumer dashboard offers the consent amendment functionality referred to in subrule 1.14(2A)—via its consumer dashboard; or
(b) in writing directly to the CDR consumer.

(3) The accredited person may invite a CDR consumer to amend a current consent if:
(a) the amendment would better enable the accredited person to provide the goods or services referred to in paragraph 4.3(1)(a); or
(b) the amendment would:
(i) be consequential to an agreement between the accredited person and the CDR consumer to modify those goods or services; and
(ii) enable the accredited person to provide the modified goods or services.

(4) The accredited person must not, for an invitation to amend the period referred to in paragraph 4.11(1)(b):
(a) give the invitation any earlier than a reasonable period before the current consent is expected to expire; or
(b) give more than a reasonable number of such invitations within this period.

(5) The accredited person must not give such an invitation before 1 July 2021.

4.12C Process for amending consents

(1) Subject to this rule, if an accredited person allows CDR consumers to amend consents, it must allow them to do so in the same manner that it asks for CDR consumers to give consents.

(2) Despite subrule 4.11(2), in the case of an amendment to a consent, an accredited person may present, as pre-selected options, the following details of the current consent:
(a) the selections or indications referred to in paragraphs 4.11(1)(a), (b) and (ba);
(b) the election (if any) referred to in paragraph 4.11(1)(e).

(3) In the case of an amendment to a consent, in addition to the information referred to in subrule 4.11(3), the accredited person must give the CDR consumer:
(a) a statement that indicates the consequences of amending a consent; and
(b) a statement that the accredited person will be able to continue to use any CDR data that has already been disclosed to it to the extent allowed by the amended consent.

Subdivision 4.3.2B—Withdrawing consents

4.13 Withdrawal of consents, and notifications

(1) The CDR consumer who gave a consent may withdraw the consent at any time:
(a) by using the accredited person's consumer dashboard; or

(b) by using a simple alternative method of communication to be made available by the accredited person for that purpose.

(2) The accredited person must:

(a) if the withdrawal was in accordance with paragraph (1)(b)—give effect to the withdrawal as soon as practicable, and in any case within 2 business days after receiving the communication; and

(b) if a collection consent was withdrawn, in any case—notify the data holder of the withdrawal in accordance with the data standards.

Note 1: When a data holder is notified of the withdrawal of a collection consent, an authorisation to disclose the CDR data expires: see paragraph 4.26(1)(d).

Note 2: This subrule is a civil penalty provision (see rule 9.8).

(3) Withdrawal of a consent does not affect an election under rule 4.16 that the CDR consumer's collected CDR data be deleted once it becomes redundant.

Subdivision 4.3.2C—Duration of consent

4.14 Duration of consent

(1) A consent expires at the earliest of the following:

(a) if the consent was withdrawn in accordance with paragraph 4.13(1)(b)—the earlier of the following:

(i) when the accredited person gave effect to the withdrawal;

(ii) 2 business days after the accredited person received the communication;

(b) if the consent was withdrawn in accordance with paragraph 4.13(1)(a)—when the consent was withdrawn;

(d) the end of the period of 12 months after:

(i) the consent was given; or

(ii) if the period of the consent has been amended in accordance with this Subdivision—the consent was last amended;

(e) at the end of the period the CDR consumer consented to in accordance with rule 4.11;

(f) if the consent expires as a result of the operation of another provision of these rules that references this paragraph.

Note: Clause 7.2 of Schedule 3 is an example of a provision referencing paragraph (f). This relates to when an accredited data recipient of CDR data becomes instead a data holder of that CDR data.

(1A) If:

(a) an accredited person is notified, under paragraph 4.25(2)(b), of the withdrawal of an authorisation to disclose CDR data; and

(b) the collection consent has not expired in accordance with subrule (1);

the collection consent to collect that CDR data expires when the accredited person receives that notification.

Note: This would not result in the use consent relating to any CDR data that had already been collected expiring. However, see the notification requirement of rule 4.18A.

(1B) If:

(a) an accredited person has a collection consent to collect particular CDR data from a particular accredited data recipient; and

(b) the accredited data recipient has an AP disclosure consent to disclose that CDR data to that accredited person;

then if one of those consents expires, the other expires when the accredited person or accredited data recipient is notified of the first-mentioned expiry.

(1C) If an accredited person becomes a data holder, rather than an accredited data recipient, of particular CDR data as a result of subsection 56AJ(4) of the Act, all of that accredited person's consents given under these rules that relate to that CDR data expire.

(2) If an accredited person's accreditation is revoked or surrendered in accordance with rule 5.17, all of the accredited person's consents expire when the revocation or surrender takes effect.

Subdivision 4.3.3—Information relating to de-identification of CDR data

4.15 Additional information relating to de-identification of CDR data

For paragraph 4.11(3)(e), the additional information relating to de-identification is the following:

(a) what the CDR data de-identification process is;

(b) if it would disclose (by sale or otherwise) the de-identified data to one or more other persons;

(i) that fact; and

(ii) the classes of persons to which it would disclose that data;

(iii) why it would so disclose that data;

(c) if the accredited person would use the de-identified data for general research—that fact, together with a link to a description in the accredited person's CDR policy of:

(i) the research to be conducted; and

(ii) any additional benefit to be provided to the CDR consumer for consenting to the use;

(e) that the CDR consumer would not be able to elect, in accordance with rule 4.16, to have the de-identified data deleted once it becomes redundant data.

Subdivision 4.3.4—Election to delete redundant data

4.16 Election to delete redundant data

(1) The CDR consumer who gave a consent relating to particular CDR data may elect that the collected data, and any data derived from it, be deleted when it becomes redundant data:

(a) when giving the consent; or
(b) at any other time before the consent expires.

Note: See rule 7.12 for the effect of an election.

(2) The CDR consumer may make the election:
(a) by communicating it to the accredited person in writing; or
(b) by using the accredited person's consumer dashboard.

(3) This rule does not apply if the accredited person:
(i) has a general policy of deleting redundant data; and
(ii) when seeking the consent, informs the CDR consumer that their CDR data will be deleted when it becomes redundant data.

Note: See paragraph 4.17(1)(a).

(4) This rule does not require the deletion of derived CDR data that was de-identified in accordance with the CDR data de-identification process before the collected data from which it was derived became redundant.

4.17 Information relating to redundant data

(1) For subparagraph 4.11(3)(h)(i), the accredited person must state whether they have a general policy, when collected CDR data becomes redundant data, of:
(a) deleting the redundant data; or
(b) de-identifying the redundant data; or
(c) deciding, when the CDR data becomes redundant data, whether to delete it or de-identify it.

(2) An accredited person that gives the statement referred to in paragraph (1)(b) or (c) must also state:
(a) that, if it de-identifies the redundant data:
(i) it would apply the CDR data de-identification process; and
(ii) it would be able to use or, if applicable, disclose (by sale or otherwise) the de-identified redundant data without seeking further consent from the CDR consumer; and
(b) what de-identification of CDR data in accordance with the CDR data de-identification process means; and
(c) if applicable, examples of how it could use the redundant data once de-identified.

Note: For the CDR data de-identification process, see rule 1.17.

Subdivision 4.3.5—Notification requirements

4.18 CDR receipts

(1) The accredited person must give the CDR consumer a notice that complies with this rule (a ***CDR receipt***) as soon as practicable after:

(a) the CDR consumer gives the accredited person a collection consent, a use consent or a disclosure consent; or

(aa) the CDR consumer amends such a consent in accordance with this Part; or

(b) the CDR consumer withdraws such a consent in accordance with rule 4.13

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) A CDR receipt given for the purposes of paragraph (1)(a) must set out:

(a) the details that relate to the consent that are listed in paragraphs 1.14(3)(a) to (f); and

(b) in the case of a collection consent—the name of each CDR participant the CDR consumer has consented to the collection of CDR data from; and

(ba) in the case of a disclosure consent—the name of the person the CDR consumer has consented to the disclosure of CDR data to; and

(c) any other information the accredited person provided to the CDR consumer when obtaining the consent (see rule 4.11).

(2A) A CDR receipt given for the purposes of paragraph (1)(aa) must set out details of each amendment that has been made to the consent.

(3) A CDR receipt given for the purposes of paragraph (1)(b) must set out when the consent expired.

(4) A CDR receipt must be given in writing otherwise than through the CDR consumer's consumer dashboard.

(5) A copy of the CDR receipt may be included in the CDR consumer's consumer dashboard.

4.18A Notification if collection consent expires

(1) This rule applies if, in relation to particular goods or services an accredited person is providing as referred to in subrule 4.3(1):

(a) the collection consent expires; but

(b) the use consent is current.

(2) The accredited person must notify the CDR consumer as soon as practicable that, at any time, they:

(a) may withdraw the use consent; and

(b) may make the election to delete redundant data in respect of that CDR data under rule 4.16.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) The notification must be given in writing otherwise than through the CDR consumer's consumer dashboard.

(4) The notification may also be included in the CDR consumer's consumer dashboard.

4.18B Notification if collection consent or AP disclosure consent expires

(1) This rule applies if:
  (a) an accredited person has a collection consent relating to particular CDR data and a particular accredited data recipient; and
  (b) the accredited data recipient has an AP disclosure consent relating to that CDR data and that accredited person.

(2) If the collection consent expires in accordance with these rules, the accredited person must notify the accredited data recipient as soon as practicable of the expiry.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) If the AP disclosure consent expires in accordance with these rules, the accredited data recipient must notify the accredited person as soon as practicable of the expiry.

Note: This subrule is a civil penalty provision (see rule 9.8).

4.18C Notification if collection consent is amended

(1) This rule applies if:
  (a) an accredited person has a collection consent relating to particular CDR data and a particular CDR participant; and
  (b) the CDR consumer amends the consent.

(2) The accredited person must notify:
  (a) if the CDR participant is a data holder—the data holder, in accordance with the data standards, that the consent has been amended; and
  (b) if the CDR participant is an accredited data recipient—the accredited data recipient as soon as practicable that the consent has been amended.

Note: This subrule is a civil penalty provision (see rule 9.8).

4.19 Updating consumer dashboard

An accredited person must update a CDR consumer's consumer dashboard as soon as practicable after the information required to be contained on the dashboard changes.

Note: This rule is a civil penalty provision (see rule 9.8).

4.20 Ongoing notification requirement—collection consents and use consents

(1) This rule applies in relation to a collection consent or a use consent if:
  (a) the consent is current; and
  (b) 90 days have elapsed since the latest of the following:
    (i) the CDR consumer gave the consent;
    (ia) the CDR consumer last amended the consent;
    (ii) the CDR consumer last used their consumer dashboard;

(iii) the accredited person last sent the CDR consumer a notification in accordance with this rule.

(2) The accredited person must notify the CDR consumer in accordance with this rule that the consent is still current.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) The notification must be given in writing otherwise than through the CDR consumer's consumer dashboard.

(4) A copy of the notification may be included in the CDR consumer's consumer dashboard.

Division 4.4—Authorisations to disclose CDR data

Note: Under rule 4.5, if a data holder is considering disclosing voluntary consumer data in response to a consumer data request, or if required consumer data was requested, the data holder must seek an authorisation from the CDR consumer to disclose the CDR data in accordance with (among other things) this Division, and in particular, rules 4.23, 4.24 and 4.25. A failure to do so could contravene one or more civil penalty provisions: see rule 4.5.

4.21 Purpose of Division

This Division deals with authorisations to disclose CDR data for the purposes of rule 4.5, and amendments to authorisations.

4.22 Requirements relating to data holder's processes for seeking authorisation

A data holder's processes for asking a CDR consumer to give or amend an authorisation must:

(a) accord with the data standards; and

(b) having regard to any consumer experience guidelines developed by the Data Standards Body, be as easy to understand as practicable, including by use of concise language and, where appropriate, visual aids.

4.22A Inviting CDR consumer to amend a current authorisation

(1) If a data holder has received a notice under rule 4.18C, the data holder must, in accordance with this Division, invite the CDR consumer to amend the authorisation to disclose CDR data accordingly.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) An amendment of an authorisation to disclose CDR data other than in accordance with subrule (1) is of no effect.

4.23 Asking CDR consumer to give authorisation to disclose CDR data or inviting CDR consumer to amend a current authorisation

(1) When asking a CDR consumer to authorise the disclosure of CDR data, or amend a current authorisation, a data holder must give the CDR consumer the following information about the authorisation or amendment:

(a) subject to subrule (2), the name of the accredited person that made the request;

(b) the period of time to which the CDR data that was the subject of the request relates;

(c) the types of CDR data for which the data holder is seeking an authorisation to disclose;

(d) whether the authorisation is being sought for:

(i) disclosure of CDR data on a single occasion; or

(ii) disclosure of CDR data over a period of time of not more than 12 months;

(e) if authorisation is being sought for disclosure over a period of time—what that period is;

(f) a statement that, at any time, the authorisation can be withdrawn;

(g) instructions for how the authorisation can be withdrawn.

(2) The data holder must also give the CDR consumer any information that the Register of Accredited Persons holds in relation to the accredited person that is specified as information for the purposes of this rule.

4.24 Restrictions when asking CDR consumer to authorise disclosure of CDR data

When asking a CDR consumer to authorise the disclosure of CDR data or to amend a current authorisation, the data holder must not do any of the following:

(a) add any requirements to the authorisation process beyond those specified in the data standards and these rules;

(b) provide or request additional information during the authorisation process beyond that specified in the data standards and these rules;

(c) offer additional or alternative services as part of the authorisation process;

(d) include or refer to other documents.

4.25 Withdrawal of authorisation to disclose CDR data and notification

(1) The CDR consumer who gave, to a data holder, an authorisation to disclose particular CDR data to an accredited person may withdraw the authorisation at any time:

(a) by using the data holder's consumer dashboard; or

(b) by using a simple alternative method of communication to be made available by the data holder for that purpose.

(2) The data holder must:

(a) if the withdrawal was in accordance with paragraph (1)(b)—give effect to the withdrawal as soon as practicable, and in any case within 2 business days after receiving the communication; and

(b) in any case—notify the accredited person of the withdrawal in accordance with the data standards.

Note 1: Upon notification a consent for the accredited person to collect the CDR data expires: see paragraph 4.14(1)(b).

Note 2: This subrule is a civil penalty provision (see rule 9.8).

4.26 Duration of authorisation to disclose CDR data

(1) An authorisation to disclose particular CDR data to an accredited person expires at the earliest of the following:

(a) if the authorisation was withdrawn in accordance with paragraph 4.25(1)(b)—the earlier of the following:

(i) when the data holder gave effect to the withdrawal;

(ii) 2 business days after the data holder received the communication;

(b) if the authorisation was withdrawn in accordance with paragraph 4.25(1)(a)—when the authorisation was withdrawn;

(c) if the CDR consumer ceases to be eligible in relation to the data holder;

(d) if the data holder was notified, under paragraph 4.13(2)(b), of the withdrawal of a consent to collect that CDR data—when the data holder received that notification;

(e) the end of the period of 12 months after the authorisation was given;

(f) if the authorisation was for disclosure of CDR data on a single occasion—after the CDR data has been disclosed;

(g) if the authorisation was for disclosure of CDR data over a specified period—the end of:

(i) that period; or

(ii) if the period of the authorisation has been amended in accordance with this Division—that period as last amended;

(h) if the authorisation expires as a result of the operation of a provision of these rules that references this paragraph.

Note: Clause 7.2 of Schedule 3 is an example of a provision satisfying paragraph (h). This relates to when an accredited data recipient of CDR data becomes instead a data holder of that CDR data.

(2) If an accredited person's accreditation is revoked or surrendered in accordance with rule 5.17, all authorisations for a data holder to disclose CDR data to that accredited person expire when the data holder is notified of the revocation or surrender.

4.27 Updating consumer dashboard

A data holder must update a CDR consumer's consumer dashboard as soon as practicable after the information required to be contained on the dashboard changes.

Note: This rule is a civil penalty provision (see rule 9.8).

4.28 Notification requirements for consumer data requests on behalf of secondary users

(1) This rule applies if:

(a) an accredited person makes a consumer data request under this Part on behalf of a secondary user for a particular account; and

(b) the secondary user amends or withdraws an authorisation, or an authorisation given by the secondary user expires.

(2) The data holder must, as soon as practicable, notify the account holder of that fact through its ordinary means of contacting the account holder.

Note: This subclause is a civil penalty provision (see rule 9.8).

Part 4A—Joint accounts

Note: When this Part commences, it will be subject to transitional provisions that operate until July 2022.

Division 4A.1—Preliminary

4A.1 Purpose of Part

Special rules apply in relation to consumer data requests under Part 4 under which there is a request for disclosure of CDR data that relates to one or more joint accounts. This Part sets out those rules.

4A.2 Simplified outline of this Part

CDR data that relates to a joint account can be disclosed under these rules only in accordance with the disclosure option that applies to the account. Division 4A.2 sets out:

- the three disclosure options, with the default option being the pre-approval option; and
- an obligation for data holders to provide a service (a disclosure option management service) for all joint accounts to which this Part applies through which joint account holders can change the disclosure option that applies to the account, or propose a change to the other account holders; and
- when one joint account holder proposes to change the disclosure option—a process by which the other joint account holders can either agree with or reject the proposal; and
- some associated notification requirements.

Any joint account holder can choose that the non-disclosure option will apply.

If the pre-approval option applies, any joint account holder can choose that the co-approval option will apply.

A change from the non-disclosure option to another option, or a change from the co-approval option to the pre-approval option, requires the agreement of all the joint account holders.

When an accredited person makes a consumer data request under Part 4 on behalf of a CDR consumer, and the request includes CDR data relating to one or more joint accounts of which the CDR consumer is a joint account holder, Division 4A.3 deals with how the request is processed.

Division 4A.3 also deals with how requests are processed when the accredited person makes a consumer data request on behalf of a secondary user of the joint account.

4A.3 Interpretation

For this Part, in relation to a consumer data request to a data holder under Part 4 where the CDR data requested includes CDR data that relates to a joint account:

(a) the ***requester*** is the person on whose behalf the consumer data request was made; and

(b) the ***relevant account holders*** are:

(i) if the requester is a secondary user—all joint account holders; and

(ii) if the requester is a joint account holder—the other joint account holders; and

(c) the ***joint account data*** is the CDR data relating to the joint account that was the subject of the request.

Note: The CDR data that can be requested on behalf a CDR consumer is governed by the relevant general provisions in the sector Schedules, so that, for example, customer data that relates to another joint account holder cannot be covered by a consumer data request (see paragraphs 3.2(3)(b) of Schedule 3 and 3.2(3)(b) of Schedule 4).

Division 4A.2— Disclosure options

4A.4 Simplified outline of this Division

This Division sets out the disclosure options that can apply to a joint account. These disclosure options are relevant when an accredited person makes a consumer data request on behalf of one joint account holder or a secondary user under Part 4.

The default option is the pre-approval option. If this option applies, when the data holder receives a consumer data request, the other account holders are treated as having approved disclosing the data relating to the joint account in response to that request. However, the other account holders can withdraw this presumed approval in relation to that request at any time.

Another option is the non-disclosure option. If this option applies, joint account data cannot be disclosed under these rules.

The third option is the co-approval option. If this option applies, joint account data can be disclosed under these rules only with the approval of all the account holders.

Data holders must offer the pre-approval option and non-disclosure option on joint accounts, and may offer the co-approval option.

The process for changing the disclosure option is set out in this Division.

For each joint account, a data holder must offer a disclosure option management service that can be used by joint account holders to select and manage these disclosure options.

However, the data holder will not be liable for a failure to comply with this Part if it considered that the relevant act or omission was necessary in order to prevent physical, psychological or financial harm or abuse to any person.

4A.5 Disclosure options for joint accounts

Disclosure options

(1) Disclosure of joint account data may be authorised only as permitted by the ***disclosure option*** that applies to the joint account. This may be any of the following:

(a) the ***pre-approval option***, under which joint account data may be disclosed in response to a valid consumer data request on the authorisation of the requester without the approval of the relevant account holders;

(b) the ***co-approval option***, under which joint account data may be disclosed in response to a valid consumer data request only after:

(i) the requester has authorised the disclosure; and

(ii) each of the relevant joint account holders has approved the disclosure;

(c) the ***non-disclosure option***, under which joint account data may not be disclosed even in response to a valid consumer data request.

(2) The data holder must provide for the pre-approval and non-disclosure options to be available for a joint account.

(3) The data holder may provide for the co-approval option to be available for a joint account.

(4) For the purposes of rule 4A.12, where the pre-approval option applies to a joint account and the requester authorises the disclosure of joint account data in response to a valid consumer data request:

(a) each relevant account holder is taken to have approved the disclosure; and

(b) if an approval is withdrawn, the joint account data may not be disclosed despite the authorisation.

Default option

(5) Unless a sector Schedule provides otherwise, the pre-approval option applies to a joint account by default.

(6) The disclosure option that applies to a joint account may be changed in accordance with rule 4A.7 or 4A.8.

4A.6 Obligation to provide disclosure option management service

Obligation to provide disclosure option management service

(1) For each joint account to which this Part applies, the data holder must provide a service to each joint account holder that allows the joint account holder to:

(a) change the disclosure option that applies to the account in accordance with rule 4A.7; and

(b) propose a change in the disclosure option to the other joint account holders in accordance with rule 4A.8; and

(c) respond to a proposal by another joint account holder to change the disclosure option.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) Such a service is a ***disclosure option management service***.

Requirements for disclosure option management service

(3) The service must be provided online and, if there is a data holder's consumer dashboard for a joint account holder, may be included in the dashboard.

(4) The service may, but need not, also be provided other than online.

(5) The service must give effect to a change in the disclosure option as soon as practicable.

(6) The service must not do any of the following in relation to the processes that it provides for changing or proposing to change the disclosure option that applies to the joint account, or responding to such a proposal (the ***processes***):

(a) add any requirements to the processes beyond those specified in the data standards and these rules;

(b) offer additional or alternative services as part of the processes;

(c) include or refer to other documents, or provide any other information, so as to reduce comprehensibility;

(d) offer any pre-selected options.

(7) The service must indicate to the joint account holder which disclosure option currently applies.

(8) The service must be in accordance with the data standards.

4A.7 Changing to a more restrictive disclosure option

(1) A joint account holder may at any time choose that the non-disclosure option will apply to the joint account, using the disclosure option management service.

(2) If the pre-approval option applies to a joint account, a joint account holder may at any time choose that the co-approval option will apply to the joint account, using the disclosure option management service.

(3) If a joint account holder (***account holder A***) changes the disclosure option that applies to the account in accordance with this rule, the data holder must, as soon as practicable through its ordinary means of contacting the other joint account holders:

(a) explain to each of them what the consumer data right is; and

(b) inform them which disclosure option previously applied to the account; and

(c) inform them that account holder A has changed the disclosure option, and of the disclosure option that now applies; and

(d) explain to them the mechanisms for changing the disclosure option again.

Note: This subrule is a civil penalty provision (see rule 9.8).

4A.8 Obtaining agreement on change to a less restrictive disclosure option

Application of rule

(1) This rule applies in relation to a particular joint account if:

(a) the non-disclosure option applies to the account, and a joint account holder (***account holder A***) proposes, using the disclosure option management service, to change to the co-approval or pre-approval disclosure option; or

(b) the co-approval option applies to the account, and a joint account holder (***account holder A***) proposes, using the disclosure option management service, to change to the pre-approval option.

Inviting other account holders to respond to proposal

(2) The data holder must, as soon as practicable through its ordinary means of contacting the other joint account holders:

(a) explain to each of them what the consumer data right is; and

(b) inform them which disclosure option currently applies to the account; and

(c) inform them that account holder A has proposed that the co-approval or pre-approval option apply to the account, as the case may be; and

(d) explain to them that this change requires the agreement of all account holders; and

(e) explain to them any alternative options for change that are available and how they can be made; and

(f) invite them to either agree to or reject the proposal within a specified period.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) At the end of the specified period, the data holder must, as soon as practicable through its ordinary means of contacting the joint account holders, inform them whether:

(a) all the joint account holders have approved the change, and as a result the new disclosure option applies to the joint account; or

(b) not all the joint account holders have approved the change, and as a result the disclosure option is unchanged.

Note: This subrule is a civil penalty provision (see rule 9.8).

Division 4A.3—Consumer data requests that relate to joint accounts

Subdivision 4A.3.1—Preliminary

4A.9 Application of Division

(1) This Division applies in relation to a consumer data request to a data holder under Part 4 where the CDR data requested includes joint account data.

(2) If the CDR data requested includes joint account data in relation to more than one joint account, this Division applies separately in relation to each such joint account.

(3) In this Division a reference to a consumer data request is a reference to the consumer data request only to the extent that it relates to a particular joint account.

Subdivision 4A.3.2—How consumer data requests to data holders under Part 4 that relate to joint accounts are handled

4A.10 How data holder is to deal with a consumer data request

(1) This rule applies when the data holder receives a consumer data request to which this Division applies.

Note: Under rule 4A.5, data holders are required to offer the pre-approval disclosure option, which applies by default. Data holders may, but are not required to, offer the co-approval option.

Pre-approval option

(2) If the pre-approval option applies to the joint account, rules 4.5 to 4.7 apply subject to subrule (3).

(3) If a relevant account holder has withdrawn their approval using their consumer dashboard, the data holder must not disclose any, or any further, requested CDR data.

Co-approval option

(4) If the co-approval option applies to the joint account, the data holder must, subject to subrule (5):

(a) ask the requester for authorisation in accordance with rule 4.5 and Division 4.4; and

(b) if the authorisation is given, invite the approval of the relevant account holders in accordance with rule 4A.11; and

(c) if all the relevant account holders give their approval, or are taken to have given their approval, comply with rules 4.6 to 4.7.

Note: The data holder must provide each relevant account holder with a consumer dashboard in accordance with rule 4A.13.

(5) If a relevant account holder who approved the disclosure in accordance with rule 4A.11 within the time specified has withdrawn the approval using their consumer dashboard, the data holder must not disclose any, or any further, requested CDR data.

Non-disclosure option

(6) If the non-disclosure option applies to the joint account, the data holder must refuse to disclose the requested CDR data.

4A.11 Asking relevant account holders for approval to disclose joint account data

For the purposes of paragraph 4A.10(4)(b), the data holder must, through its ordinary means of contacting each relevant account holder:

(a) indicate that an accredited person has requested disclosure of CDR data that relates to the joint account on behalf of the requester; and

(b) indicate that:

(i) the requester has authorised, under Division 4.4, the disclosure of the joint account data; and

(ii) a co-approval option applies to the joint account; and

(c) indicate the matters referred to in paragraphs 4.23(1)(a), (b), (c), (d) and (e) so far as they relate to the request; and

(d) ask the relevant account holder to approve or not approve disclosure of the joint account data; and

(e) specify the time by which the data holder needs to receive any approval, and inform them that if an approval is not received by that time, the joint account data will not be disclosed; and

(f) inform them that any relevant account holder may, at any time, withdraw the approval using their consumer dashboard; and

(g) indicate what the effect of removing the approval would be.

Note: For removal of an approval, see rule 4A.12.

4A.12 Continuation and removal of approvals

(1) If a relevant account holder:

(a) approves of the disclosure of joint account data in accordance with this Division; or

(b) is taken to have approved of the disclosure under the pre-approval option;

the approval is taken to apply while the authorisation referred to in paragraph 4A.10(4)(b) is current, unless withdrawn sooner in accordance with this Division.

(2) Any relevant account holder may withdraw an approval given under this Division at any time, using their consumer dashboard.

4A.13 Consumer dashboard for joint account holders

Note: Where this Division applies, the data holder must provide a consumer dashboard for the requester under rule 1.15. Under this rule, in some circumstances, the data holder must also provide a consumer dashboard for each relevant account holder and the dashboards must have additional functionality.

Obligation for data holder to provide relevant account holders with consumer dashboard

(1) Where:

(a) this Division applies in relation to a consumer data request; and

(b) either the co-approval option or the pre-approval option applies, or has applied, to the joint account;

the data holder must provide each relevant account holder with an online service that:

(c) contains the details referred to in paragraph 1.15(1)(b) that relate to the joint account data; and

(d) has a functionality that:

(i) can be used by the relevant account holder to manage approvals in relation to each authorisation to disclose joint account data made by a requester; and

(ii) allows for withdrawal, at any time, of such an approval; and

(iii) is simple and straightforward to use; and

(iv) is prominently displayed; and

(v) as part of the withdrawal process, displays a message relating to the consequences of the withdrawal in accordance with the data standards.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) Where the data holder already provides a consumer dashboard for the relevant account holder under rule 1.15, the service under subrule (1) must be included in the consumer dashboard.

(3) Where the data holder does not already provide a consumer dashboard for that relevant account holder under rule 1.15, the service under subrule (1) is the data holder's ***consumer dashboard*** for the relevant account holder.

(4) A data holder does not contravene subrule (1) in relation to subparagraphs (1)(d)(iii) and (iv) so long as it takes reasonable steps to ensure that the functionality complies with those subparagraphs.

Common information on consumer dashboard

(5) For paragraph 1.15(1)(d), if a relevant account holder's consumer dashboard contains details of approvals under this Division, the dashboards of the other joint account holders must contain those details.

4A.14 Notification requirements for consumer data requests on joint accounts

(1) For this rule, an ***approval notification*** is a notice given by the data holder:

(a) to a relevant account holder, to inform them that the requester has given, amended or withdrawn an authorisation, or that the authorisation has expired; or

(b) to the requester, to inform them that:

(i) one or more of the relevant account holders has not given their approval for disclosure within the time frame referred to in paragraph 4A.11(e); or

(ii) a relevant account holder has withdrawn an approval previously given;

in accordance with the data standards.

(2) The data holder must make the appropriate approval notification to a joint account holder in relation to an event mentioned in subrule (1):

(a) as soon as practicable after the event occurs, unless the joint account holder has selected an alternative schedule of notifications; and

(b) through its ordinary means of contacting the joint account holders.

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) The data holder must, in accordance with any relevant data standards:

(a) provide for alternative notification schedules (including reducing the frequency of notifications or not receiving notifications); and

(b) give each joint account holder a means of selecting such an alternative, and of changing a selection.

Note: This subrule is a civil penalty provision (see rule 9.8).

4A.15 Avoidance of harm

A data holder is not liable under these rules for a failure to comply with this Part if it considered that the relevant act or omission was necessary in order to prevent physical, psychological or financial harm or abuse to any person.

Part 5—Rules relating to accreditation etc.

Division 5.1—Preliminary

5.1 Simplified outline of this Part

A person may apply under this Part to be an accredited person. The Data Recipient Accreditor may accredit a person, under section 56CA of the Act, if satisfied that the person meets the criteria for accreditation specified in this Part. This Part also deals with:

- how applications are dealt with by the Data Recipient Accreditor; and
- obligations of accredited persons; and
- the transfer, suspension, surrender and revocation of accreditations; and
- related functions of the Data Recipient Accreditor.

This Part deals with how entries are added to the Register of Accredited Persons, and how that Register is updated, amended and corrected.

Division 5.2—Rules relating to accreditation process

Subdivision 5.2.1—Applying to be accredited person

5.2 Applying to be an accredited person

Note: There is currently only a single level of accreditation, the "unrestricted" level.

(1) A person may apply to the Data Recipient Accreditor to be an accredited person.

(2) The application must:

(a) be in the form approved, by the Data Recipient Accreditor, for the purposes of this paragraph (the ***approved form***); and

(b) include any documentation or other information required by the approved form; and

(c) state:

(i) the applicant's addresses for service; or

(ii) if the applicant is a foreign entity:

(A) the applicant's local agent; and

(B) the local agent's addresses for service; and

(d) describe the sorts of goods or services using CDR data that the applicant intends to offer to CDR consumers if they are accredited; and

(e) if the applicant is not a person who was specified in a designation instrument (see paragraph 56AC(2)(b) of the Act)—indicate whether it is or expects to be the data holder of any CDR data that is specified in a designation instrument.

Note 1: For paragraph (c), see rule 1.7 for the meaning of "addresses for service". The physical address for service could be a registered office (within the meaning of the *Corporations Act 2001*).

Note 2: For paragraph (c), changes to the addresses for service must be notified in accordance with paragraph 5.14(c). Documents may be served on an applicant in accordance with regulation 12 of the *Competition and Consumer Regulations 2010* by the Commission, or in accordance with section 28A of the *Acts Interpretation Act 1901* and section 9 of the *Electronic Transactions Act 1999*.

Subdivision 5.2.2—Consideration of application to be accredited person

5.3 Data Recipient Accreditor may request further information

(1) The Data Recipient Accreditor may request that the accreditation applicant provide further information to support the application.

(2) Without limiting subrule (1), the Data Recipient Accreditor may request the further information:
  (a) in writing; or
  (b) in an interview with the Data Recipient Accreditor; or
  (c) by phone, email, videoconferencing or any other form of electronic communication.

Note: If the accreditation applicant does not provide the further information as requested under this rule, the Data Recipient Accreditor might not be in a position to be satisfied, under section 56CA of the Act, that the applicant meets the criteria for accreditation.

5.4 Data Recipient Accreditor may consult

(1) When making a decision under this Part, the Data Recipient Accreditor may consult with:
  (a) other Commonwealth, State or Territory authorities as relevant, including, but not limited to:
    (i) the Information Commissioner; and
    (ii) the Australian Securities and Investments Commission; and
    (iii) the Australian Prudential Regulation Authority; and
    (iv) the Australian Financial Complaints Authority; and
  (b) similar authorities of foreign jurisdictions.

(2) The functions of the Australian Prudential Regulation Authority include providing the Data Recipient Accreditor with advice or assistance if consulted in accordance with this rule.

(3) The Australian Securities and Investments Commission may disclose information as reasonably necessary in order to provide the Data Recipient Accreditor with advice or assistance if consulted in accordance with this rule.

5.5 Criteria for accreditation—unrestricted level

Note: Under subsection 56CA(1) of the Act, the Data Recipient Accreditor may, in writing, accredit a person if the Data Recipient Accreditor is satisfied that the person meets the criteria for accreditation specified in the consumer data rules. This rule specifies those criteria for the "unrestricted" level of accreditation.

The criterion for accreditation at the "unrestricted" level is that the accreditation applicant:
  (a) would, if accredited, be able to comply with the obligations set out in rule 5.12; or

(b) where a Schedule to these rules sets out criteria for streamlined accreditation in relation to the relevant designated sector—meets those criteria.

Note 1: For paragraph (b), for the banking sector, see clause 7.3 of Schedule 3.

Note 2: See Schedules to these rules for other circumstances in which this provision might operate differently for different designated sectors.

Note 3: For the banking sector, see clause 7.3 of Schedule 3.

5.6 Accreditation decision—accreditation number

The Data Recipient Accreditor must, if it accredits an accreditation applicant, give the applicant a unique number by which it may be identified as an accredited person (their ***accreditation number***).

5.7 Accreditation decision—notifying accreditation applicant

(1) The Data Recipient Accreditor must notify an accreditation applicant, in writing, as soon as practicable after making a decision to accredit, or refuse to accredit, the applicant under subsection 56CA(1) of the Act.

(2) If the Accreditor decided to accredit the applicant, the notice must include the following:
   (a) that fact;
   (b) the level of accreditation;
   (c) any conditions that were imposed when the accreditation decision was made;
   (d) their accreditation number.

Note: For paragraph (c), for conditions on accreditations, see rule 5.10.

(3) If the Accreditor decided not to accredit the applicant, the notice must include the following:
   (a) that fact;
   (b) the applicant's rights to have the decision to refuse reviewed by the Administrative Appeals Tribunal.

5.8 When accreditation takes effect

An accreditation takes effect when the fact that the Data Recipient Accreditor has decided to accredit the person is included in the Register of Accredited Persons.

5.9 Default conditions on accreditation

An accreditation is subject to the conditions set out in Schedule 1.

5.10 Other conditions on accreditation

(1) The Data Recipient Accreditor may, in writing:

(a) impose any other condition on an accreditation; and
(b) vary or remove any conditions imposed under this rule or rule 5.9.

(1A) The Data Recipient Accreditor may exercise a power under subrule (1):
(a) at the time of accreditation under subsection 56CA(1) of the Act; or
(b) at any time after accreditation.

(2) Before exercising a power under this rule, the Accreditor must:
(a) inform the accreditation applicant or accredited person, as appropriate, of the proposed imposition or variation; and
(b) give the accreditation applicant or accredited person, as appropriate, a reasonable opportunity to be heard in relation to the proposal.

Note 1: Contravention of a condition could lead to suspension or revocation of accreditation: see items 6 and 7 of the table to rule 5.17.

Note 2: Applications may be made to the Administrative Appeals Tribunal to review a decision under this rule: see paragraph 9.2(a).

(3) If the reasons for imposing or varying a condition on an existing accreditation are such that, in the opinion of the Data Recipient Accreditor, complying with subrule (2) would create a real risk of:
(a) harm or abuse to an individual; or
(b) adversely impacting the security, integrity or stability of:
(i) the Register of Accredited Persons; or
(ii) information and communication technology systems that are used by CDR participants to disclose or collect CDR data;
the Accreditor may impose or vary the condition without complying with that subrule, but must, as soon as practicable, give the accredited person a reasonable opportunity to be heard in relation to the imposition or variation.

(4) A condition imposed under this rule, or a variation of such a condition, must include the time or date on which it takes effect.

Example: A condition could take effect from when the accredited person receives notice of it.

(5) The Accreditor:
(a) may, but need not, give public notice of a condition or variation imposed or removed under this rule; and
(b) may do so in any way that the Accreditor thinks fit.

Example: The Accreditor could give public notice of a description of the effect of the conditions, rather than of the conditions themselves.

5.11 Notification to accredited person relating to conditions

(1) The Data Recipient Accreditor must notify the accredited person, in writing, as soon as practicable after the imposition, variation or removal of a condition on an accreditation under rule 5.10.

(2) The notice must include the following:
(a) if a condition is imposed or varied:

(i) the condition or the condition as varied;

(ii) if applicable—the applicant's rights to have the decision reviewed by the Administrative Appeals Tribunal; and

(b) if a condition is removed—that fact.

Subdivision 5.2.3—Obligations of accredited person

5.12 Obligations of accredited person at the "unrestricted" level

(1) A person who is accredited at the "unrestricted" level must:

(a) take the steps outlined in Schedule 2 which relate to protecting CDR data from:

(i) misuse, interference and loss; and

(ii) unauthorised access, modification or disclosure; and

(b) have internal dispute resolution processes that meet the internal dispute resolution requirements in relation to one or more designated sectors; and

(c) be a member of a recognised external dispute resolution scheme in relation to CDR consumer complaints; and

(d) have addresses for service; and

(e) if the applicant is a foreign entity—have a local agent that has addresses for service; and

(f) ensure that it is licensed or otherwise authorised to use any CDR logo, including as required by the data standards.

Note 1: See Schedules to these rules for how this provision might operate differently for different designated sectors.

Note 2: For the banking sector, see clause 7.4 of Schedule 3.

Note 3: For paragraph (a), the steps outlined in Schedule 2 relate to privacy safeguard 12 (see subsection 56EO(1) of the Act and rule 7.11 of these rules).

Note 4: For paragraph (b), see the definition of "meets the internal dispute resolution requirements" in relation to the banking sector in subrule 1.7(1), and see clause 5.1 of Schedule 3.

Note 5: For paragraphs (d) and (e), see rule 1.7 for the meaning of "addresses for service".

Note 6: This subrule is a civil penalty provision (see rule 9.8).

(2) A person who is accredited at the "unrestricted" level must:

(a) be, having regard to the fit and proper person criteria, a fit and proper person to be accredited at that level; and

(b) have adequate insurance, or a comparable guarantee, in light of the risk of CDR consumers not being properly compensated for any loss that might reasonably be expected to arise from a breach of obligations under any of the following to the extent that they are relevant to the management of CDR data:

(i) the Act;

(ii) any regulation made for the purposes of the Act;

(iii) these rules.

5.13 Accredited person must comply with conditions

An accredited person must comply with the conditions of their accreditation.

Note 1: This rule applies to the default conditions set out in Schedule 1 and any conditions imposed or varied under rule 5.10.

Note 2: This rule is a civil penalty provision (see rule 9.8).

5.14 Notification requirements

An accredited person must notify the Data Recipient Accreditor within 5 business days if any of the following occurs:

(a) any material change in its circumstances that might affect its ability to comply with its obligations under this Subdivision;

(b) any matter that could be relevant to a decision as to whether the person is, having regard to the fit and proper person criteria, a fit and proper person to be accredited at the person's level of accreditation;

(c) there is a change to, or the accredited person becomes aware of an error in, any of the information provided to the Accreditor to be entered on the Register under rule 5.24.

Note: This rule is a civil penalty provision (see rule 9.8).

5.15 Provision of information to the Accreditation Registrar

The Data Recipient Accreditor must:

(a) notify the Accreditation Registrar, in writing, as soon as practicable after:

(i) an accreditation; or

(ii) the imposition, variation or removal of a condition on an accreditation; or

(iii) a surrender, suspension or an extension of a suspension; or

(iv) a suspension ceasing to have effect; or

(v) a revocation of an accreditation; or

(vi) a notification under paragraph 5.14(1)(c), or subrule 5.14(2), (3) or (5); and

(b) include in the notice:

(i) any information the Registrar is required to enter into the Register of Accredited Persons; and

(ii) any information the Registrar requires in order to amend an entry in the Register.

Subdivision 5.2.4—Transfer, suspension, surrender and revocation of accreditation

5.16 Transfer of accreditation

An accreditation cannot be transferred.

5.17 Revocation, suspension, or surrender of accreditation

(1) The table has effect:

	Grounds for revocation, suspension and surrender of accreditation as accredited person	
	If:	**the Data Recipient Accreditor:**
1	an accredited person applies to the Data Recipient Accreditor, in writing, to surrender their accreditation;	must, in writing, accept that surrender.
2	the Data Recipient Accreditor is satisfied that an accredited person's accreditation was granted as the result of statements or other information, by the accreditation applicant or by any other person, that were false or misleading in a material particular;	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.
3	subject to items 6 and 7, the Data Recipient Accreditor is satisfied that the accredited person or an associated person of the accredited person has been found to have contravened a law relevant to the management of CDR data; Note: See rule 1.7 for the meaning of "associated person" and "law relevant to the management of CDR data".	may, in writing: (a) suspend; or (b) revoke; the accredited person's accreditation, as appropriate.

	Grounds for revocation, suspension and surrender of accreditation as accredited person	
	If:	**the Data Recipient Accreditor:**
4	the Data Recipient Accreditor reasonably believes that revocation or suspension is necessary in order to: (a) protect consumers; or (b) protect the security, integrity and stability of: (i) the Register of Accredited Persons or the associated database; or (ii) information and communication technology systems that are used by CDR participants to disclose or collect CDR data; Note: See rule 1.7 for the meaning of "law relevant to the management of CDR data".	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.
5	the following are satisfied: (a) the accredited person was, at the time of the accreditation, an ADI; (b) the accredited person is no longer an ADI for the reason that its authority to carry on banking business is no longer in force;	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.
6	the Data Recipient Accreditor reasonably believes that the accredited person has or may have contravened: (a) an offence provision of the Act or a civil penalty provision of the Act or these rules; or (b) one or more data standards;	may, in writing, suspend the person's accreditation.
7	the accredited person has been found to have contravened: (a) an offence provision of the Act or a civil penalty provision of the Act or these rules; or (b) one or more data standards;	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.
8	the Data Recipient Accreditor is no longer satisfied that the accredited person is, having regard to the fit and proper person criteria, a fit and proper person to be accredited at the person's level of accreditation;	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.

	Grounds for revocation, suspension and surrender of accreditation as accredited person	
	If:	**the Data Recipient Accreditor:**
9	a relevant contract between the accredited person and a CDR consumer has been found to have a term that is unfair;	may, in writing: (a) suspend; or (b) revoke; the person's accreditation, as appropriate.
10	the Data Recipient Accreditor reasonably believes that a relevant contract between the accredited person and a CDR consumer has a term that is unfair;	may, in writing, suspend the person's accreditation.

(2) For items 9 and 10:

(a) ***relevant contract*** means a standard form contract that is a consumer contract or a small business contract within the meaning of section 23 of the Australian Consumer Law that arises from a request by a CDR consumer under subrule 4.3(1); and

(b) ***unfair*** has the meaning given by section 24 of the Australian Consumer Law; and

(c) ***Australian Consumer Law*** has the meaning given by section 130 of the Act.

5.18 Revocation of accreditation—process

(1) Before revoking an accredited person's accreditation under rule 5.17, the Data Recipient Accreditor must:

(a) inform the accredited person of:

(i) the proposed revocation; and

(ii) when it is proposed to take effect; and

(b) give the accredited person a reasonable opportunity to be heard in relation to the proposed revocation.

(2) If the Accreditor revokes an accredited person's accreditation under rule 5.17, the Accreditor must notify the person, in writing, of the revocation.

Note: The decision to revoke an accredited person's accreditation can be reviewed by the Administrative Appeals Tribunal: see paragraph 9.2(b).

5.19 Suspension of accreditation—duration

(1) Without limitation, the Data Recipient Accreditor, under rule 5.17:

(a) may suspend an accreditation:

(i) for a period of time that ends at a specified date; or

(ii) for a period of time that ends with the occurrence of a specified event; and

(b) may, subject to the same conditions on which an accreditation was suspended, extend the suspension.

(2) The Data Recipient Accreditor may, in writing, at any time, remove a suspension.

5.20 General process for suspension of accreditation or extension of suspension

(1) This rule applies subject to rule 5.21.

(2) Before suspending an accreditation under rule 5.17, or extending a suspension, the Data Recipient Accreditor must:
   (a) inform the accredited person of:
      (i) the proposed suspension or extension (including the proposed duration); and
      (ii) in the case of a suspension—when it is proposed to take effect; and
   (b) give the accredited person a reasonable opportunity to be heard in relation to the proposed suspension or extension.

(3) If the Accreditor suspends an accredited person's accreditation under rule 5.17, the Accreditor must notify the person, in writing, of the suspension and the period of the suspension.

Note: The decision to suspend an accredited person's accreditation can be reviewed by the Administrative Appeals Tribunal: see paragraph 9.2(b).

(4) If the Accreditor extends a suspension, the Accreditor must notify the person, in writing, of the extension and the period of the suspension as extended.

Note: The decision to extend a suspension can be reviewed by the Administrative Appeals Tribunal: see paragraph 9.2(b).

5.21 Process for urgent suspensions or extensions

(1) This rule applies if:
   (a) the Data Recipient Accreditor proposes to suspend an accreditation, or extend a suspension, on urgent grounds; and
   (b) in the opinion of the Data Recipient Accreditor, because of the urgency, it is not possible to comply with rule 5.20 prior to the suspension or extension.

(2) The Accreditor may suspend the accreditation, or extend the suspension, without first complying with rule 5.20.

(3) However, as soon as practicable after suspending the accreditation or extending the suspension, the Accreditor must:
   (a) inform the accredited person of the suspension or extension; and
   (b) give the accredited person a reasonable opportunity to be heard in relation to whether the suspension should be removed.

5.22 When surrender, revocation or suspension takes effect

A surrender, revocation or suspension takes effect when the fact that the accreditation has been surrendered, revoked or suspended is included in the Register of Accredited Persons.

5.23 Consequences of surrender, suspension or revocation of accreditation

Application of rule

(1) This rule applies if an accredited person's accreditation is surrendered, suspended or revoked.

Ongoing obligations following surrender, suspension or revocation of an accreditation

(2) If the person's accreditation has been surrendered or revoked, the person must comply with the following provisions as if the person still were an accredited data recipient:
  (a) section 56EI of the Act (privacy safeguard 6);
  (b) section 56EJ of the Act (privacy safeguard 7);
  (c) section 56EO of the Act (privacy safeguard 12).

Note: This subrule is a civil penalty provision (see rule 9.8).

(3) The person:
  (a) must not, after the revocation or surrender, or while the accreditation is suspended, seek to collect any, or any further, CDR data under these rules; and
  (b) if the person has collected any CDR data under these rules—must notify each person who has consented to the accredited person collecting CDR data for which they are a CDR consumer:
    (i) that their accreditation has been surrendered, suspended or revoked, as the case may be; and
    (ii) in the case of a suspension—of the following:
      (A) that any consents to collect and to use CDR data may be withdrawn at any time; and
      (B) the effect of any such withdrawal.

Note 1: If an accredited person's accreditation is suspended, they remain an accredited person, and continue to be subject to the obligations of an accredited person whose accreditation has not been suspended.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

(4) If:
  (a) the person's accreditation has been surrendered or revoked; and
  (b) the person has collected CDR data under these rules; and
  (c) the person is not required to retain that CDR data by or under an Australian law or a court/tribunal order; and
  (d) the CDR data does not relate to any current or anticipated:

(i) legal proceedings; or

(ii) dispute resolution proceedings;

to which the person is a party; and

(e) where there is a CDR consumer for the CDR data, the CDR data does not relate to any current or anticipated:

(i) legal proceedings; or

(ii) dispute resolution proceedings;

to which the CDR consumer is a party;

the person must delete or de-identify that data by taking the steps specified in rule 7.12 or 7.13, as appropriate.

Note 1: In addition:

- if an accreditation is revoked or surrendered:
  - any consents to collect and use CDR data expire: see subrule 4.14(2); and
  - any authorisations to disclose CDR data expire: see subrule 4.26(2); and
- if an accreditation is suspended, the accredited person is not able to collect data while the suspension is in effect.

Note 2: This subrule is a civil penalty provision (see rule 9.8).

(5) For the purposes of paragraph (4)(e), if paragraphs (4)(a) to (d) apply in relation to the CDR data of the CDR consumer, the person may:

(a) request the CDR consumer to state whether or not such proceedings are current or anticipated; and

(b) rely on that statement.

Division 5.3—Rules relating to Register of Accredited Persons

5.24 Maintaining the Register of Accredited Persons

The Accreditation Registrar must enter the following details on the Register of Accredited Persons:

(a) the following details about the accredited person:
  (i) the accredited person's name;
  (ii) the accredited person's accreditation number;
  (iii) the accredited person's addresses for service;
  (iv) if the accredited person is a foreign entity—the name and addresses for service of the accredited person's local agent;
(b) the level of the person's accreditation;
(c) either:
  (i) any conditions on the accreditation; or
  (ii) if the Data Recipient Accreditor so directs—a description of the effect of any such conditions;
(d) if the accreditation has been revoked—that fact and the date of the revocation;
(e) if the accreditation has been suspended—that fact and the period of the suspension;
(f) if a decision to suspend an accreditation has been revoked, or the suspension otherwise is no longer in effect:
  (i) that fact; and
  (ii) the date from which the accreditation is once more in effect;
(g) if the accreditation is surrendered—that fact and the date of the surrender;
(h) each brand name under which the accredited person provides goods or services where, in order to provide the good or service, the accredited person needs to access a CDR consumer's CDR data;
(i) a hyperlink to each of the following:
  (i) the relevant web site address of the accredited person;
  (ii) the accredited person's CDR policy;
  (iii) if the accredited person has a CDR policy for a brand name under which the accredited person provides goods or services where, in order to provide the good or service, the accredited person needs to access a CDR consumer's CDR data—that policy.

Note 1: For paragraphs (a), see rule 1.7 for the meaning of "addresses for service".

Note 2: For paragraph (b), the only level of accreditation is the "unrestricted" level.

Note 3: For paragraphs (a) to (g), see rule 5.15.

5.25 Other information to be kept in association with Register of Accredited Persons

(1) The Accreditation Registrar must create and maintain, in association with the Register of Accredited Persons, a database that includes:

(a) a list of data holders; and

(b) for each data holder:

(i) each brand name under which the data holder offers products in relation to which consumer data requests may be made under these rules; and

(ii) a hyperlink to:

(A) the relevant web site address of the data holder; and

(B) the data holder's CDR policy; and

(C) if the data holder has a CDR policy for a brand name under which the data holder offers products in relation which consumer data requests may be made under these rules—that policy; and

(iii) the universal resource identifier for the data holder's product data request service; and

(c) such other information relating to each data holder and each accredited person as the Accreditation Registrar considers is required in order for requests under these rules to be processed in accordance with these rules and the data standards.

Note 1: For subparagraph (b)(i), for the banking sector, see Part 6 of Schedule 3 for the staged application of these rules.

Note 2: For the banking sector, see subclause 6.3(2) of Schedule 3 for additional information to be included.

Accreditation Registrar may request further information

(2) The Accreditation Registrar may:

(a) request a data holder or accredited person to provide the information referred to in subrule (1), or updates to that information; and

(b) specify the form in which the information or updates are to be provided.

(3) The data holder or accredited person must comply with a request under subrule (2).

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Obligation to inform Accreditation Registrar to keep information up-to-date

(4) Subrule (5) applies if a data holder or an accredited person:

(a) has provided information to the Accreditation Registrar in accordance with this rule; and

(b) becomes aware that the information:

(i) is out of date; or

(ii) needs to be amended in order for product data requests and consumer data requests made under these rules to be processed in accordance with these rules and the data standards.

(5) The data holder or accredited person, as appropriate, must inform the Accreditation Registrar of the amendment that should be made to the database in the form approved by the Registrar for the purposes of this subrule and as soon as practicable after the data holder or accredited person becomes aware of either of the matters mentioned in paragraph (4)(b).

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

5.26 Amendment and correction of entries in Register of Accredited Persons and database

The Accreditation Registrar:

(a) must, as soon as practicable after receiving information from the Data Recipient Accreditor that must be entered on the Register, enter that information on the Register; and

(b) must, as soon as practicable after receiving information from the Data Recipient Accreditor that requires the Registrar to update information on the Register, update the Register; and

(c) may, to the extent the Accreditation Registrar considers necessary, amend the database referred to in subrule 5.25(1) to reflect any amendment the Registrar has been informed of in accordance with rule 5.25; and

(d) may make clerical amendments to entries in the Register or database as appropriate to ensure the accuracy of the Register or database.

5.27 Publication or availability of specified information in the Register of Accredited Persons

For paragraph 56CE(4)(c) of the Act, the Accreditation Registrar must, in the manner the Registrar thinks fit, make the following information publicly available:

(a) the information referred to in rule 5.24;

(b) the information referred to in paragraphs 5.25(1)(a) and (b).

Note: For the banking sector, see subclause 6.3(3) of Schedule 3 for other information the Accreditation Registrar must make publicly available.

5.28 Making information available to the Commission, the Information Commissioner and the Data Recipient Accreditor

The Accreditation Registrar must make available to the Commission, the Information Commissioner and the Data Recipient Accreditor, on request:

(a) all or part of the Register of Accredited Persons or the associated database; or

(b) specified information in the Register or the associated database; or

(c) any information held by the Registrar in relation to the Register or the associated database.

5.29 Publication of specified information by the Commission

The Commission may publish information made available to it by the Accreditation Registrar relating to the performance and availability of systems to respond to requests under these rules.

5.30 Other functions of Accreditation Registrar

For paragraph 56CL(1)(b) of the Act, the other functions of the Accreditation Registrar include the following:

(a) enabling information included in the Register of Accredited Persons and associated database to be communicated to data holders and accredited persons to facilitate the making and processing of requests under these rules in accordance with these rules and the data standards;

(b) maintaining the security, integrity and stability of the Register and associated database, including undertaking or facilitating any testing by CDR participants for that purpose;

(c) requesting a data holder or an accredited person to do specified things where that is necessary or convenient in order for the Accreditation Registrar to perform its functions or exercise its powers;

Example: The Accreditation Registrar could request data holders or accredited persons to undertake and complete testing where it is necessary or convenient for the Registrar to perform its functions under paragraph (b).

(d) informing the Data Recipient Accreditor of any failure of an accredited person to comply with a condition of its accreditation or to do things requested by the Registrar in the performance of its functions or the exercise of its powers.

Note: The Accreditation Registrar has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions. See subsection 56CL(2) of the Act.

5.31 Obligation to comply with Accreditation Registrar's request

(1) The Accreditation Registrar may request a data holder or an accredited person to do a specified thing in order to ensure the security, integrity and stability of the Register of Accredited Persons or associated database.

(2) The data holder or accredited person must comply with such a request.

Note: This subrule is a civil penalty provision (see rule 9.8).

5.32 Automated decision-making—Accreditation Registrar

The Accreditation Registrar may automate processes (including decision-making) under these rules.

5.33 Temporary restriction on use of the Register in relation to data holder

(1) The Accreditation Registrar may take steps to prevent the Register of Accredited Persons and associated database from being used to make consumer data requests to a data holder, for a period of up to 10 days, if the Accreditation Registrar reasonably believes it is necessary to do so in order to ensure the security, integrity and stability of the Register or associated database.

(2) The steps taken by the Accreditation Registrar may include amending the information in the associated database relating to a data holder that is used to facilitate the making and processing of requests.

(3) Before, or as soon as practicable after, taking steps under subrule (1), the Accreditation Registrar must:

(a) inform the data holder of the steps to be taken, or that have been taken; and

(b) give the data holder a reasonable opportunity to be heard in relation to the matter.

(4) Despite anything else in these rules, a data holder is not required to disclose CDR data in response to a request, where responding to the request would require the data holder to use the Register of Accredited Persons or associated database in a way that is not available to the data holder at that time by reason of steps taken under this rule.

5.34 Temporary direction to refrain from processing consumer data requests

(1) The Accreditation Registrar may, by written notice:

(a) direct an accredited person not to make consumer data requests; or

(b) direct a data holder not to respond to consumer data requests;

for a period of up to 10 days, if the Accreditation Registrar reasonably believes it is necessary to do so in order to ensure the security, integrity and stability of the Register or associated database.

(2) The notice must specify:

(a) whether the direction applies to all consumer data requests or to requests made to a particular data holder or by a particular accredited person; and

(b) the period of application.

(3) Before, or as soon as practicable after, giving a direction, the Accreditation Registrar must give the accredited person or data holder a reasonable opportunity to be heard in relation to the matter.

(4) Despite anything else in these rules:

(a) an accredited person must not make a consumer data request contrary to a direction it has received under this rule; and

(b) a data holder must not disclose CDR data in response to a consumer data request contrary to a direction it has received under this rule.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Part 6—Rules relating to dispute resolution

6.1 Requirement for data holders—internal dispute resolution

A data holder in relation to a particular designated sector must have internal dispute resolution processes that meet the internal dispute resolution requirements in relation to that sector.

Note 1: See the definition of "meets the internal dispute resolution requirements" in relation to the banking sector in subrule 1.7(1), see and clause 5.1 of Schedule 3.

Note 2: An accredited person must also have internal dispute resolution processes that meet those internal dispute resolution requirements: see paragraph 5.12(1)(b).

Note 3: This rule is a civil penalty provision (see rule 9.8).

6.2 Requirement for data holders—external dispute resolution

A data holder must be a member of a recognised external dispute resolution scheme in relation to CDR consumer complaints.

Note 1: See the definition of "recognised external dispute resolution scheme" in subrule 1.7(1), and see subrule 1.7(3) for the interpretation of references to "data holder".

Note 2: An accredited person must also be a member of such a recognised external dispute resolution scheme: see paragraph 5.12(1)(c).

Note 3: This rule is a civil penalty provision (see rule 9.8).

Part 7—Rules relating to privacy safeguards

Division 7.1—Preliminary

7.1 Simplified outline of this Part

The privacy safeguards are an additional protection given to CDR data under Part IV of the Act. The privacy safeguards apply only to CDR data for which there are one or more CDR consumers (such as required consumer data and voluntary consumer data); they do not apply to CDR data for which there are no CDR consumers (such as required product data and voluntary product data).

Several of the privacy safeguards depend on matters specified in these rules for their operation. This Part sets out the rules that relate to the privacy safeguards.

This Part also sets out some additional civil penalty provisions that protect the privacy or confidentiality of CDR consumers' CDR data.

Division 7.2—Rules relating to privacy safeguards

Subdivision 7.2.1—Rules relating to consideration of CDR data privacy

7.2 Rule relating to privacy safeguard 1—open and transparent management of CDR data

Policy about the management of CDR data

(1) For paragraph 56ED(3)(b) of the Act, the Information Commissioner may approve a form for a CDR policy.

(2) For paragraph 56ED(3)(b) of the Act, a CDR entity's CDR policy must be in the form of a document that is distinct from any of the CDR entity's privacy policies.

Additional information for CDR policy

(3) In addition to the information referred to in subsection 56ED(4) of the Act, a data holder's CDR policy must indicate:
  (a) whether it accepts requests for:
    (i) voluntary product data; or
    (ii) voluntary consumer data; and
  (b) if so:
    (i) whether it charges fees for disclosure of such data; and
    (ii) if it does—how information about those fees can be obtained.

(4) In addition to the information referred to in subsection 56ED(5) of the Act, an accredited data recipient's CDR policy must:
  (a) include a statement indicating the consequences to the CDR consumer if they withdraw a consent to collect and use CDR data; and
  (b) include a list of the outsourced service providers of the accredited data recipient (whether based in Australia or based overseas, and whether or not any is an accredited person); and
  (c) for each such service provider—include:
    (i) the nature of the services it provides; and
    (ii) the CDR data or classes of CDR data that may be disclosed to it; and
  (ca) if the accredited person wishes to undertake general research using the CDR data:
    (i) a description of the research to be conducted; and
    (iii) a description of any additional benefit to be provided to the CDR consumer for consenting to the use; and
  (d) if the accredited data recipient is likely to disclose CDR data of a kind referred to in subsection 56ED(5) of the Act to such a service provider that:
    (i) is based overseas; and
    (ii) is not an accredited person;

include the countries in which such persons are likely to be based if it is practicable to specify those countries in the policy; and

(e) if applicable—include the following information about de-identification of CDR data that is not redundant data:
  (i) how the accredited data recipient uses CDR data that has been de-identified in accordance with the CDR data de-identification process to provide goods or services to CDR consumers;
  (ii) the further information specified in subrule (5); and

(f) include the following information about deletion of redundant CDR data:
  (i) when it deletes redundant data;
  (ii) how a CDR consumer may elect for this to happen;
  (iii) how it deletes redundant data; and

(g) if applicable—include the following information about de-identification of redundant CDR data:
  (i) if the de-identified data is used by the accredited data recipient—examples of how the accredited data recipient ordinarily uses de-identified data; and
  (ii) the further information specified in subrule (5); and

(h) include the following information about the CDR consumer's election to delete their CDR data:
  (i) information about how the election operates and its effect;
  (ii) information about how CDR consumers can exercise the election.

Note 1: The specified service providers are the accredited data recipient's "outsourced service providers".

Note 2: For paragraph (d), if the service provider is an accredited person who is based overseas, paragraph 56ED(5)(f) of the Act requires similar information to be contained in the accredited data recipient's CDR policy.

Note 3: This subrule is a civil penalty provision (see rule 9.8).

(5) For subparagraphs (4)(e)(ii) and (g)(ii), the further information is:
  (a) how the accredited data recipient de-identifies CDR data, including a description of techniques that it uses to de-identify data; and
  (b) if the accredited data recipient ordinarily discloses (by sale or otherwise) de-identified data to one or more other persons:
    (i) that fact; and
    (ii) to what classes of person it ordinarily discloses such data; and
    (iii) why it so discloses such data.

(6) In addition to the information referred to in paragraphs 56ED(4)(b) and (5)(d) of the Act, a CDR participant's CDR policy must include the following information in relation to the participant's internal dispute resolution processes:
  (a) where a CDR consumer complaint can be made;
  (b) how a CDR consumer complaint can be made;
  (c) when a CDR consumer complaint can be made;
  (d) when acknowledgement of a CDR consumer complaint can be expected;
  (e) what information is required to be provided by the complainant;

(f) the participant's process for handling CDR consumer complaints;
(g) time periods associated with various stages in the CDR consumer complaint process;
(h) options for redress;
(i) options for review, both internally (if available) and externally.

Note: This subrule is a civil penalty provision (see rule 9.8).

(7) If an accredited data recipient proposes to store CDR data other than in Australia or an external territory, its CDR policy must specify any country in which they propose to store CDR data.

Note: This subrule is a civil penalty provision (see rule 9.8).

Availability of policy

(8) For paragraph 56ED(7)(b) of the Act, a CDR participant must make its CDR policy readily available through each online service by means of which the CDR participant ordinarily deals with CDR consumers.

Note: This subrule is a civil penalty provision (see rule 9.8).

(9) For subsection 56ED(8) of the Act, if a copy of a the CDR participant's policy is requested by a CDR consumer, the participant must give the CDR consumer a copy:
(a) electronically; or
(b) in hard copy;
as directed by the consumer.

Note: This subrule is a civil penalty provision (see rule 9.8).

7.3 Rule relating to privacy safeguard 2—anonymity and pseudonymity

For subsection 56EE(3) of the Act, subsection 56EE(1) of the Act does not apply if:
(a) the accredited data recipient is required or authorised by law or by a court/tribunal order to deal with an identified CDR consumer in relation to particular CDR data; or
(b) in relation to particular CDR data, it is impracticable for the accredited data recipient to deal with a CDR consumer that has not been identified.

Subdivision 7.2.2—Rules relating to collecting CDR data

7.4 Rule relating to privacy safeguard 5—notifying of the collection of CDR data

For section 56EH of the Act, an accredited person that collects CDR data in accordance with section 56EF of the Act as a result of a collection consent must update the person's consumer dashboard as soon as practicable to indicate:

(a) what CDR data was collected; and

(b) when the CDR data was collected; and

(c) the CDR participant for the CDR data from which the CDR data was collected.

Note 1: See paragraph 1.14(3)(h).

Note 2: See rule 1.16 for how this rule applies in the case of a CDR outsourcing arrangement in which a provider collects CDR data on behalf of a principal.

Subdivision 7.2.3—Rules relating to dealing with CDR data

7.5 Meaning of *permitted use or disclosure* and *relates to direct marketing*

Permitted uses or disclosures *that do not relate to direct marketing*

(1) For this Subdivision, for an accredited data recipient that has collected CDR data under a consumer data request under Part 4 on behalf of a CDR consumer, each of the following is a ***permitted use or disclosure***:

(a) using the CDR consumer's CDR data to provide goods or services requested by the CDR consumer (the ***existing goods or services***):

(i) in compliance with the data minimisation principle; and

(ii) in accordance with a current use consent from the CDR consumer, other than a direct marketing consent;

(aa) in accordance with a current use consent, de-identifying the CDR consumer's CDR data in accordance with the CDR data de-identification process and:

(i) using the de-identified data for general research; or

(ii) disclosing (including by selling) the de-identified data;

(b) directly or indirectly deriving CDR data from the collected CDR data in order to use the data in accordance with paragraph (a) or (aa);

(c) for the purpose of providing the existing goods or services—disclosing, to the CDR consumer, any of their CDR data;

(ca) subject to rule 7.5A, disclosing the CDR consumer's CDR data in accordance with a current disclosure consent;

(d) disclosing the CDR consumer's CDR data to an outsourced service provider of the accredited data recipient under a CDR outsourcing arrangement:

(i) for the purpose of doing the things referred to in paragraphs (a) to (c); and

(ii) to the extent reasonably needed to do those things;

(e) disclosing (by sale or otherwise), to any person, CDR data that has been de-identified in accordance with the CDR data de-identification process;

(f) where the accredited data recipient collected the CDR data as a provider in a CDR outsourcing arrangement—disclosing service data to the principal under the arrangement;

(g) disclosing CDR data to an accredited person if the CDR consumer has:

(i) given the accredited person:

(A) a collection consent to collect the CDR data from the accredited data recipient; and

(B) a use consent; and

(ii) given the accredited data recipient an AP disclosure consent to disclose the CDR data to the accredited person.

(2) However:

(a) a disclosure is not a ***permitted use or disclosure*** unless it is done in accordance with the data standards; and

(b) none of the uses or disclosures of CDR data referred to in subrule 4.12(3) is a ***permitted use or disclosure***.

Permitted uses or disclosures *that* ***relate to direct marketing***

(3) For this Subdivision, a use or disclosure of the CDR consumer's CDR data by an accredited data recipient that is not itself a permitted use or disclosure under subrule (1) is nevertheless a ***permitted use or disclosure*** that ***relates to direct marketing*** if it consists of one of the following:

(a) in accordance with a direct marketing consent from the CDR consumer—sending to the CDR consumer:

(i) information about upgraded or alternative goods or services to existing goods or services; or

(ii) an offer to renew existing goods or services when they expire; or

(iii) information about the benefits of existing goods or services; ; or

(iv) information about other goods or services provided by another accredited person, if the accredited data recipient:

(A) reasonably believes that the CDR consumer might benefit from those other goods or services; and

(B) sends such information to the CDR consumer on no more than a reasonable number of occasions;

(aa) in accordance with a direct marketing consent from the CDR consumer—disclosing CDR data to an accredited person to enable the accredited person to provide the goods or services referred to in subparagraph (a)(iv), if the CDR consumer has:

(i) given the accredited person:

(A) a collection consent to collect the CDR data from the accredited data recipient; and

(B) a use consent; and

(ii) given the accredited data recipient a disclosure consent to disclose the CDR data to the accredited person;

(b) using the CDR data in a way and to the extent that is reasonably needed in order to send to the CDR consumer something permitted under paragraph (a) or paragraph (aa) (including by analysing the CDR data to identify the appropriate information to send);

(c) disclosing the CDR consumer's CDR data to an outsourced service provider of the accredited data recipient:

(i) for the purpose of doing the things referred to in paragraphs (a), (aa) or (b); and

(ii) to the extent reasonably needed to do those things.

7.5A Limitation to disclosures of CDR data under a disclosure consent

(1) Despite paragraph 7.5(1)(ca), disclosure of CDR data to an accredited person under an AP disclosure consent is not a ***permitted use or disclosure*** until the earlier of the following:
  (a) 1 July 2021;
  (b) the day the Data Standards Chair makes the data standard about the matter referred to in subparagraph 8.11(1)(c)(iii).

(2) Despite paragraph 7.5(1)(ca), disclosure of CDR data to a trusted adviser under a TA disclosure consent is not a ***permitted use or disclosure*** until the earlier of the following:
  (a) 1 February 2022;
  (b) the day the Data Standards Chair makes the data standard about the matter referred to in subparagraph 8.11(1)(c)(iv).

(3) Despite paragraph 7.5(1)(ca), disclosure of a CDR insight under an insight disclosure consent is not a ***permitted use or disclosure*** until the earlier of the following:
  (a) 1 February 2022;
  (b) the day the Data Standards Chair makes the data standard about the matters referred to in subrule 8.11(1A).

(4) Despite paragraph 7.5(1)(ca), disclosure of a CDR insight under an insight disclosure consent is not a ***permitted use or disclosure*** if the CDR insight includes or reveals sensitive information within the meaning of the *Privacy Act 1988*.

7.6 Use or disclosure of CDR data by accredited data recipients, outsourced service providers and others

(1) Subject to the Act and these rules, an accredited data recipient that has collected CDR data under a consumer data request under Part 4 made on behalf of a CDR consumer must not use or disclose it, or CDR data directly or indirectly derived from it, other than for a permitted use or disclosure (whether or not one that relates to direct marketing).

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) For this rule:
  (a) any use or disclosure of service data by the provider under a CDR outsourcing arrangement is taken to have been by the principal under the arrangement; and
  (b) it is irrelevant whether the use or disclosure:
    (i) is in accordance with the arrangement; or
    (ii) is taken to have been by the provider by an application of this subrule to another CDR outsourcing arrangement in which it is the principal.

Note: See rule 1.10 for the definition of "service data".

7.7 Rule relating to privacy safeguard 6—use or disclosure of CDR data by accredited data recipients

Note: Paragraph 56EI(1)(b) of the Act provides that an accredited data recipient of CDR data must not use or disclose it unless the use or disclosure is otherwise required, or authorised, under the consumer data rules. This rule provides an authorisation for that paragraph.

Section 56EI of the Act applies only in relation to CDR data for which there are one or more CDR consumers: subsection 56EB(1) of the Act.

For paragraph 56EI(1)(b) of the Act, the use or disclosure of CDR data for which there is a CDR consumer by an accredited data recipient of the CDR data is authorised under these rules if it is a permitted use or disclosure, other than one that relates to direct marketing.

7.8 Rule relating to privacy safeguard 7—use or disclosure of CDR data for direct marketing by accredited data recipients

Note: Paragraph 56EJ(1)(b) of the Act provides that an accredited data recipient of CDR data must not use or disclose it for direct marketing unless the use or disclosure is authorised under the consumer data rules in accordance with a valid consent of a CDR consumer for the CDR data. This rule provides an authorisation for that paragraph.

Section 56EJ of the Act applies only in relation to CDR data for which there are one or more CDR consumers: subsection 56EB(1) of the Act.

For paragraph 56EJ(1)(b) of the Act, the use or disclosure of CDR data for which there is a CDR consumer by an accredited data recipient of the CDR data for direct marketing is authorised under these rules if it is a permitted use or disclosure that relates to direct marketing.

7.9 Rule relating to privacy safeguard 10—notifying of the disclosure of CDR data

(1) For subsection 56EM(1) of the Act, a data holder that discloses CDR data to an accredited person as a result of a consumer data request must, as soon as practicable, update each consumer dashboard that relates to the request to indicate:

(a) what CDR data was disclosed; and

(b) when the CDR data was disclosed; and

(c) the accredited data recipient, identified in accordance with any entry on the Register of Accredited Persons specified as being for that purpose.

Note 1: For correction requests, see section 56EP of the Act (privacy safeguard 13) and Subdivision 7.2.5 of these rules.

Note 2: If a consumer data request is made that relates to a joint account, the other joint account holder's consumer dashboard may not be required to be similarly updated. See clause 4A.13.

Note 3: See paragraph 1.15(3)(f).

Note 4: See rule 1.16 for how this rule applies in the case of a CDR outsourcing arrangement in which a provider collects CDR data on behalf of a principal.

(2) For subsection 56EM(2) of the Act, an accredited data recipient that discloses CDR data to an accredited person must, as soon as practicable, update each consumer dashboard that relates to the request to indicate:
  (a) what CDR data was disclosed; and
  (b) when the CDR data was disclosed; and
  (c) the accredited person, identified in accordance with any entry on the Register of Accredited Persons specified as being for that purpose.

(3) For subsection 56EM(2) of the Act, an accredited data recipient that discloses CDR data to a trusted adviser must, as soon as practicable, update each consumer dashboard that relates to the request to indicate:
  (a) what CDR data was disclosed; and
  (b) when the CDR data was disclosed; and
  (c) the trusted adviser.

(4) For subsection 56EM(2) of the Act, an accredited data recipient that discloses a CDR insight must, as soon as practicable, update each consumer dashboard that relates to the request to indicate:
  (a) what CDR data was disclosed; and
  (b) when the CDR data was disclosed; and
  (c) the person to whom it was disclosed.

Subdivision 7.2.4—Rules relating to integrity and security of CDR data

7.10 Rule relating to privacy safeguard 11—quality of CDR data

(1) If a CDR participant makes a disclosure of a kind referred to in paragraphs 56EN(3)(a) and (b) of the Act to an accredited person, the CDR participant must provide the CDR consumer on whose behalf the disclosure was made, by electronic means, with a written notice that:

(a) identifies the accredited person to whom the CDR data was disclosed; and

(b) states the date of the disclosure; and

(c) identifies the CDR data that was incorrect in the sense referred to in paragraph 56EN(3)(b) of the Act; and

(d) states that:

(i) the CDR consumer can request the CDR participant to disclose the corrected CDR data to the accredited person; and

(ii) if such a request is made, the corrected CDR data will be so disclosed.

Note 1: For paragraph (d), see subsection 56EN(4) of the Act.

Note 2: The written notice could be given through the CDR participant's consumer dashboard (see rule 1.14 and rule 1.15).

Note 3: See rule 1.16 for how this rule applies in the case of a CDR outsourcing arrangement in which a provider collects CDR data on behalf of a principal.

(2) A single notice may deal with one or more such disclosures.

(3) The notice must be provided:

(a) as soon as practicable; and

(b) in any event—within 5 business days;

after the CDR participant becomes aware of the matter referred to in paragraph 56EN(3)(b) of the Act.

7.11 Rule relating to privacy safeguard 12—security of CDR data

For subsection 56EO(1) of the Act, the steps are set out in Schedule 2.

Note: Broadly speaking, the steps are for an accredited data recipient of CDR data to:

- define and implement security governance in relation to CDR data; and
- define the boundaries of the CDR data environment; and
- have and maintain an information security capability; and
- implement a formal controls assessment program; and
- manage and report security incidents.

7.12 Rule relating to privacy safeguard 12—de-identification of redundant data

(1) For subsection 56EO(2) of the Act, this rule applies if:

(a) the accredited data recipient, when it asked for consent to collect and use the CDR data, gave the CDR consumer the statement referred to in paragraph 4.17(1)(b) or (c); and

(b) the CDR consumer has not elected, in accordance with rule 4.16, that their redundant data should be deleted; and

(c) in the case of a statement referred to in paragraph 4.17(1)(c)—the accredited person thinks it appropriate in the circumstances to de-identify rather than delete the redundant data.

Note 1: The CDR data de-identification process is set out in rule 1.17.

Note 2: If this rule does not apply, rule 7.13 applies: see subrule 7.13(1).

(2) The steps are:

(a) to apply the CDR data de-identification process to the redundant data; and

(b) direct any outsourced service provider of the accredited data recipient that had been provided with a copy of the redundant data:

(i) either to:

(A) return the redundant data to the accredited data recipient; or

(B) delete the redundant data, as well as any CDR data that has been directly or indirectly derived from it, and notify the accredited data recipient of the deletion; and

(ii) if the outsourced service provider has provided any such data to another person—to:

(A) direct the person to take either of the steps referred to in subparagraph (i) in relation to that data; and

(B) cause similar directions to be made to any person to whom such data has been further disclosed.

Note: If the redundant data cannot be de-identified in accordance with the CDR data de-identification process, it must be deleted in accordance with the CDR data deletion process: see subrule 1.17(4).

7.13 Rule relating to privacy safeguard 12—deletion of redundant data

(1) For subsection 56EO(2) of the Act, this rule applies if rule 7.12 does not apply.

(2) The step is to apply the CDR data deletion process to the redundant data.

Note: See rule 1.18 for the CDR data deletion process.

Subdivision 7.2.5—Rules relating to correction of CDR data

7.14 No fee for responding to or actioning correction request

(1) A data holder must not charge a fee for responding to or actioning a request under subsection 56EP(1) of the Act.

Note: This subrule is a civil penalty provision (see rule 9.8).

(2) An accredited data recipient must not charge a fee for responding to or actioning a request under subsection 56EP(2) of the Act.

Note: This subrule is a civil penalty provision (see rule 9.8).

7.15 Rule relating to privacy safeguard 13—steps to be taken when responding to correction request

The recipient of a request under subsection 56EP(1) or (2) of the Act must:

(a) acknowledge receipt of the request as soon as practicable; and

(b) within 10 business days after receipt of the request, and to the extent that the recipient considers appropriate in relation to the CDR data that was the subject of the request:

(i) correct the data; or

(ii) do both of the following:

(A) include a statement with the data to ensure that, having regard to the purpose for which it is held, the data is accurate, up to date, complete and not misleading;

(B) where practicable, attach an electronic link to a digital record of the data in such a way that the statement will be apparent to any users of the data; and

(c) give the requester a written notice, by electronic means, that:

(i) indicates what the recipient did in response to the request; and

(ii) if the recipient did not think it appropriate to do either of the things referred to in subparagraphs (b)(i) or (ii)—states why a correction or statement is unnecessary or inappropriate; and

(iii) sets out the complaint mechanisms available to the requester.

Note 1: In relation to subparagraph (c)(iii), see Part 6.

Note 2: The written notice could be given through the accredited person's or the data holder's consumer dashboard (see rules 1.14 and 1.15).

Part 8—Rules relating to data standards

Division 8.1—Preliminary

8.1 Simplified outline of this Part

Product data requests and consumer data requests under these rules are made in accordance with data standards, which are made under Division 6 of Part IVD of the Act.

This Part of these rules sets out rules relating to data standards.

The Data Standards Chair is established by the Act and is responsible for making data standards. The Data Standards Chair is required to establish a Data Standards Advisory Committee to advise the Chair about data standards.

This Part also sets out procedural requirements for making, amending and reviewing data standards, and specifies data standards that the Data Standards Chair is required to make. These are all binding data standards.

Division 8.2—Data Standards Advisory Committee

8.2 Establishment of Data Standards Advisory Committee

The Data Standards Chair must, by written instrument, establish and maintain a committee to advise the Chair about data standards (the ***Data Standards Advisory Committee***).

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

8.3 Functions of Data Standards Advisory Committee

The function of the Data Standards Advisory Committee is to advise the Data Standards Chair about:

(a) any matters identified in the instrument establishing the Committee; and

(b) any other matter referred to the Committee by the Chair.

8.4 Appointment to Data Standards Advisory Committee

(1) The Data Standards Chair:

(a) must appoint to the Data Standards Advisory Committee:

(i) 1 or more consumer representatives; and

(ii) 1 or more privacy representatives; and

(b) may appoint others to the Committee as the Chair sees fit.

(2) An appointment must be in writing.

(3) The Chair may determine the terms and conditions of an appointment in writing.

Note: An appointee may be reappointed: see section 33AA of the *Act Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

8.5 Termination of appointment and resignation

(1) The Data Standards Chair may, by writing, terminate an appointment to the Data Standards Advisory Committee at any time.

(2) An appointee to the Committee may resign his or her appointment by giving the Chair a written resignation.

(3) The resignation takes effect on the day it is received by the Chair or, if a later day is specified in the resignation, on that later day.

8.6 Procedural directions

The Data Standards Chair may give the Data Standards Advisory Committee written directions as to:

(a) the way in which the Committee is to carry out its functions; and

(b) procedures to be followed in relation to meetings.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

8.7 Observers

(1) Any of the following:

(a) the Commission;

(b) the Information Commissioner;

(c) the Department of the Treasury;

may elect to be an observer on the Data Standards Advisory Committee.

(2) The Data Standards Chair may invite any other person to act as an observer on the Committee.

Division 8.3—Reviewing, developing and amending data standards

8.8 Notification when developing or amending data standards

(1) Subject to subrule (2), the Data Standards Chair must notify the Commission and the Information Commissioner, in writing, of a proposal to make or amend a data standard.

(2) If the standard or amendment is urgent, the Chair may instead notify the Commission and the Information Commissioner after it has been made.

(3) A failure to comply with this rule does not affect the validity or enforceability of a data standard or an amendment to a data standard.

8.9 Consultation when developing or amending data standards

(1) This rule does not apply in relation to:
  (a) a data standard or an amendment to a data standard that is made before 1 August 2020; or
  (b) an amendment to a data standard that is, in the opinion of the Data Standards Chair, minor or urgent.

(2) Before making or amending a data standard, the Data Standards Chair must:
  (a) prepare a draft of the proposed standard or amendment (the ***consultation draft***); and
  (b) consult with:
    (i) the Data Standards Advisory Committee; and
    (ii) the Commission; and
    (iii) the Information Commissioner;
  on the consultation draft; and
  (c) cause the consultation draft to be published on the website of the Data Standards Body; and
  (d) invite submissions in relation to the consultation draft from interested members of the public to be made by a specified date that is no earlier than 28 days after the draft is published.

(3) The Data Standards Chair may extend the date for consultation.

(4) A failure to comply with this rule does not affect the validity or enforceability of a data standard or an amendment to a data standard.

8.10 Matters to have regard to when making or amending data standards

When making or amending a data standard, the Data Standards Chair must have regard to the following:
  (a) the advice or submissions (if any) received from:
    (i) the Data Standards Advisory Committee; or
    (ii) the Commission; or

(iii) the Information Commissioner;

on a draft of the proposed standard or amendment (the ***consultation draft***);

(b) submissions (if any) received during the public consultation (if any) that was undertaken in relation to the consultation draft in accordance with rule 8.9;

(c) any advice from any other relevant committee, advisory panel or consultative group that has been established by the Chair (see paragraph 56FH(2)(a) of the Act).

Division 8.4—Data standards that must be made

8.11 Data standards that must be made

(1) The Data Standards Chair must make one or more data standards about each of the following:

(a) the processes for:

(i) making and responding to product data requests and consumer data requests; and

(ii) obtaining authorisations and consents, and withdrawal of authorisations and consents;

(b) the collection and use of CDR data, including requirements to be met by CDR participants in relation to seeking consent from CDR consumers;

(c) the disclosure and security of CDR data, including:

(i) authentication of CDR consumers to a standard which meets, in the opinion of the Chair, best practice security requirements; and

(ii) seeking authorisations to disclose CDR data in response to consumer data requests; and

(iii) consumer experience data standards for disclosure of CDR data to accredited persons; and

(iv) consumer experience data standards for disclosure of CDR data to trusted advisers;

(v) consumer experience data standards for disclosure of CDR insights;

(d) the types of CDR data and descriptions of those types, to be used by CDR participants in making and responding to requests;

(e) the formats in which CDR data is to be provided in response to requests;

(f) requirements to be met by CDR participants in relation to:

(i) performance and availability of systems to respond to requests; and

(ii) public reporting of information relating to compliance with those requirements;

(g) the processes for CDR participants to notify other CDR participants of withdrawal of consent or authorisations by CDR consumers;

(h) the provision of administrative or ancillary services by CDR participants to facilitate the management and receipt of communications between CDR participants.

(1A) The standards for the purposes of paragraph (1)(a)(ii) that relate to obtaining insight disclosure consents must include provisions that cover the following:

(a) how the accredited person can meet the requirement to explain a CDR insight in accordance with paragraph 4.11(3)(ca);

(b) ensuring that the CDR consumer is made aware that their data will leave the CDR system when it is disclosed.

(2) Each such standard must indicate that it is binding and must specify the date on which it commences and the date by which it must be fully complied with.

Note: See sections 56FD and 56FE of the Act for the legal effect of a binding data standard.

(3) The data standards must be subject to such consumer testing as the Data Standards Chair considers appropriate.

Part 9—Other matters

Division 9.1—Preliminary

9.1 Simplified outline of this Part

This Part deals with a range of miscellaneous matters, including:

- decisions that can be reviewed by the Administrative Appeals Tribunal; and
- rules relating to reporting, record-keeping and auditing; and
- civil penalty provisions of the consumer data rules, which are enforced under the enforcement provisions of the Act.

Division 9.2—Review of decisions

9.2 Review of decisions by the Administrative Appeals Tribunal

Applications may be made to the Administrative Appeals Tribunal to review any of the following decisions:

(a) a decision of the Data Recipient Accreditor under rule 5.10 to:
  (i) impose a condition on an accreditation; or
  (ii) vary a condition that has been imposed;

(b) a decision of the Data Recipient Accreditor under rule 5.17 to:
  (i) suspend an accreditation; or
  (ii) extend a suspension; or
  (iii) revoke an accreditation.

Division 9.3—Reporting, record keeping and audit

Subdivision 9.3.1—Reporting and record keeping

9.3 Records to be kept and maintained

Records to be kept and maintained—data holder

(1) A data holder must keep and maintain records that record and explain the following:

(a) authorisations given by CDR consumers to disclose CDR data;

(b) amendments to or withdrawals of authorisations to disclose CDR data;

(c) notifications of withdrawals of consents to collect CDR data;

(d) disclosures of CDR data made in response to consumer data requests;

(da) any written agreement of a kind referred to in subrule 2.4(5) the data holder has entered into;

(e) instances where the data holder has refused to disclose requested CDR data and the rule or data standard relied upon to refuse to disclose the CDR data;

(f) CDR complaint data;

(g) the processes by which the data holder asks CDR consumers for their authorisation to disclose CDR data and for an amendment to their authorisation, including a video of each process.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Records to be kept and maintained—accredited data recipient

(2) An accredited data recipient must keep and maintain records that record and explain the following:

(a) all consents, including, if applicable, the uses of the CDR data that the CDR consumer has consented to under any use consents;

(b) amendments to or withdrawals of consents by CDR consumers;

(c) notifications of withdrawals of authorisations received from data holders;

(d) CDR complaint data;

(e) collections of CDR data under these rules;

(ea) disclosures of CDR data to accredited persons under these rules, and the accredited persons to which any CDR data was disclosed;

(eb) disclosures of CDR data to trusted advisers, and trusted advisers to whom CDR data was disclosed;

(ec) any steps taken for the purposes of subrule 1.10C(3) to confirm that a trusted adviser is a member of a class of trusted advisers;

(ed) disclosures of CDR insights, including a copy of each CDR insight disclosed, to whom it was disclosed and when;

(f) elections to delete and withdrawals of those elections;
(g) the use of CDR data by the accredited data recipient;
(h) the processes by which the accredited data recipient asks CDR consumers for their consent and for an amendment to their consent, including a video of each process;
(i) if applicable:
(i) arrangements that may result in CDR data being collected by or disclosed to outsourced service providers, including copies of agreements with outsourced service providers; and
(ii) the use and management of CDR data by those providers;
(j) if CDR data was de-identified in accordance with a consent referred to in paragraph 4.11(3)(e):
(i) how the data was de-identified; and
(ii) how the accredited data recipient used the de-identified data; and
(iii) if the accredited data recipient disclosed (by sale or otherwise) the de-identified data to another person as referred to in paragraph 4.15(b):
(A) to whom the data was so disclosed; and
(B) why the data was so disclosed;
(iv) if the use is for general research—records of any additional benefit to be provided to the CDR consumer for consenting to the use;
(k) records that are required to be made for the purposes of the CDR data de-identification process when applied as part of privacy safeguard 12;
(l) records of any matters that are required to be retained under Schedule 2 to these rules;
(m) any terms and conditions on which the accredited data recipient offers goods or services where the accredited data recipient collects or uses, or discloses to an accredited person, CDR data in order to provide the good or service.

Note: For paragraph (k), see section 56EO of the Act and rule 7.12.

Civil penalty:
(a) for an individual—$50,000; and
(b) for a body corporate—$250,000.

Specificity of records

(3) Each record referred to in this rule must include the date and time when the record was made and, if applicable, the date and time when the event described by the record occurred.

Translation of records

(4) Where a record referred to in this rule is kept in a language other than English, an English translation of the record must be made available within a reasonable time to a person who:
(a) is entitled to inspect the records under Subdivision 9.3.2; and

(b) asks for the English translation.

Period for retention of records

(5) Each record referred to in this rule must be kept for a period of 6 years beginning on the day the record was created.

Civil penalty:
(a) for an individual—$50,000; and
(b) for a body corporate—$250,000.

9.4 Reporting requirements

Reports that must be prepared—data holder

(1) A data holder must prepare a report for each reporting period that:
(a) is in the form approved by the Commission for the purposes of this rule; and
(b) summarises the CDR complaint data that relates to that reporting period; and
(c) sets out the number (if any) of:
(i) product data requests; and
(ii) consumer data requests made by eligible CDR consumers; and
(iii) consumer data requests made by accredited persons on behalf of eligible CDR consumers;
received by the data holder during the reporting period; and
(d) sets out, for each of the types of requests referred to in subparagraphs (c)(i), (ii) and (iii):
(i) the number of times the data holder has refused to disclose CDR data; and
(ii) the rule or data standard relied upon to refuse to disclose that data; and
(iii) the number of times the data holder has relied on each of those rules or data standards as a ground of refusal.

Note: For the meaning of ***product data request*** see rule 2.3. For the meaning of ***consumer data request*** see rule 3.3 (requests made by CDR consumers) and rules 4.4 and 4.7A (requests by accredited persons).

Civil penalty:
(a) for an individual—$50,000; and
(b) for a body corporate—$250,000.

Reports that must be prepared—accredited data recipient

(2) An accredited data recipient must prepare a report for each reporting period that:
(a) is in the form approved by the Commission for the purposes of this rule; and

(b) summarises the CDR complaint data that relates to that reporting period; and

(c) describes any goods or services that they offer to CDR consumers using CDR data that were not:

(i) described in the relevant application to be an accredited person; or

(ii) previously included in a report prepared under this rule; and

(d) in relation to any good or service that is required to be described under paragraph (c):

(i) describes the CDR data that is needed in order to offer the good or service to CDR consumers; and

(ii) explains why that data is needed in order to offer the good or service to CDR consumers; and

(e) describes any material changes that have been made to any goods or services offered by the accredited data recipient since the previous reporting period, including any changes to the matters referred to in paragraph (c); and

(f) sets out the following:

(i) the number of consumer data requests made by the accredited data recipient during the reporting period;

(ii) the proportion of CDR consumers who, at the date of the report, had exercised the election to delete, by reference to each brand of the accredited person;

(iii) the number of consumer data requests the accredited data recipient received from an accredited person on behalf of a CDR consumer during the reporting period;

(iv) the number of times the accredited data recipient disclosed consumer data to an accredited person in response to such a consumer data request during the reporting period;

(v) the total number of CDR consumers the accredited data recipient provided goods or services to using CDR data during the reporting period;

(vi) the number of consents received from CDR consumers during the reporting period to disclose CDR data to trusted advisers;

(vii) for each class of trusted advisers—the number of trusted advisers to whom CDR data was disclosed during the reporting period;

(viii) the number of insight disclosure consents received from CDR consumers during the reporting period.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Provision of reports

(3) Each report must be submitted to:

(a) the Commission; and

(b) the Information Commissioner;

within 30 days after the end of each reporting period.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

(4) Either the Commission or the Information Commissioner may:

(a) publish any report received under this rule; or

(b) require an accredited data recipient to publish, on its website, a report that it has prepared under subrule (2).

(5) For this rule, the ***reporting periods*** are:

(a) 1 January to 30 June of each year; and

(b) 1 July to 31 December of each year.

9.5 Requests from CDR consumers for copies of records

Requests to data holders of CDR data

(1) A CDR consumer may request a data holder for copies of records relating to the information referred to in paragraphs 9.3(1)(a), (b), (d) and (f) that relates to the CDR consumer.

Requests to accredited data recipients

(2) A CDR consumer may request an accredited data recipient for copies of records relating to the information referred to in:

(a) paragraphs 9.3(2)(a), (b), (c), (d), (e), (ea), (eb), (ec), (ed), (f) and (m); and

(b) paragraphs 9.3(2A)(d), (e), (f), (g), (h), (i) and (o);

that relates to the CDR consumer.

Form for requests

(3) A request under this rule must be in the form (if any) approved by the Commission for the purposes of this subrule.

Dealing with requests under this rule

(4) A person who receives a request under this rule must provide the requested copies, in the form (if any) approved by the Commission for the purposes of this

rule, as soon as practicable, but no later than 10 business days, after receiving the request.

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

(5) A data holder must not charge a fee for making or responding to a request under subrule (1).

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

(6) An accredited data recipient must not charge a fee for making or responding to a request under subrule (2).

Civil penalty:

(a) for an individual—$50,000; and

(b) for a body corporate—$250,000.

Subdivision 9.3.2—Audits

9.6 Audits by the Commission and the Information Commissioner

(1) The Commission may, at any time, audit the compliance of any CDR participant with any or all of the following:
   (a) Part IVD of the Act, including Division 5 of Part IVD to the extent that it relates to these rules;
   (b) these rules;
   (c) the data standards.

(2) The Information Commissioner may, at any time, audit the compliance of any CDR participant with any or all of the following:
   (a) the privacy safeguards (Division 5 of Part IVD of the Act);
   (b) these rules to the extent that they relate to:
      (i) the privacy safeguards (see in particular Part 7 of these rules); or
      (ii) the privacy and confidentiality of CDR data.

(3) For the purposes of conducting an audit or otherwise monitoring the compliance of the CDR participant with the provisions mentioned in subrules (1) and (2), the Commission, or the Information Commissioner, may give a CDR participant a written notice that requests the CDR participant to produce, within the time specified in the notice:
   (a) copies of records that are required by this Division to be kept; or
   (b) information from such records.

(4) The CDR participant must comply with a request under subrule (3).

Note: This subrule is a civil penalty provision (see rule 9.8).

9.7 Audits by the Data Recipient Accreditor

(1) The Data Recipient Accreditor may, at any time, audit the compliance of an accredited data recipient with any or all of the following:
   (a) the obligations under rule 5.12;
   (b) any conditions imposed on their accreditation.

(2) For the purposes of conducting an audit or otherwise monitoring the compliance of the CDR participant with the criteria and conditions mentioned in subrule (1), the Data Recipient Accreditor may give an accredited data recipient a written notice that requests the accredited data recipient to produce:
   (a) copies of records that are required by this Division to be kept; or
   (b) information from such records.

(3) The accredited data recipient must comply with a request under subrule (2).

Note: This subrule is a civil penalty provision (see rule 9.8).

(4) The Data Recipient Accreditor must provide a copy of any audit report to the Commission and the Information Commissioner.

Division 9.4—Civil penalty provisions

9.8 Civil penalty provisions

For section 56BL of the Act, the following provisions of these rules are civil penalty provisions (within the meaning of the Regulatory Powers Act):

(a) subrule 1.12(1);
(b) subrule 1.13(1);
(c) subrule 1.14(1);
(d) subrule 1.15(1);
(e) subrule 1.15(5)
(f) subrule 1.15(7)
(g) subrule 1.16(1);
(h) subrule 1.16A(2);
(i) subrule 2.4(2A);
(j) subrule 2.4(3);
(k) rule 2.6;
(l) subrule 3.4(3);
(m) subrule 4.3(5);
(n) subrule 4.3C(2):
(o) subrule 4.4(3);
(p) subrule 4.5(2);
(q) subrule 4.5(3);
(r) subrule 4.6(3);
(s) subrule 4.6(4);
(t) subrule 4.7B(3)
(u) subrule 4.13(2);
(v) subrule 4.18(1);
(w) subrule 4.18A(2);
(x) subrule 4.18B(2);
(y) subrule 4.18B(3);
(z) subrule 4.18C(2);
(aa) rule 4.19;
(bb) subrule 4.20(2);
(cc) subrule 4.22A(1)
(dd) subrule 4.25(2);
(ee) rule 4.27;
(ff) subrule 4.28(2);
(gg) subrule 4A.6(1);
(hh) subrule 4A.7(3);
(ii) subrule 4A.8(2);
(jj) subrule 4A.8(3);

(kk) subrule 4A.13(1);
(ll) subrule 4A.14(2);
(mm) subrule 4A.14(3);
(nn) subrule 5.1B(2);
(oo) subrule 5.1B(3);
(pp) subrule 5.1B(4);
(qq) subrule 5.1B(5);
(rr) subrule 5.12(1);
(ss) rule 5.13;
(tt) subrule 5.14(1);
(uu) subrule 5.23(2);
(vv) subrule 5.23(3);
(ww) subrule 5.23(4);
(xx) subrule 5.31(2);
(yy) rule 6.1;
(zz) rule 6.2;
(aaa) subrule 7.2(4);
(bbb) subrule 7.2(6);
(ccc) subrule 7.2(7);
(ddd) subrule 7.2(8);
(eee) subrule 7.2(9);
(fff) subrule 7.3(2);
(ggg) subrule 7.3A(1);
(hhh) subrule 7.6(1);
(iii) subrule 7.8A(1);
(jjj) subrule 7.8A(2);
(kkk) subrule 7.10A(1);
(lll) subrule 7.14(1);
(mmm) subrule 7.14(2);
(nnn) subrule 7.16(1);
(ooo) subrule 9.6(4);
(ppp) subrule 9.7(3).

Note: Subrules 2.5(2), 3.5(2), 4.7(3), 5.25(3), 5.25(5), 5.34(4), 9.3(1), 9.3(2), 9.3(2A), 9.3(5), 9.4(1)), 9.4(2) 9.4(2A), 9.4(3), 9.5(4), 9.5(5) and 9.5(6) are also civil penalty provisions within the meaning of the Regulatory Powers Act.

Schedule 1—Default conditions on accreditations

Part 1—Preliminary

1.1 Purpose of Schedule

This Schedule sets out the default conditions on accreditations, for rule 5.9 of these rules.

Part 2—Default conditions on accreditations

2.1 Ongoing reporting obligation on accredited persons

(1) In this clause:

ASAE followed by a number means the standard with that number issued by the Auditing and Assurance Standards Board of the Australian Government (AUASB).

approved means approved for the purposes of this clause in guidelines issued by the Data Recipient Accreditor.

assurance report means a report that:

(a) is made in accordance with:

(i) ASAE 3150; or

(ii) an approved standard, report or framework; and

Note: See the *CDR Accreditation Guidelines*, which could in 2020 be downloaded from the Commission's website (https://wwwaccc.gov.au).

ASAE 3150 could in 2020 be downloaded from the Auditing and Assurance Standards Board's website (https://www.auasb.gov.au/admin/file/content102/c3/Jan15_ASAE_3150_Assurance_Engagements_on_Controls.pdf).

(b) does not include the information that must be provided in an attestation statement.

attestation statement means a statement in the form of a responsible party's statement on controls and system description that is made in accordance with ASAE 3150.

Attestation statements

(2) The accredited person must provide an attestation statement to the Data Recipient Accreditor within 3 months after the end of:

(a) the first reporting period; and

(b) every second reporting period thereafter;

that covers the reporting period.

Assurance reports

(3) The accredited person must provide an assurance report to the Data Recipient Accreditor within 3 months after the end of:

(a) the reporting period after the first reporting period; and

(b) every second reporting period thereafter;

that covers the reporting period.

Reporting periods

(4) For this clause, subject to subclause (5), a ***reporting period*** for an accredited person is either a financial year or a calendar year, as determined for the accredited person by the Data Recipient Accreditor.

(5) However the ***first*** reporting period for an accredited person is taken to be the period that:

(a) if the accreditation decision takes effect within 3 months before the end of a reporting period—starts on the day the accreditation takes effect and ends on the last day of the following reporting period; and

(b) otherwise—starts on the day the accreditation decision takes effect and ends on the last day of that reporting period.

Example 1: For paragraph (a) if an accreditation decision takes effect on 30 May 2022, the first reporting period starts on 30 May 2022 and ends on 30 June 2023.

Example 2: For paragraph (b) if an accreditation decision takes effect on 1 January 2023, the first reporting period starts on 1 January 2023 and ends on 30 June 2023.

Schedule 2—Steps for privacy safeguard 12—security of CDR data held by accredited data recipients

Part 1—Steps for privacy safeguard 12

1.1 Purpose of Part

This Part sets out steps for the purpose of subsection 56EO(1) of the Act, which relate to privacy safeguard 12 (see rule 7.11 and paragraph 5.12(1)(a) of these rules).

Note: An accredited data recipient must take the steps set out in this Schedule to protect CDR data from misuse, interference and loss, and unauthorised access, modification or disclosure, under subsection 56EO(1) of the Act. Subsection 56EO(1) is a civil penalty provision (see section 56EU of the Act).

1.2 Interpretation

In this Schedule:

CDR data environment means the information technology systems used for, and processes that relate to, the management of CDR data.

information security capability, of an accredited data recipient:

(a) means the accredited data recipient's ability to manage the security of its CDR data environment in practice through the implementation and operation of processes and controls; and

(b) includes the accredited data recipient being able to allocate adequate budget and resources, and provide for management oversight.

senior management, of an accredited data recipient that is a body corporate, means:

(a) the accredited data recipient's directors; and

(b) any person who is an associated person, within the meaning of paragraph (a) of the definition of that term, of the accredited data recipient.

1.3 Step 1—Define and implement security governance in relation to CDR data

(1) An accredited data recipient of CDR data must establish a formal governance framework for managing information security risks relating to CDR data setting out the policies, processes, roles and responsibilities required to facilitate the oversight and management of information security.

(2) The accredited data recipient must clearly document its practices and procedures relating to information security and management of CDR data, including the specific responsibilities of senior management.

(3) The accredited data recipient must have and maintain an information security policy that details:

(a) its information security risk posture setting out the exposure and potential for harm to the accredited data recipient's information assets, including CDR data that it holds, from security threats; and

(b) how its information security practices and procedures, and its information security controls, are designed, implemented and operated to mitigate those risks.

(4) The accredited data recipient must review and update the framework for appropriateness:

(a) in response to material changes to both the extent and nature of threats to its CDR data environment and its operating environment; or

(b) where no such material changes occur—at least annually.

1.4 Step 2—Define the boundaries of the CDR data environment

(1) An accredited data recipient must assess, define and document the boundaries of its CDR data environment.

(2) The accredited data recipient must review the boundaries of its CDR data environment for completeness and accuracy:

(a) as soon as practicable when it becomes aware of material changes to the extent and nature of threats to its CDR data environment; or

(b) where no such material changes occur—at least annually.

1.5 Step 3—Have and maintain an information security capability

(1) The accredited data recipient must have and maintain an information security capability that:

(a) complies with the information security controls specified in Part 2 of this Schedule; and

(b) is appropriate and adapted to respond to risks to information security, having regard to:

(i) the extent and nature of threats to CDR data that it holds; and

(ii) the extent and nature of CDR data that it holds; and

(iii) the potential loss or damage to one or more CDR consumers if all or part of the consumer's data were to be:

(A) misused, interfered with or lost; or

(B) accessed, modified or disclosed without authorisation.

(2) The accredited data recipient must review and adjust its information security capability:

(a) in response to material changes to both the nature and extent of threats and its CDR data environment; or

(b) where no such material changes occur—at least annually.

1.6 Step 4—Implement a formal controls assessment program

(1) An accredited data recipient must establish and implement a testing program to review and assess the effectiveness of its information security capability which:
  (a) is appropriate having regard to the factors set out in paragraph 1.5(1)(b); and
  (b) requires testing at a frequency, and to an extent, that is appropriate having regard to:
    (i) the rate at which vulnerabilities and threats change; and
    (ii) material changes to the boundaries of its CDR data environment; and
    (iii) the likelihood of failure of controls having regard to the results of previous testing.

(2) The accredited data recipient must monitor and evaluate the design, implementation and operating effectiveness of its security controls relating to the management of CDR data in accordance with its obligations under Part IVD of the Act and these rules, and having regard to the information security controls in Part 2 of this Schedule.

(3) The accredited data recipient must escalate and report to senior management the results of any testing that identifies design, implementation or operational deficiencies in information security controls relevant to its CDR data environment.

(4) The accredited data recipient must ensure that testing is conducted by appropriately skilled persons who are independent from the performance of controls over the CDR data environment.

(5) The accredited data recipient must review the sufficiency of its testing program referred to in subclause (1):
  (a) when there is a material change to the nature and extent of threats to its CDR data environment or to the boundaries of its CDR data environment—as soon as practicable; or
  (b) where no such material changes occur—at least annually.

1.7 Step 5—Manage and report security incidents

(1) An accredited data recipient must have procedures and practices in place to detect, record, and respond to information security incidents as soon as practicable.

(2) The accredited data recipient must create and maintain plans to respond to information security incidents that it considers could plausibly occur (***CDR data security response plans***).

(3) The accredited data recipient's CDR data security response plans must include procedures for:
  (a) managing all relevant stages of an incident, from detection to post-incident review; and

(b) notifying CDR data security breaches to the Information Commissioner and to CDR consumers as required under Part IIIC of the *Privacy Act 1988*; and

(c) notifying information security incidents to the Australian Cyber Security Centre as soon as practicable and in any case no later than 30 days after the accredited data recipient becomes aware of the security incident.

Note: For paragraph (3)(b), see section 56ES of the Act for the extended application of Part IIIC of the *Privacy Act 1988*.

(4) The accredited data recipient must review and test its CDR data security response plans:

(a) when there is a material change to the nature and extent of threats to its CDR data environment or to the boundaries of its CDR data environment—as soon as practicable; and

(b) where no such material changes occur—at least annually.

(5) In this clause:

Australian Cyber Security Centre means the cyber security function within the Australian Signals Directorate.

Part 2—Minimum information security controls

2.1 Purpose of Part

This Part sets out the information security controls, for the purpose of paragraph 1.5(1)(a) of this Schedule.

2.2 Information security controls

The information security controls are set out in the following table:

	Control requirements		Minimum controls	Description of minimum controls
(1)	An accredited data recipient must have processes in place to limit the risk of inappropriate or unauthorised access to its CDR data environment.	(a)	Multi-factor authentication or equivalent control	Multi-factor authentication or equivalent control is required for all access to CDR data. Note: This minimum control does not apply to access to CDR data by CDR consumers.
		(b)	Restrict administrative privileges	Administrative privileges are granted only on an as needs basis for users to perform their duties and only for the period they are required for. Privileges granted on an ongoing basis are regularly reviewed to confirm their ongoing need.
		(c)	Audit logging and monitoring	Critical events are identified, logged and retained to help ensure traceability and accountability of actions. These logs are reviewed regularly to identify irregularities and deviations from expected processing.

	Control requirements		Minimum controls	Description of minimum controls
				Note: In relation to retention, see paragraph 9.3(2)(l) of these rules.
		(d)	Access security	Processes, including automatic processes, are implemented to limit unauthorised access to the CDR data environment. At the minimum these include: (a) provision and timely revocation for users who no longer need access; and (b) monitoring and review of the appropriateness of user access privileges on at least a quarterly basis.
		(e)	Limit physical access	Physical access to facilities where CDR data is stored, hosted or accessed (including server rooms, communications rooms, and premises of business operation) is restricted to authorised individuals.
		(f)	Role based access	Role-based access is implemented to limit user access rights to only that necessary for personnel to perform their assigned responsibilities. Role-based access is assigned in accordance with the principle of least necessary privileges and segregation of duties.
		(g)	Unique IDs	Use of generic, shared and/or default accounts is restricted to those necessary to run a service or a system. Where generic, shared and/or default accounts are used, actions performed using these accounts are monitored and logs are retained. Note: In relation to retention, see paragraph 9.3(2)(l) of these rules.

Schedule 2—Steps for privacy safeguard 12—security of CDR data held by accredited data recipients

	Control requirements		Minimum controls	Description of minimum controls
		(h)	Password authentication	Strong authentication mechanisms are enforced prior to allowing users to access systems within the CDR data environment, including, but not limited to, general security requirements relating to password complexity, account lockout, password history, and password ageing.
		(i)	Encryption in transit	Implement robust network security controls to help protect data in transit, including: encrypting data in transit and authenticating access to data in accordance with the data standards (if any) and industry best practice, implementing processes to audit data access and use, and implementing processes to verify the identity of communications.
(2)	An accredited data recipient of CDR data must take steps to secure their network and systems within the CDR data environment.	(a)	Encryption	Encryption methods are utilised to secure CDR data at rest by encrypting file systems, end-user devices, portable storage media and backup media. Cryptographic keys are securely stored, backed-up and retained. Appropriate user authentication controls (consistent with control requirement 1) are in place for access to encryption solutions and cryptographic keys.
		(b)	Firewalls	Firewalls are used to limit traffic from untrusted sources. This could be achieved by implementing a combination of strategies including, but not limited to: (a) restricting all access from untrusted networks; and (b) denying all traffic aside from necessary protocols; and (c) restricting access to configuring firewalls, and review

	Control requirements		Minimum controls	Description of minimum controls
				configurations on a regular basis.
		(c)	Server hardening	Processes are in place to harden servers running applications, databases and operating systems in accordance with accepted industry standards.
		(d)	End-user devices	End-user devices, including bring-your-own-device (BYOD) systems, are hardened in accordance with accepted industry standards.
		(e)	Data Segregation	CDR data that is stored or hosted on behalf of an accredited data recipient or CDR representative is segregated from other CDR data to ensure it is accessible only by the accredited data recipient for whom consent was given and remains directly attributable to that accredited data recipient.
(3)	An accredited data recipient must securely manage information assets within the CDR data environment over their lifecycle.	(a)	Data loss prevention	Data loss and leakage prevention mechanisms are implemented to prevent data leaving the CDR data environment, including, but not limited to: (a) blocking access to unapproved cloud computing services; and (b) logging and monitoring the recipient, file size and frequency of outbound emails; and (c) email filtering and blocking methods that block emails with CDR data in text and attachments; and (d) blocking data write access to portable storage media.

Schedule 2—Steps for privacy safeguard 12—security of CDR data held by accredited data recipients

	Control requirements		Minimum controls	Description of minimum controls
		(b)	CDR data in non-production environments	CDR data is secured from unauthorised access by masking data, prior to being made available in non-production environments.
		(c)	Information asset lifecycle (as it relates to CDR data)	The accredited data recipient must document and implement processes that relate to the management of CDR data over its lifecycle, including an information classification and handling policy (which must address the confidentiality and sensitivity of CDR data) and processes relating to CDR data backup, retention, and, in accordance with rules 7.12 and 7.13, deletion and de-identification.
(4)	An accredited data recipient must implement a formal vulnerability management program to identify, track and remediate vulnerabilities within the CDR data environment in a timely manner.	(a)	Security patching	A formal program is implemented for identifying, assessing the risk of and applying security patches to applications and operating as soon as practicable.
		(b)	Secure coding	Changes to the accredited data recipient's systems (including its CDR data environment) are designed and developed consistent with industry accepted secure coding practices, and are appropriately tested prior to release into the production environment.
		(c)	Vulnerability management	A formal vulnerability management program is designed and implemented, which includes regular vulnerability scanning and penetration testing on systems within the CDR data environment.
(5)	An accredited data recipient must take steps to limit prevent, detect	(a)	Anti-malware anti-virus	Anti-virus and anti-malware solutions are implemented on endpoint devices and on servers to detect and remove malware from the CDR data environment and are updated on a regular basis. End-user

	Control requirements		Minimum controls	Description of minimum controls
	and remove malware in regards to their CDR data environment.			systems are updated with the latest virus definitions when they connect to the network. Reports or dashboards highlighting compliance metrics are regularly generated and monitored, and non-compliant items are actioned as soon as practicable.
		(b)	Web and email content filtering	Solutions are implemented to identify, quarantine and block suspicious content arising from email and the web.
		(c)	Application whitelisting	Download of executables and installation of software on infrastructure and end-user devices (including on BYOD devices) is restricted to authorised software only.
(6)	An accredited data recipient must implement a formal information security training and awareness program for all personnel interacting with CDR data.	(a)	Security training and awareness	All users undergo mandatory security and privacy training prior to interacting with the CDR data environment, with 'refresher courses' provided at least annually.
		(b)	Acceptable use of technology	A policy relating to the CDR data environment is created, implemented, communicated and agreed to by all personnel prior to being able to access the CDR data environment. This policy sets out the responsibilities of these personnel in interacting with the CDR data environment and is regularly made aware to personnel.
		(c)	Human resource security	Background checks are performed on all personnel prior to being able to access the CDR data environment. These may include, but are not limited to, reference checks and police checks.

Schedule 3—Provisions relevant to the banking sector

Part 1—Preliminary

1.1 Simplified outline of this Schedule

This Schedule deals with how these rules apply in relation to the banking sector.

Some defined terms apply only in relation to the banking sector. These are defined in Part 1 of this Schedule.

Part 2 of this Schedule deals with eligible CDR consumers in relation to the banking sector.

Part 3 of this Schedule deals with CDR data that can or must be disclosed when product data requests and consumer data requests are made in relation to the banking sector.

Part 5 of this Schedule deals with internal dispute resolution requirements in relation to the banking sector.

Part 6 of these rules deals with the staged application of these rules to the banking sector. Over time, as set out in this Part, these rules will apply to a progressively broader range of data holders within the banking sector, and to a progressively broader range of banking products.

Part 7 deals with provisions of these rules that apply differently in relation to the banking sector.

1.2 Interpretation

In this Schedule:

account data has the meaning given by clause 1.3 of this Schedule.

accredited ADI has the meaning given by clause 6.2 of this Schedule.

any other relevant ADI has the meaning given by clause 6.2 of this Schedule.

associate has the meaning given by the banking sector designation instrument.

banking business has the meaning given by the banking sector designation instrument.

banking sector means the sector of the Australian economy that is designated by the banking sector designation instrument.

banking sector designation instrument means the *Consumer Data Right (Authorised Deposit-Taking Institutions) Designation 2019* as in force from time to time.

customer data has the meaning given by clause 1.3 of this Schedule.

foreign ADI has the meaning given by the *Banking Act 1959*.

initial data holder has the meaning given by clause 6.2 of this Schedule.

phase 1 product has the meaning given by clause 1.4 of this Schedule.

phase 2 product has the meaning given by clause 1.4 of this Schedule.

phase 3 product has the meaning given by clause 1.4 of this Schedule.

product has the meaning given by the banking sector designation instrument.

product specific data has the meaning given by clause 1.3 of this Schedule.

transaction data has the meaning given by clause 1.3 of this Schedule.

1.3 Meaning of *customer data*, *account data*, *transaction data* and *product specific data*

For this Schedule, a term listed in column 1 of the table has the meaning given by column 2.

Meaning of *customer data*, *account data*, *transaction data* and *product specific data*

	Column 1	Column 2
1	***customer data***, in relation to a particular person	(a) means information that identifies or is about the person; and (b) includes: (i) the person's name; and (ii) the person's contact details, including their: (A) telephone number; and (B) email address; and (C) physical address; and (iii) any information that: (A) the person provided at the time of acquiring a particular product; and (B) relates to their eligibility to acquire that product; and (iv) if the person operates a business—the following: (A) the person's business name; (B) the person's ABN (within the meaning of the *A New Tax System (Australian Business Number) Act 1999*); (C) the person's ACN (within the meaning of the *Corporations Act 2001*); (D) the type of business; (E) the date the business was established; (F) the registration date; (G) the organisation type; (H) the country of registration; (I) whether the business is a charitable or not-for-profit organisation; and (c) if the person is an individual—does not include the person's date of

Meaning of *customer data*, *account data*, *transaction data* and *product specific data*		
	Column 1	**Column 2**
		birth.
2	***account data***, in relation to a particular account	(a) means information that identifies or is about the operation of the account; and (b) includes: (i) the account number, other than to the extent that an account number is masked (whether as required by law or in accordance with any applicable standard or industry practice); and (ii) the account name; and (iii) account balances; and (iv) any authorisations on the account, including: (A) direct debit deductions, including, to the extent available: (I) identifying information for the merchant or party that has debited the account; and (II) the amount the merchant or party has debited on the last occasion; and (III) the date the merchant or party has debited the account; and (B) scheduled payments (for example, regular payments, payments to billers and international payments); and (C) details of payees stored with the account, such as those entered by the customer in a payee address book.
3	***transaction data***, in relation to a particular transaction	(a) means information that identifies or describes the characteristics of the transaction; and (b) includes: (i) the date on which the transaction occurred; and (ii) any identifier for the counter-party to the transaction; and (iii) if the counter-party is a merchant—any information that was provided by the merchant in relation to the transaction; and (iv) the amount debited or credited pursuant to the transaction; and (v) any description of the transaction; and (vi) the "simple categorisation" of the transaction (for example, whether the transaction is a debit, a credit, a fee or interest).
4	***product specific data***, in relation to a particular product	(a) means information that identifies or describes the characteristics of the product; and (b) includes the following data about the product: (i) its type; (ii) its name; (iii) its price, including fees, charges and interest rates

Meaning of *customer data*, *account data*, *transaction data* and *product specific data*	
Column 1	**Column 2**
	(however described); (iv) associated features and benefits, including discounts and bundles; (v) associated terms and conditions; (vi) customer eligibility requirements.

1.4 Meaning of *phase 1 product*, *phase 2 product* and *phase 3 product*

For this Schedule, the table has effect:

Meaning of *phase 1 product*, *phase 2 product* and *phase 3 product*		
	The following term:	**means a product that is publicly offered and is generally known as being of any of the following types:**
1	***phase 1 product***	(a) a savings account; (b) a call account; (c) a term deposit; (d) a current account; (e) a cheque account; (f) a debit card account; (g) a transaction account; (h) a personal basic account; (i) a GST or tax account; (j) a personal credit or charge card account; (k) a business credit or charge card account.
2	***phase 2 product***	(a) a residential home loan; (b) a home loan for an investment property; (c) a mortgage offset account; (d) a personal loan.
3	***phase 3 product***	(a) business finance; (b) a loan for an investment; (c) a line of credit (personal); (d) a line of credit (business); (e) an overdraft (personal); (f) an overdraft (business); (g) asset finance (including leases); (h) a cash management account; (i) a farm management account; (j) a pensioner deeming account;

Meaning of *phase 1 product*, *phase 2 product* and *phase 3 product*	
The following term:	**means a product that is publicly offered and is generally known as being of any of the following types:**
	(k) a retirement savings account; (l) a trust account; (m) a foreign currency account; (n) a consumer lease.

Part 2—Eligible CDR consumers—banking sector

2.1 Meaning of *eligible*—banking sector

(1) This clause is made for the purposes of the definition of ***eligible*** in subrule 1.7(1) of these rules.

(2) For the banking sector, in relation to a particular data holder at a particular time, a CDR consumer is ***eligible*** if, at that time, the CDR consumer:
  (a) is either:
    (i) an individual who is 18 years of age or older; or
    (ii) a person who is not an individual; and
  (b) is an account holder or a secondary user for an account with the data holder that:
    (i) is open; and
    (ii) is set up in such a way that it can be accessed online by the CDR consumer.

(3) For the banking sector, in relation to a particular data holder at a particular time, a CDR consumer is also ***eligible*** if, at that time:
  (a) the CDR consumer is a partner in a partnership for which there is a partnership account with the data holder; and
  (b) the partnership account:
    (i) is open; and
    (ii) is set up in such a way that it can be accessed online.

2.2 Meaning of *account privileges*—banking sector

(1) This clause is made for the purposes of the definition of ***account privileges*** in subrule 1.7(1) of these rules.

(2) For the banking sector, a person has account privileges in relation to an account with a data holder if:
  (a) the account is for a phase 1, a phase 2 or a phase 3 product; and
  (b) the person is able to make transactions on the account.

Part 3—CDR data that may be accessed under these rules—banking sector

3.1A Application of Part

This Part applies in relation to:

(a) phase 1 products; and

(b) phase 2 products; and

(c) phase 3 products.

Note: See Part 6 of this Schedule for the staged application of these rules to the banking sector. CDR data relating to different phase products will become available at different times, in accordance with that Part.

3.1 Meaning of *required product data* and *voluntary product data*—banking sector

(1) For these rules, ***required product data***, in relation to the banking sector, means CDR data for which there are no CDR consumers:

(a) that is within a class of information specified in the banking sector designation instrument; and

(b) that is about the eligibility criteria, terms and conditions, price, availability or performance of a product; and

(c) in the case where the CDR data is about availability or performance—that is publicly available; and

(d) that is product specific data about a product; and

(e) that is held in a digital form.

Note: Paragraphs (b) and (c) are based on subsection 56BF(1) of the Act.

(2) For these rules, ***voluntary product data***, in relation to the banking sector, means CDR data for which there are no CDR consumers:

(a) that is within a class of information specified in the banking sector designation instrument; and

(b) that is product specific data about a product; and

(c) that is not required product data.

3.2 Meaning of *required consumer data* and *voluntary consumer data*—banking sector

(1) For these rules, subject to this clause, ***required consumer data,*** in relation to the banking sector, means CDR data for which there are one or more CDR consumers:

(a) that is within a class of information specified in the banking sector designation instrument; and

(b) that is:

(i) customer data in relation to a CDR consumer; or

(ii) account data in relation to an account of any of the following types (whether or not the account can be accessed online, and, subject to subclauses (4) and (5), whether or not open):
(A) an account held by a CDR consumer in their name alone;
(B) a joint account;
(C) a partnership account; or
(iii) transaction data in relation to a transaction on any such account; or
(iv) product specific data in relation to a product that a CDR consumer uses and that relates to any such account; and
(c) that is held by the data holder in a digital form.

Note 1: For sub-subparagraph (b)(ii)(B), consumer data requests cannot be made under these rules in relation to any other kinds of joint accounts.

Note 2: For subparagraph (b)(iv), for a consumer data request, product specific data could include the following:
- any product prices that were negotiated individually with a CDR consumer;
- the interest rates that are current at the time of the request, as well as any other interest rates applicable to the product, and any terms and conditions associated with those interest rates;
- any features and benefits negotiated individually with a CDR consumer.

Note 3: So long as the CDR consumer is eligible to make a consumer data request in relation to a particular data holder, they will be able to make or cause to be made a consumer data request that relates to any account they have with the data holder, including closed accounts (subject to subclauses (4) and (5)) or accounts that cannot be accessed online.

Note 4: A person is not a data holder of CDR data that was held by or on behalf of them before the earliest holding day (see paragraph 56AJ(1)(b) of the Act). Accordingly, such data cannot be requested under these rules.

(2) For these rules, subject to this clause, CDR data is ***voluntary consumer data*** in relation to the banking sector if:
(a) there is a CDR consumer for the CDR data; and
(b) the CDR data is not required consumer data.

(3) For this clause:
(a) CDR data is neither ***required consumer data*** nor ***voluntary consumer data*** at a particular time if the data is:
(i) account data in relation to an account that is not any of the following:
(A) an account held in the name of a single person;
(B) a joint account;
(C) a partnership account; or
(ii) account data in relation to a joint account or partnership account for which any of the individuals who are account holders is less than 18 years of age at that time; or
(iv) transaction data in relation to a transaction on any such account; or
(v) product specific data in relation to a product relating to any such account; and
(b) for a consumer data request made by or on behalf of a particular person, customer data in relation to any account holder or secondary user other

than that person is neither ***required consumer data*** nor ***voluntary consumer data***.

Exception to ***required consumer data*****—***open accounts*

(4) Despite subclause (1), for an account that is open at a particular time, the following CDR data is not ***required consumer data*** at that time:

(a) transaction data in relation to a transaction that occurred more than 7 years before that time;

(b) account data that relates to an authorisation on an account for a direct debit deduction that occurred more than 13 months before that time.

Note: As a result, such CDR data would be ***voluntary consumer data***.

Exception to ***required consumer data*****—***closed accounts*

(5) Despite subclause (1), for an account that is closed at a particular time, the following CDR data is not ***required consumer data*** at that time:

(a) account data that relates to an authorisation on an account for direct debit deductions;

(b) where the account was closed no more than 24 months before that time—transaction data in relation to a transaction that occurred more than 12 months before the account was closed;

(c) where the account was closed more than 24 months before that time:

(i) account data that relates to the account; and

(ii) transaction data that relates to any transaction on the account; and

(iii) product specific data in relation to a product relating to any such account.

Note: As a result, such CDR data would be ***voluntary consumer data***.

Part 5—Internal dispute resolution—banking sector

Note: See the definition of "meets the internal dispute resolution requirements" in subrule 1.7(1) of these rules, paragraph 5.12(b) of these rules, and rule 6.1 of these rules.

5.1 Internal dispute resolution—banking sector

(1) For the banking sector, a CDR participant ***meets the internal dispute resolution requirements*** if its internal dispute resolution processes comply with provisions of Regulatory Guide 165 that deal with the following:

(a) guiding principles or standards that its internal dispute resolution procedures or processes must meet regarding the following:

(i) commitment and culture;

(ii) the enabling of complaints;

(iii) resourcing;

(iv) responsiveness;

(v) objectivity;

(vi) fairness;

(vii) complaint data collection or recording;

(viii) internal reporting and analysis of complaint data;

(b) outsourcing internal dispute resolution procedures;

(c) the manner in which, and timeframes within which, it should acknowledge, respond to and seek to resolve complaints;

(d) multi-tiered internal dispute resolution procedures;

(e) tailoring internal dispute resolution procedures to its business;

(f) documenting internal facing internal dispute resolution processes, policies and/or procedures;

(g) establishing appropriate links between internal dispute resolution and external dispute resolution;

as if references in Regulatory Guide 165 to:

(h) complaints or disputes were references to CDR consumer complaints; and

(i) financial firms and financial service providers were references to CDR participants.

(2) In this clause:

Regulatory Guide 165 means Regulatory Guide 165 published by the Australian Securities & Investments Commission, as in force from time to time.

Note: Regulatory Guide 165 could in 2020 be accessed from the Australian Securities & Investments Commission's website (https://asic.gov.au).

Part 6—Staged application of these rules to the banking sector

Division 6.1—Preliminary

6.1 Interpretation

In this Part:

commencement table has the meaning given by clause 6.6.

Phase 1 means phase 1 product.

Phase 2 means phase 2 product.

6.2 Meaning of *initial data holder*, *accredited ADI*, *any other relevant ADI* and *accredited non-ADI*

For this Part, a term listed in column 1 of the table has the meaning given by column 2.

Meaning of *initial data holder*, *accredited ADI*, *any other relevant ADI* and *accredited non-ADI*

	Column 1	Column 2
1	***initial data holder***	Any of the following ADIs: (a) Australia and New Zealand Banking Group Limited (ANZ); (b) Commonwealth Bank of Australia (CBA); (c) National Australia Bank Limited (NAB); (d) Westpac Banking Corporation (Westpac).
2	***accredited ADI***	An ADI that: (a) is an accredited person; and (b) is not: (i) an initial data holder; or (ii) a foreign ADI; or (iii) a foreign branch of a domestic bank. Note: A restricted ADI could be an "accredited ADI". However, a restricted ADI could not be an "initial data holder", a "voluntarily participating ADI" or "any other relevant ADI".
4	***any other relevant ADI***	An ADI that is not: (a) an initial data holder; or (c) an accredited ADI; or (d) a foreign ADI; or (e) a foreign bank branch of a domestic bank; or

Meaning of *initial data holder*, *accredited ADI*, *any other relevant ADI* and *accredited non-ADI*		
	Column 1	**Column 2**
		(f) a restricted ADI.
5	***accredited non-ADI***	An accredited person that is: (a) a data holder; but (b) not an ADI.

Division 6.2—Staged application of rules

6.4 Staged application of rules—requirement to disclose CDR data

(1) This clause applies if:
  (a) a product data request or a consumer data request is made to a data holder of a kind referred to in column 1 of the commencement table; and
  (b) the request is made under a Part of these rules referred to in column 2 of the commencement table; and
  (c) the request is made after the commencement of these rules and during a period referred to in any of the other columns of the commencement table.

(2) Despite clause 3.1A of this Schedule, for the request, Part 3 of this Schedule applies in relation to the kinds of product referred to in the relevant cell of the commencement table.

(3) Where a table cell includes the term ***JAE*** (for "joint accounts excepted"), despite these rules, the data holder is not required to disclose required consumer data about a product that relates to joint accounts.

(4) Where a table cell includes the term ***CODE*** (for "certain other data excepted"), despite these rules, the data holder is not required to disclose required consumer data about a phase 1 product that:
  (a) relates to any of the following:
    (i) closed accounts;
    (ii) direct debits;
    (iii) scheduled payments;
    (iv) payees; or
  (b) is "get account detail" or "get customer detail" data within the meaning of the data standards.

6.5 Authorisation to disclose CDR data before required to do so

(1) This clause applies if:
  (a) a request for disclosure of CDR data has been made in accordance with Part 2, Part 3 or Part 4 of these rules (the ***relevant data request Part***); and
  (b) the requested CDR data is any of the following:
    (i) required product data;
    (ii) voluntary product data;
    (iii) required consumer data;
    (iv) voluntary consumer data; and
  (c) the requested CDR data includes some pre-application CDR data.

(2) For these rules, the data holder may disclose any or all of the pre-application CDR data in response to the request in accordance with the relevant data request Part.

(3) In this clause, ***pre-application CDR data*** means CDR data that, but for the operation of this Part, the data holder would be required or authorised by the relevant data request Part to disclose in response to the request.

6.6 Commencement table

(1) For this Part, the ***commencement table*** is:

Data holder	Data sharing obligations	Start date to 31 Jan 2021	1 Feb 2021 to 28 Feb 2021	1 Mar 2021 to 30 Jun 2021	1 Jul 2021 to 31 Oct 2021	1 Nov 2021 to 31 Jan 2022	1 Feb 2022 to 30 Jun 2022	1 Jul 2022 onward
Initial data holders (NAB, CBA, ANZ, Westpac branded products)	Part 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	Phase 1 Phase 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
Any other relevant ADI and initial data holders for non-primary brands	Part 2	Phase 1	Phase 1 Phase 2	Phase 1 Phase 2	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	-	-	-	Phase 1 JAE CODE	Phase 1 Phase 2 JAE	All product phases JAE	All product phases
Accredited ADI and accredited non-ADI (reciprocal data holder)	Part 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	-	-	Phase 1 JAE CODE	All product phases JAE	All product phases JAE	All product phases JAE	All product phases

6.7 Application of certain rules

(1) In this clause, the ***affected provisions*** are provisions of these rules that impose obligations on data holders in relation to:

(a) CDR consumers that are not individuals; or

(b) partnerships; or

(c) nominated representatives; or

(d) secondary users.

(2) The affected provisions apply in relation to initial data holders in respect of NAB, CBA, ANZ, Westpac branded products on and from 1 November 2021.

(3) Otherwise, the affected provisions apply in relation to data holders on and from 1 November 2022.

Part 7—Other rules, and modifications of these rules, for the banking sector

7.1 Laws relevant to the management of CDR data—banking sector

For paragraph (f) of the definition of "law relevant to the management of CDR data" in rule 1.7 of these rules, the *Australian Securities and Investments Commission Act 2001* is a law relevant to the management of CDR data in relation to the banking sector.

7.2 Conditions for accredited person to be data holder

(1) For paragraph 56AJ(4)(c) of the Act, this clause sets out conditions for a person that has collected CDR data in accordance with a consumer data request under Part 4 of these rules to be a data holder (rather than an accredited data recipient) of that CDR data and any CDR data that it directly or indirectly derived from that CDR data (together, the ***relevant*** CDR data**)**.

(2) The conditions are that:
- (a) the person is an ADI; and
- (b) the CDR consumer has acquired a product from the person; and
- (c) the person:
  - (i) reasonably believes that the relevant CDR data is relevant to its provision of the product to the CDR consumer; and
  - (ii) has asked the CDR consumer to agree to the person being a data holder, rather than an accredited data recipient, of the relevant CDR data; and
  - (iii) has explained to the CDR consumer:
    - (A) that, as a result, the privacy safeguards, to the extent that they apply to an accredited data recipient of CDR data, would no longer apply to the person in relation to the relevant CDR data; and
    - (B) the manner in which it proposes to treat the relevant CDR data; and
    - (C) why it is entitled to provide the CDR consumer with this option; and
  - (iv) has outlined the consequences, to the CDR consumer, of not agreeing to this; and
- (d) the CDR consumer has agreed to the person being a data holder, rather than an accredited data recipient, of the relevant CDR data.

Related modifications of these rules

(3) If a person becomes a data holder, rather than an accredited data recipient, of CDR data as a result of subsection 56AJ(4) of the Act and this clause:

(b) for paragraph 4.26(1)(h) of these rules, any authorisations to disclose CDR data in relation to the consumer data request expire; and

(c) if the person's accreditation has been surrendered or revoked, the following do not apply to the person in relation to that CDR data:

(i) subrule 5.23(2);

(ii) paragraph 5.23(3)(b).

7.3 Streamlined accreditation—banking sector

For paragraph 5.5(b) of these rules, for the banking sector, the criteria for streamlined accreditation are that the accreditation applicant:

(a) is an ADI; but

(b) is not a restricted ADI.

7.4 Exemptions to accreditation criteria—banking sector

(1) This clause sets out how the accreditation criteria operate in relation to the banking sector, for the purposes of rule 5.12 of these rules.

(2) An accredited person that:

(a) is an ADI; but

(b) is not a restricted ADI;

need not comply with paragraph 5.12(2)(b) of these rules.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Competition and Consumer (Consumer Data Right) Rules 2020	5 February 2020 (F2020L00094)	6 February 2020	—
Competition and Consumer (Consumer Data Right) Amendment Rules (No. 1) 2020	18 June 2020 (F2020L00757)	19 June 2020	—
Competition and Consumer (Consumer Data Right) Amendment Rules (No. 2) 2020	1 October 2020 (F2020L01278)	2 October 2020	—
Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020	22 December 2020 (F2020L01688)	23 December 2020	Schedule 1, item 105
Competition and Consumer (Consumer Data Right) Amendment Rules (No. 1) 2021	5 October 2021 (F2021L01392)	Sch 1: 1 February 2022 (s 2(1) item 2) Sch 2 and Sch 6 (items 1–3, 15, 18, 19): 19 October 2021 (s 2(1) items 3, 5) Remainder: 6 October 2021 (s 2(1) items 1, 4, 6, 7)	Schedule 7

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Division 1.1	
r 1.2	rep LA s 48D
Division 1.2	
r 1.4	am F2020L01688
r 1.6	am F2020L01278, F2020L01688; F2021L01392
Division 1.3	
r 1.7	am F2020L00757, F2020L01278, F2020L01688; F2021L01392 (Sch 1 item 2; Sch 2 items 1–3)
r 1.8	am F2020L01688
r 1.9	am F2020L01688
r 1.10	rs F2020L01278
	am F2021L01392
r 1.10AA	ad F2021L01392
r 1.10A	ad F2020L01688
	am F2021L01392 (Sch 2 item 5)
r 1.10C	ad F2021L01392
r 1.10D	ad F2021L01392
Division 1.4	
Subdivision 1.4.1	
r 1.11	am F2020L01688
Subdivision 1.4.2	
r 1.13	am F2020L00757, F2020L01688
Subdivision 1.4.3	
r 1.14	am F2020L01688; F2021L01392 (Sch 1 item 4; Sch 2 item 6)
r 1.15	rs F2020L01688
	am F2021L01392
Subdivision 1.4.4	
Subdivision 1.4.4 heading	am F2020L01688
r 1.16	rs F2020L01278
	am F2021L01392
	ed C4
r 1.16A	ad F2021L01392
Subdivision 1.4.5	
r 1.17	am F2021L01392
r 1.18	am F2020L01278, F2020L01688
Part 2	
r 2.3	am F2020L01688

Endnote 4—Amendment history

Provision affected	How affected
r 2.4	am F2020L01688
Part 3	
Division 3.1	
r 3.1	am F2021L01392
Division 3.2	
r 3.4	am F2021L01392
r 3.5	am F2020L00757; F2021L01392
Part 4	
Division 4.1	
Division 4.1	rs F2020L01688
r 4.1	am F2021L01392 (Sch 2 item 8)
Division 4.2	
Division 4.2 heading	am F2020L01688
Subdivision 4.2.1	
Subdivision 4.2.1	ad F2020L01688
Subdivision 4.2.2	
Subdivision 4.2.2 heading	ad F2020L01688
r 4.3	rs F2020L01688
	am F2021L01392
r 4.3A	ad F2021L01392
r 4.3B	ad F2021L01392
r 4.3C	ad F2021L01392
Subdivision 4.2.3	
Subdivision 4.2.3 heading	ad F2020L01688
r 4.4	rs F2020L01688
	am F2021L01392
r 4.5	am F2020L01688
r 4.6	am F2020L01688; F2021L01392
r 4.6A	ad F2020L01688
r 4.7	am F2020L00757; F2021L01392
Subdivision 4.2.4	
Subdivision 4.2.4	ad F2020L01688
r 4.7A	am F2021L01392
Division 4.3	
Division 4.3	rs F2020L01688
Subdivision 4.3.2	
r 4.10	am F2021L01392
r 4.11	am F2021L01392 (Sch 1 item 6; Sch 2 item 13)
Subdivision 4.3.4	
r 4.16	am F2021L01392

Endnote 4—Amendment history

Provision affected	How affected
Subdivision 4.3.5	
r 4.20A	ad F2021L01392
Division 4.4	
Division 4.4	rs F2020L01688
Part 4A	
Part 4A	ad F2021L01392
Division 4A.1	
r 4A.1	ad F2021L01392
r 4A.2	ad F2021L01392
r 4A.3	ad F2021L01392
Division 4A.2	
r 4A.4	ad F2021L01392
r 4A.5	ad F2021L01392
r 4A.6	ad F2021L01392
r 4A.7	ad F2021L01392
r 4A.8	ad F2021L01392
Division 4A.3	
Subdivision 4A.3.1	
r 4A.9	ad F2021L01392
Subdivision 4A.3.2	
r 4A.10	ad F2021L01392
r 4A.11	ad F2021L01392
r 4A.12	ad F2021L01392
r 4A.13	ad F2021L01392
r 4A.14	ad F2021L01392
r 4A.15	ad F2021L01392
Part 5	
Division 5.2	
Subdivision 5.2.1A	
Subdivision 5.2.1A	ad F2021L01392
r 5.1A	ad F2021L01392
r 5.1B	ad F2021L01392
Subdivision 5.2.1	
r 5.2	am F2021L01392
Subdivision 5.2.2	
r 5.5	am F2021L01392
r 5.10	am F2020L01688
Subdivision 5.2.3	
r 5.12	am F2020L01688; F2021L01392
r 5.14	am F2021L01392

Endnote 4—Amendment history

Provision affected	How affected
Subdivision 5.2.4	
r 5.16	am F2021L01392
r 5.17	am F2020L00757; F2021L01392
r 5.18	am F2020L00757; F2021L01392
Division 5.3	
r 5.24	am F2020L00757; F2021L01392
r 5.30	am F2020L00757
r 5.33	ad F2020L01688
r 5.34	ad F2020L01688
Part 7	
Division 7.2	
Subdivision 7.2.1	
r 7.2	am F2020L01278, F2020L01688; F2021L01392
r 7.3	am F2021L01392
r 7.3A	ad F2021L01392
Subdivision 7.2.2	
r 7.4	am F2020L01278, F2020L01688
	rs F2021L01392
Subdivision 7.2.3	
r 7.5	am F2020L01278, F2020L01688; F2021L01392 (Sch 1 item 27; Sch 2 item 19, 20)
	ed C4
r 7.5A	ad F2020L01688
	am F2021L01392
r 7.6	am F2020L01278; F2021L01392
r 7.8A	ad F2021L01392
r 7.9	am F2020L01278, F2020L01688; F2021L01392 (Sch 2 item 24)
Subdivision 7.2.4	
r 7.10	am F2020L01278, F2020L01688
r 7.10A	ad F2021L01392
r 7.11	am F2021L01392
r 7.12	am F2020L01278; F2021L01392
Subdivision 7.2.5	
r 7.16	ad F2021L01392
Part 8	
Division 8.4	
r 8.11	am F2020L01688; F2021L01392
Part 9	
Division 9.3	
Subdivision 9.3.1	
r 9.3	am F2020L01278, F2020L01688; F2021L01392 (Sch 1 item 29; Sch 2 item 30)

Endnote 4—Amendment history

Provision affected	How affected
r 9.4	am F2020L01688; F2021L01392 (Sch 1 items 30–32; Sch 2 items 31, 32)
r 9.5	am F2020L01688; F2021L01392
Subdivision 9.3.2	
r 9.7	am F2020L01688
Division 9.4	
r 9.8	am F2020L01278, F2020L01688
	rs F2021L01392
Schedule 1	
Part 2	
c 2.1	am F2020L01688; F2021L01392
c 2.2	ad F2021L01392
Schedule 2	
Part 1	
c 1.5	am F2021L01392
Part 2	
c 2.2	am F2020L00757, F2020L01278, F2021L01392
Schedule 3	
Part 1	
c 1.1	am F2021L01392
c 1.2	am F2020L01688; F2021L01392
c 1.3	am F2020L00757
Part 2	
c 2.1	am F2020L00757, F2020L01688
c 2.2	ad F2020L01688
Part 3	
c 3.2	am F2020L00757, F2020L01688
Part 4	rs F2020L01688
	rep F2021L01392
Part 6	
Division 6.1	
c 6.1	am F2020L01688
c 6.2	am F2020L01688
c 6.3	rep F2020L01688
Division 6.2	
c 6.4	am F2020L01688; F2021L01392
c 6.5	rs F2020L01688
c 6.6	rs F2020L01688; F2021L01392
c 6.7	ad F2020L01688
Part 7	
c 7.2	am F2020L01688

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Subrule 1.16(1) (note)

Kind of editorial change

Give effect to the misdescribed amendment as intended

Details of editorial change

Schedule 6 item 9 of the *Competition and Consumer (Consumer Data Right) Amendment Rules (No. 1) 2021* instructs to omit "rule" and insert "subrule" in the note to subrule 1.16(1).

The word "rule" appears twice in the note to subrule 1.16(1).

This compilation was editorially changed to omit the word "rule" (first occurring) and substitute the word "subrule" in the note to subrule 1.16(1) to give effect to the misdescribed amendment as intended.

Subrule 7.5(3)

Kind of editorial change

Give effect to the misdescribed amendment as intended

Details of editorial change

Schedule 6 item 17 of the *Competition and Consumer (Consumer Data Right) Amendment Rules (No. 1) 2021* instructs to insert "by an accredited data recipient" after "CDR consumer's data" in subrule 7.5(3).

The words "CDR consumer's data" do not appear in subrule 7.5(3). However, the words "CDR consumer's CDR data" do appear.

This compilation was editorially changed to insert "by an accredited data recipient" after "CDR consumer's CDR data" (first occurring) in subrule 7.5(3) to give effect to the misdescribed amendment as intended.