



Consumer  
Data Right

# ACCC Consumer Data Right Webinar

25 June 2020

[cdr.gov.au](https://cdr.gov.au)



# Agenda

- Welcome - ACCC Commissioner Sarah Court
- Introduction - Paul Franklin, Executive General Manager, Consumer Data Right Division, ACCC
- Rules: recent developments & next steps
- Introduction to accreditation
- Technical delivery: onboarding and ecosystem interactions
- Enforcement and compliance: Enforcement and Compliance policy and record keeping
- Questions and Answers

# Welcome

Data recipient-focussed webinar

Broad objectives of Consumer Data Right:

- Economy-wide reform leading to improved information flows and increased innovation
- Phased implementation: value propositions for consumers to evolve and increase in number over time
- Accreditation process key to building consumer trust
- Consumer Data Right ecosystem anchored by privacy and security protections

# Introduction to Consumer Data Right (CDR)

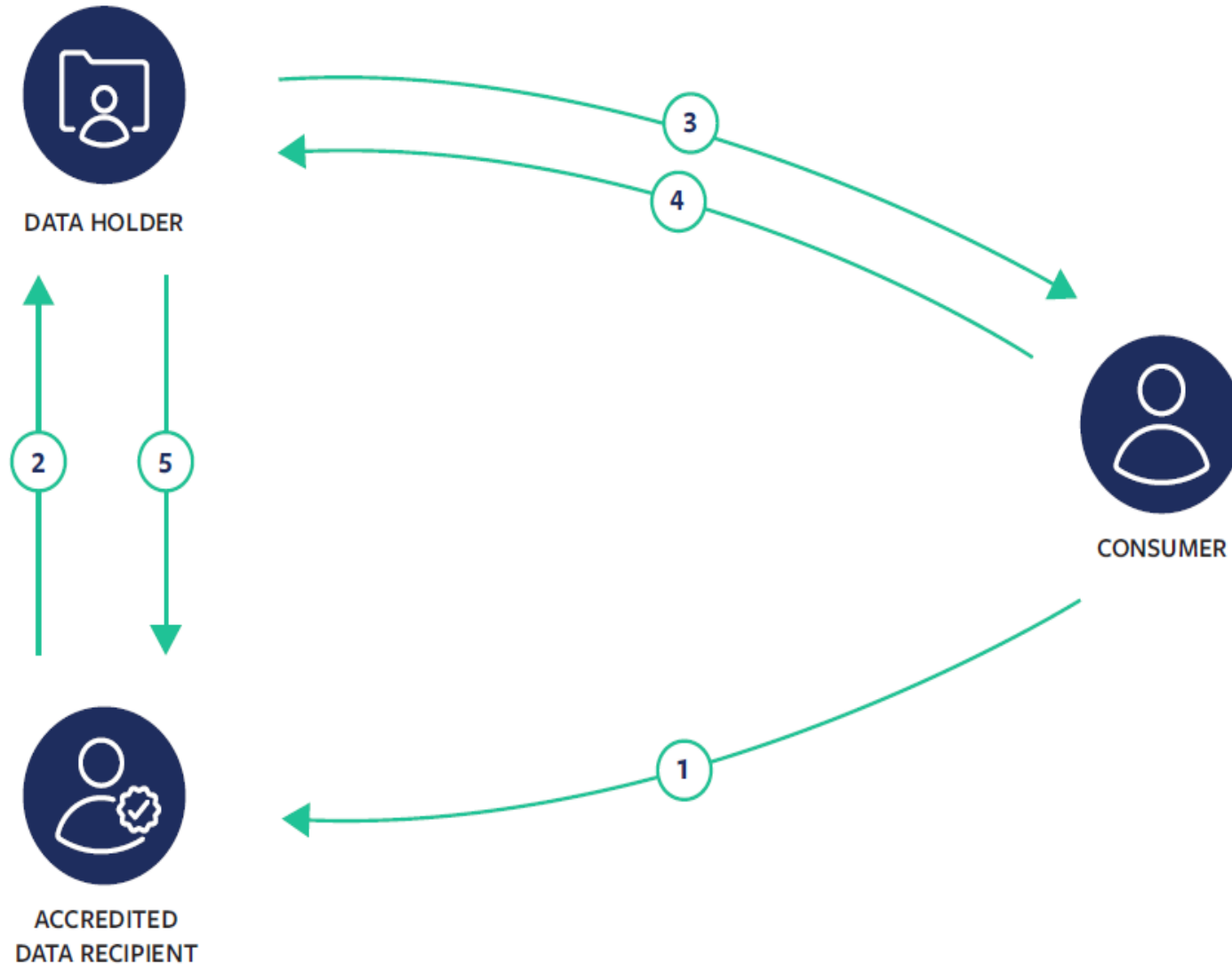
## Background:

- Legislation effective from 1 August 2019
- Banking first sector to be designated, with energy to follow
- Role of Accredited Data Recipient
- Sharing of product reference data from July 2019, with live consumer data sharing from July 2020

# Key principles

- Consumer benefit and protection focussed
- Fundamental role of consumer consent
- Economy-wide reform
- Closed system
- Strict security controls

# Consumer Data Right process



1. Consumer request to the Data Recipient
2. Request from Data Recipient to Data Holder
3. Data Holder authenticates customer
4. Customer authorises disclosure by Data Holder
5. Data is shared

# Regulatory framework

As the implementation agency for the Consumer Data Right, the ACCC has been given a number of roles including:

- recommending future sectors
- making the CDR Rules
- accrediting potential data recipients
- maintaining a Register of Accredited Persons
- educating the public about the Consumer Data Right
- compliance and enforcement of the CDR Rules

The Data Standards Body (DSB) is responsible for the development of data standards  
The Office of the Australian Information Commissioner (OAIC) is the Privacy regulator, and we work closely with the OAIC on compliance and enforcement issues.

# Testing and ‘Go-live’ strategy

- Strategy developed with data holders and data recipients as part of the ACCC’s testing process
- Aim is to introduce the ecosystem to consumers as quickly as possible, whilst appropriately managing risk:
  - ‘does it work?’ objective
  - ‘can we trust it?’ objective



# CDR Rules: recent developments & next steps

Brooke Watson, Director, Rules team

# CDR legislative framework

**CDR legislation:** sets out the CDR framework



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graph TD; A[CDR legislation: sets out the CDR framework] --> B[Designation instrument: designates the data holders and data types that are in scope]; B --> C[CDR rules: covers the detail of how the CDR operates]; C --> D[Technical standards: specifies how data needs to be provided to consumers and accredited data recipients]; D --> E[Guidance material: developed by the ACCC, OAIC and Data Standards Body];
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**Designation instrument:** designates the data holders and data types that are in scope

**CDR rules:** covers the detail of how the CDR operates

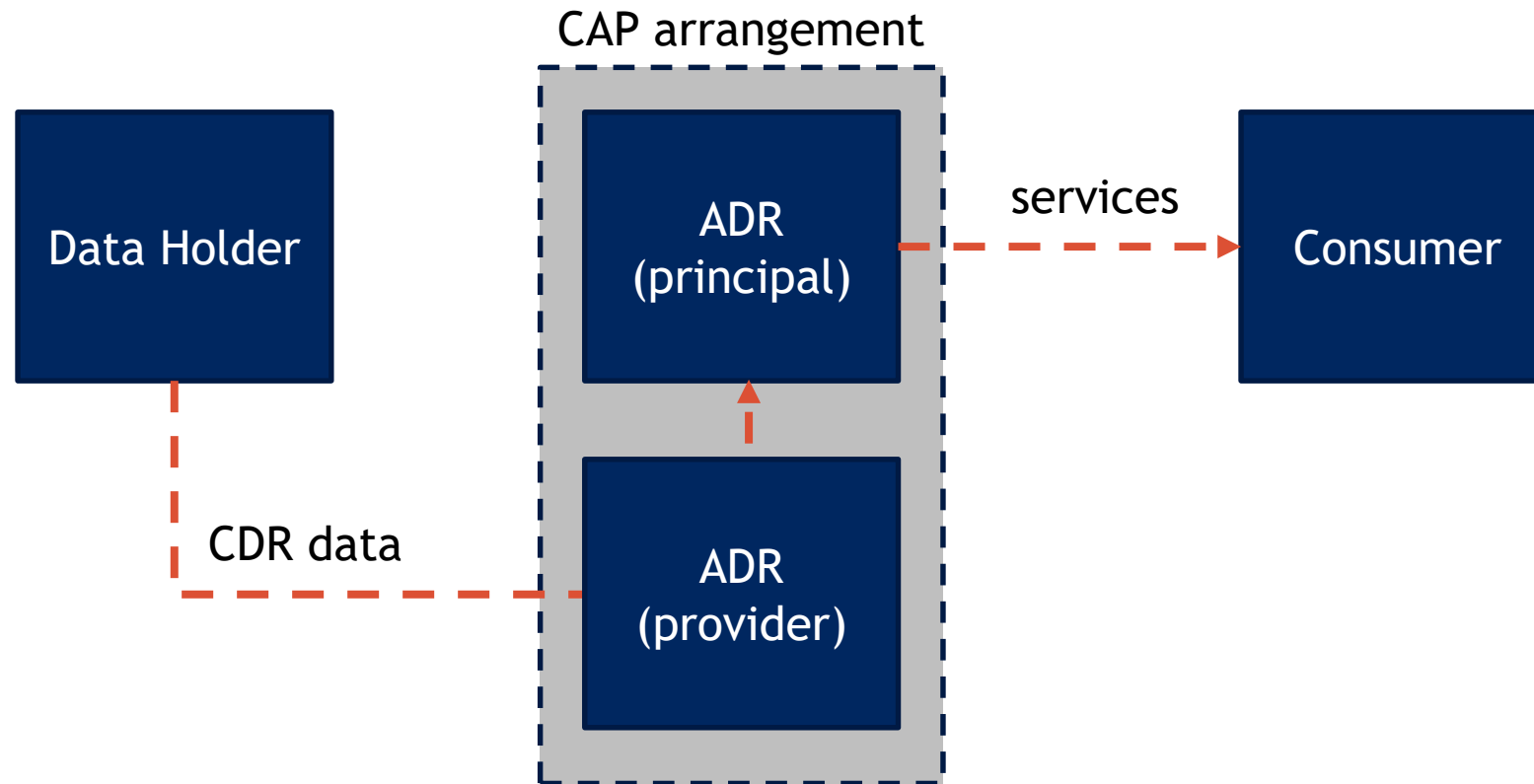
**Technical standards:** specifies how data needs to be provided to consumers and accredited data recipients

**Guidance material:** developed by the ACCC, OAIC and Data Standards Body

# Recent rule changes

- Made 18 June
- Commenced 19 June
- Minor changes to the original rules, e.g.
  - Clarifying accounts in scope
  - Communication methods for withdrawal of consent and authorisation
  - Clarifying functions of the Registrar
- [legislation.gov.au/Details/F2020L00757](https://legislation.gov.au/Details/F2020L00757)

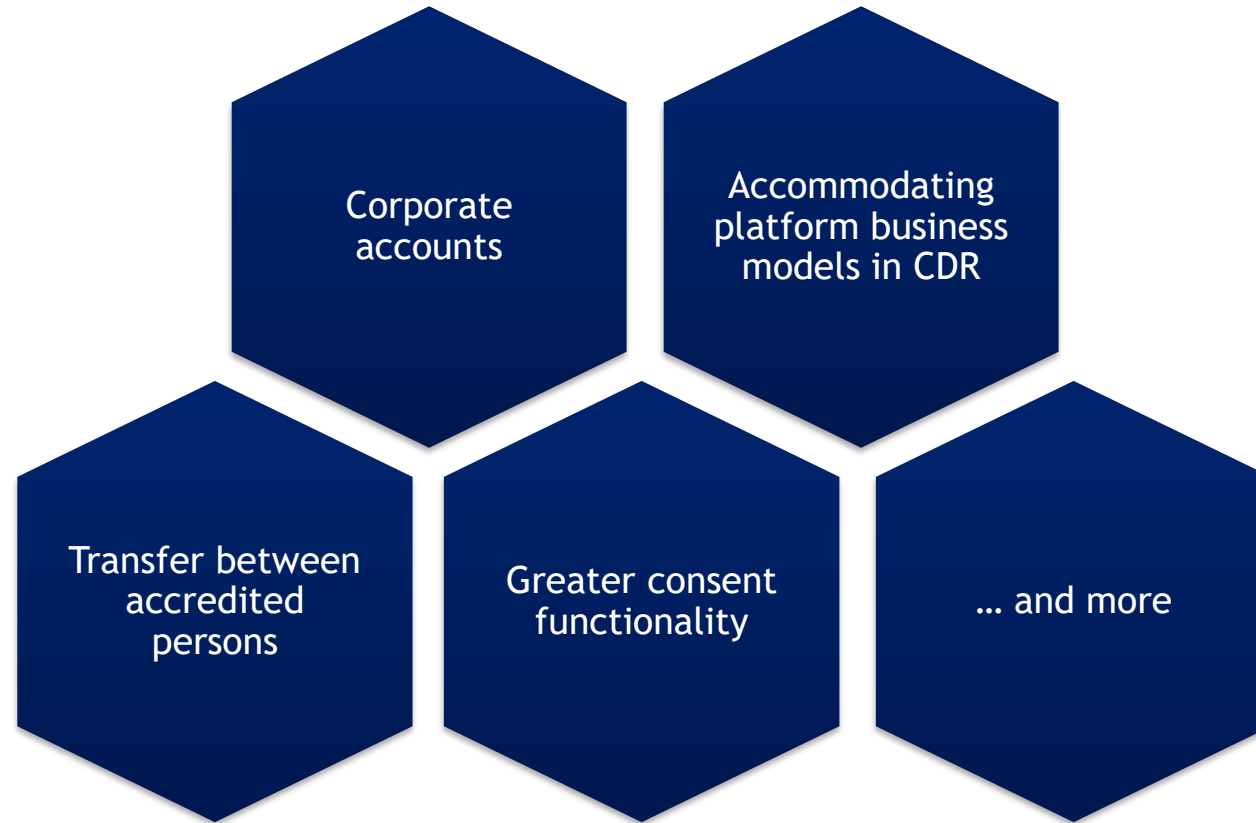
# Facilitating the use of ‘intermediaries’: the combined accredited person (CAP) arrangement



# CDR rules consultation

- Consultation draft released: 22 June 2020
- Deadline for submissions: 20 July 2020
- [accc.gov.au/focus-areas/consumer-data-right-cdr-0/cdr-rules-consultation](https://accc.gov.au/focus-areas/consumer-data-right-cdr-0/cdr-rules-consultation)
  - Draft rules
  - Explanatory Note
  - PIA consultation document
- Upcoming workshop on intermediaries

# What's in the pipeline?



# Updated phasing schedule for consumer data sharing

	Majors	Non-majors	Reciprocal data holders
Phase 1	July 2020	July 2021	March 2021
Phase 2	November 2020	November 2021	July 2021
Phase 3	February 2021	February 2022	July 2021
Direct-to-consumer	-	-	-

# Introduction to Accreditation

Natalie Plumridge, Director, Accreditation



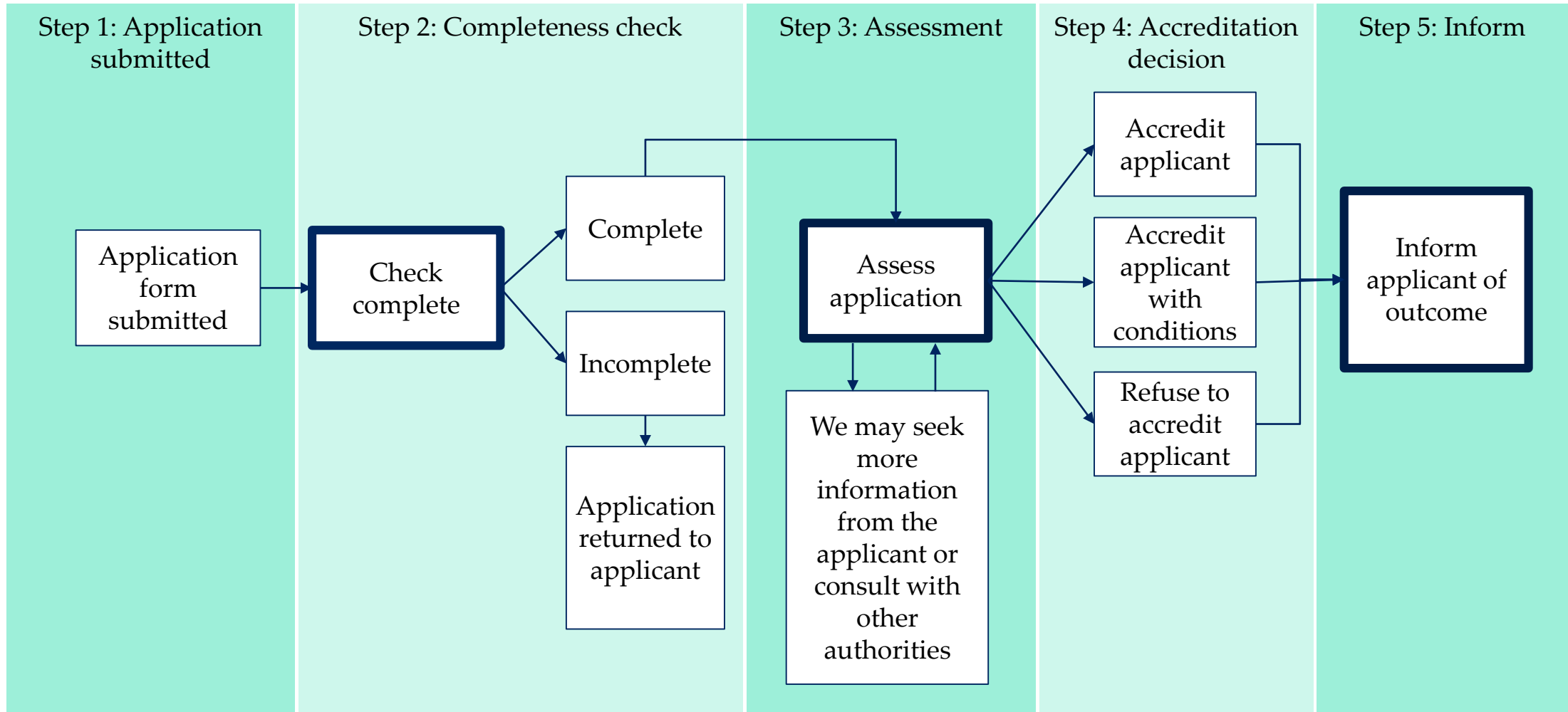
# What is accreditation and why apply?

- Entities that wish to receive CDR data to provide products or services to consumers under the Consumer Data Right regime must be accredited
- Accreditation is open to both Australian and foreign entities
- There is currently one tier of accreditation - 'unrestricted'

# The ACCC's accreditation role

- The Data Recipient Accreditor (currently the ACCC) may accredit persons if it is satisfied that they meet the criteria specified in the CDR Rules
- Applications can be submitted to the Data Recipient Accreditor via the CDR Participant Portal
- Once accredited, accredited data recipients must comply with ongoing obligations to maintain accreditation
- The Data Recipient Accreditor also has the ability to suspend or revoke accreditation

# Accreditation Process



# Accreditation criteria

A person who is accredited at the 'unrestricted' level for banking sector must:

- Be a fit and proper person.
- Have adequate insurance, or a comparable guarantee
- Meet the information security obligation which is to take the steps outlined in Schedule 2 which relate to protecting CDR data from:
  - (i) misuse, interference and loss
  - (ii) unauthorised access, modification or disclosure
- have internal dispute resolution processes (compliant with ASIC's *Regulatory Guide 165 Licensing: internal and external dispute resolution* )
- be a member of the Australian Financial Complaints Authority
- have addresses for service, and if a foreign entity have a local agent with addresses for service

# Ongoing obligations

Once accredited, an accredited person must comply with ongoing obligations to maintain accreditation. These include:

- Continuing to meet accreditation obligations
- Comply with any conditions, including the default condition to submit an assurance report or attestation
- Comply with the CDR rules and other reporting requirements

# Access the CDR Participant Portal

## Don't have an account

To sign into the CDR participant portal, you will need to request access and have a Microsoft account. Once access has been granted, your Microsoft account will be used for multi-factor authentication.

### Request access



To get started, request a CDR participant portal account.


[Request access to CDR](#)

### Create a Microsoft account

You will need to have a Microsoft account for authentication.

[Create Microsoft account](#)


[Contact us](#)[Resources](#)[Privacy](#)[Accessibility](#)[Disclaimer and copyright](#)

[Sign in](#)

## Welcome to the CDR portal

With a CDR participant portal account, you can view the Register of Accredited Persons and manage your organisation's participation in the CDR.

[Sign into the portal](#)



# Useful resources

Available at: <https://www.cdr.gov.au/resources>

- CDR Participant Portal guide
- Accreditation guidelines
- Supplementary accreditation guidelines - information security
- Accreditation controls guidance
- Supplementary accreditation guidelines - insurance
- Accreditation FAQs

# ACCC Consumer Data Right On-boarding and Ecosystem Interactions

HaiPei Zhu, Director, Technology Delivery



# Overview

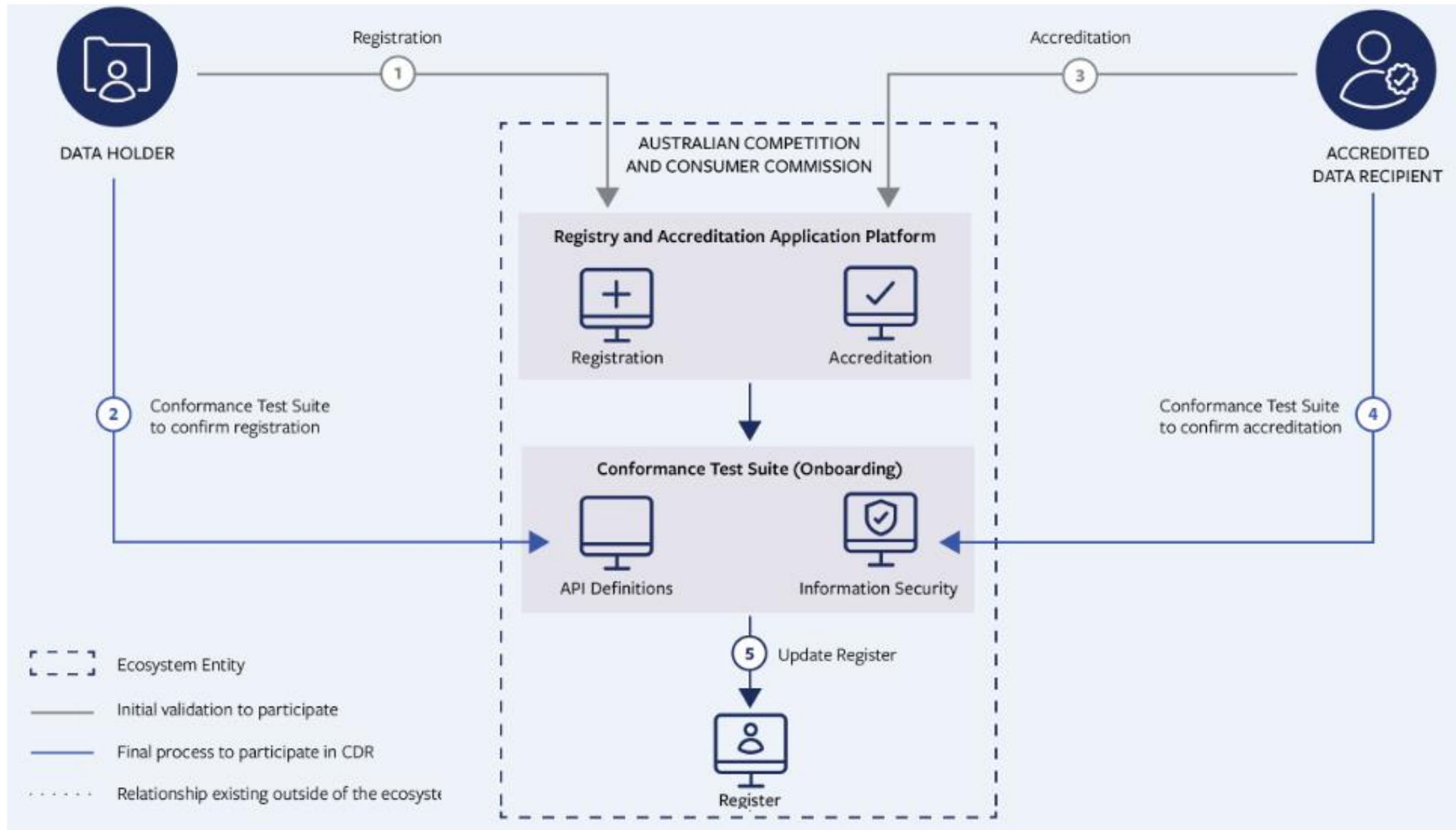
- Role of the ACCC and the Register & Accreditation Application Platform (RAAP)
- Participant validation and on-boarding
  - The Conformance Test Suite (CTS)
  - Activation on the Register
- How the ecosystem works
  - Establishing trust between participants,
  - Consent & Authorisation,
  - Consumer Data Sharing
- Working closely with the Data Standards Body to develop the Consumer Data Standards and CX Guidelines
- References and links

# Role of the “Register and Accreditation Application Platform”

The ACCC is responsible for building and operating the Register and Accreditation Application Platform (RAAP), which:

- Facilitates CDR Registration and Accreditation
- Enables the ability for the general public to look up Registered and Accredited Participants
- Provides technical mechanisms for Data Holders and Accredited Data Recipients to establish trust with each other
- Enables the Registrar to manage the lifecycle of participants including suspending, revoking and surrendering
- Collects metrics from Data Holders to keep a pulse on the ecosystem and provide data for compliance purposes

# Participant registration/accreditation and on-boarding



# Conformance Test Suite (CTS) - Intent

## Intent

- To provide the ACCC with confidence that new participants:
  - Can participate in the CDR ecosystem
  - Can communicate with the CDR Register; and
  - Are capable of conforming to a defined set of the consumer data standards
- To maximise the likelihood that a participant can enter the production environment without disruption
- A scalable tool to support the growing number of participants

## The CTS is not:

- An assisted development tool or a sandbox
- A certification tool
- A data quality or integrity validation tool
- CX validation tool

# Conformance Test Suite (CTS) - Scope & Availability

Designed to test integral components of a participants solution:

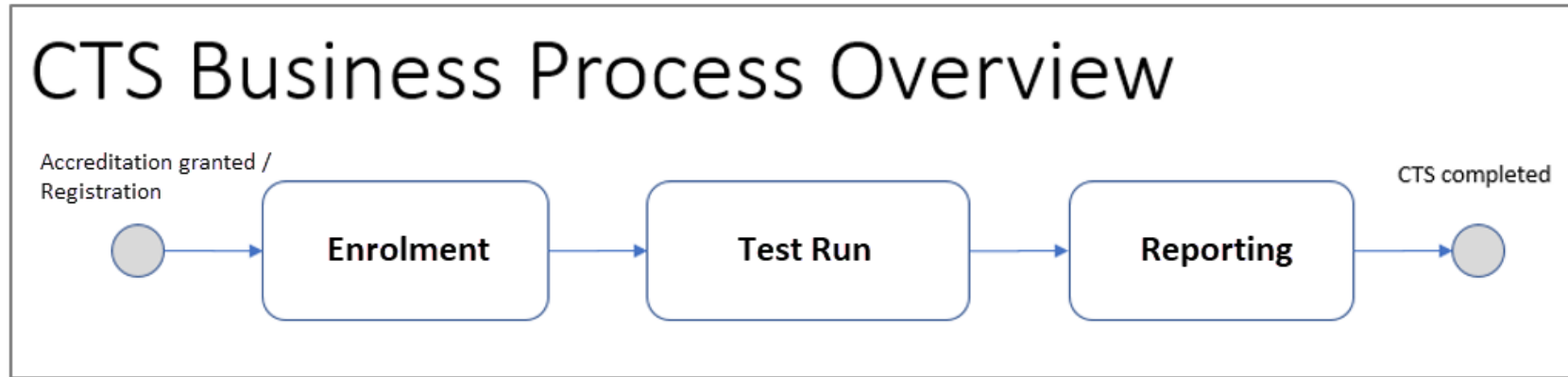
- Establishing Trust (Dynamic Client Registration)
- Information Security Profile
- Consent
- Withdrawal of Consent

Availability to participants

- Accredited Data Recipients in September 2020
- Data Holders\* - TBC

\*The availability of the CTS for the initial Data Holders is being considered separately to this

# Conformance Test Suite (CTS) - Process



## Enrolment

- Technical details to be provided
- Test scope to be confirmed base on use case
- Issue of test certificates

## Test Run

- Run tests and remediate any issues where necessary

## Reporting

- Test results provided to the ACCC to inform an activation decision by the Registrar

# Onboarding & Activation

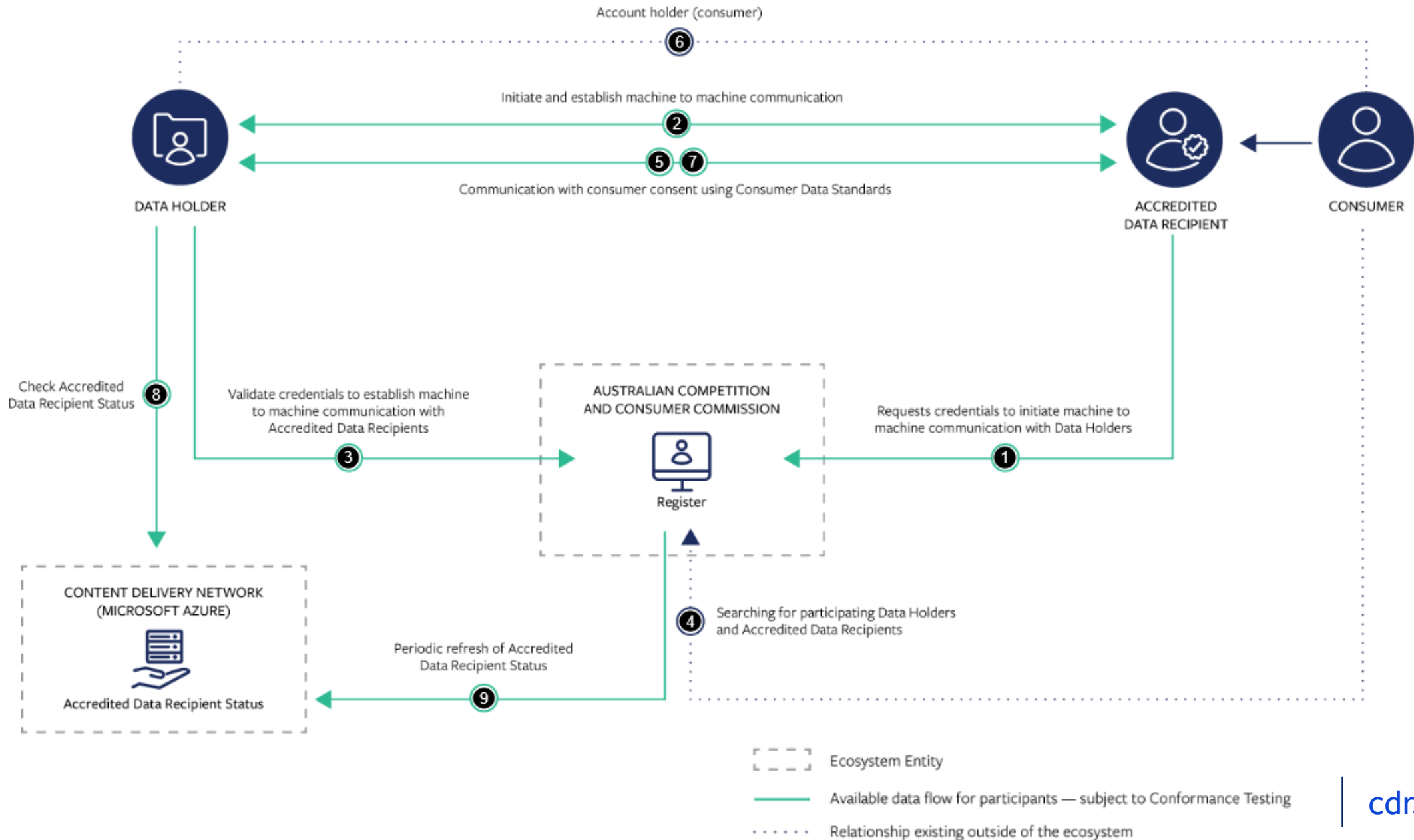
To support a Registrar decision to activate a participant on the Register, the following is required\*:

1. Complete and pass conformance testing via the Conformance Test Suite (CTS)
2. Accept Relying Party and Subscriber Agreements for PKI certificates
  - PKI certificates issued
3. Accept the licence agreement for use of the CDR Logo
4. Provide technical details for the production environment
5. Participant is technically production ready

\* Use as a guide only, and is not the definitive criteria

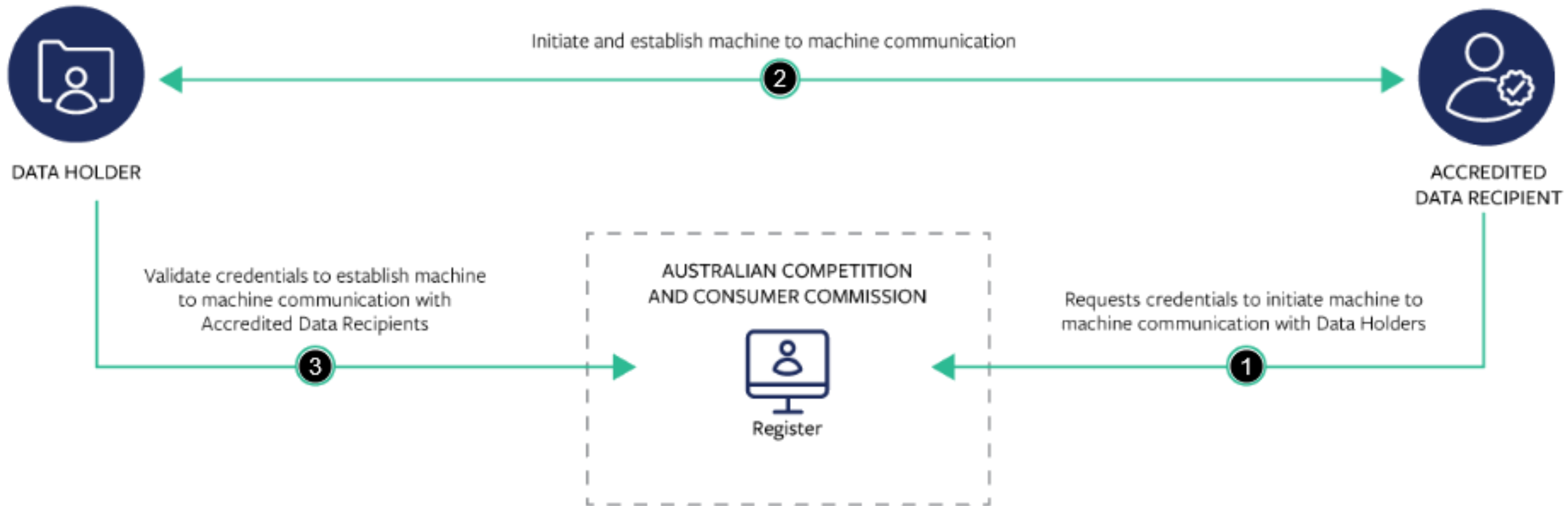
Once activated, participants then enter the production ecosystem

# How the CDR Ecosystem Works - Overview





# How the CDR Ecosystem Works - Establishing Trust Between Participants



Ecosystem Entity

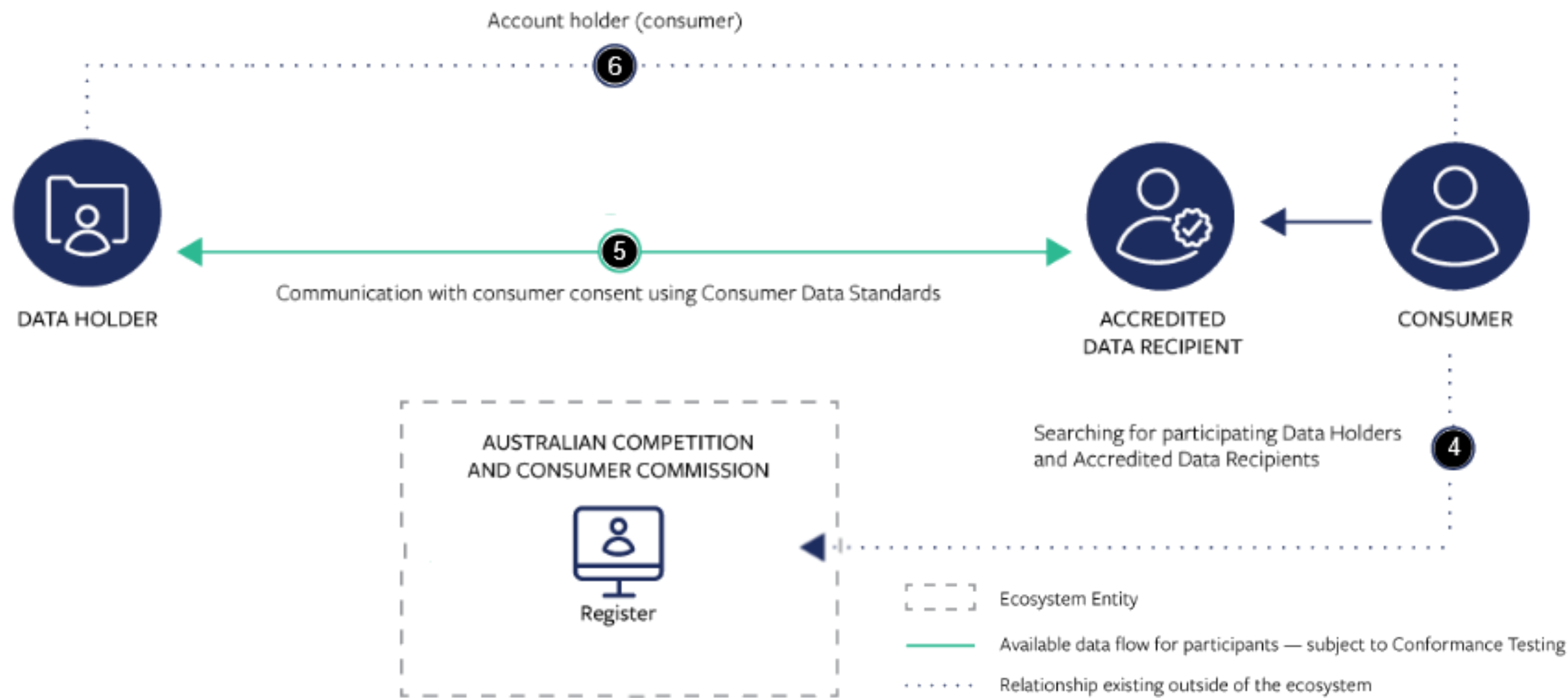


Available data flow for participants — subject to Conformance Testing

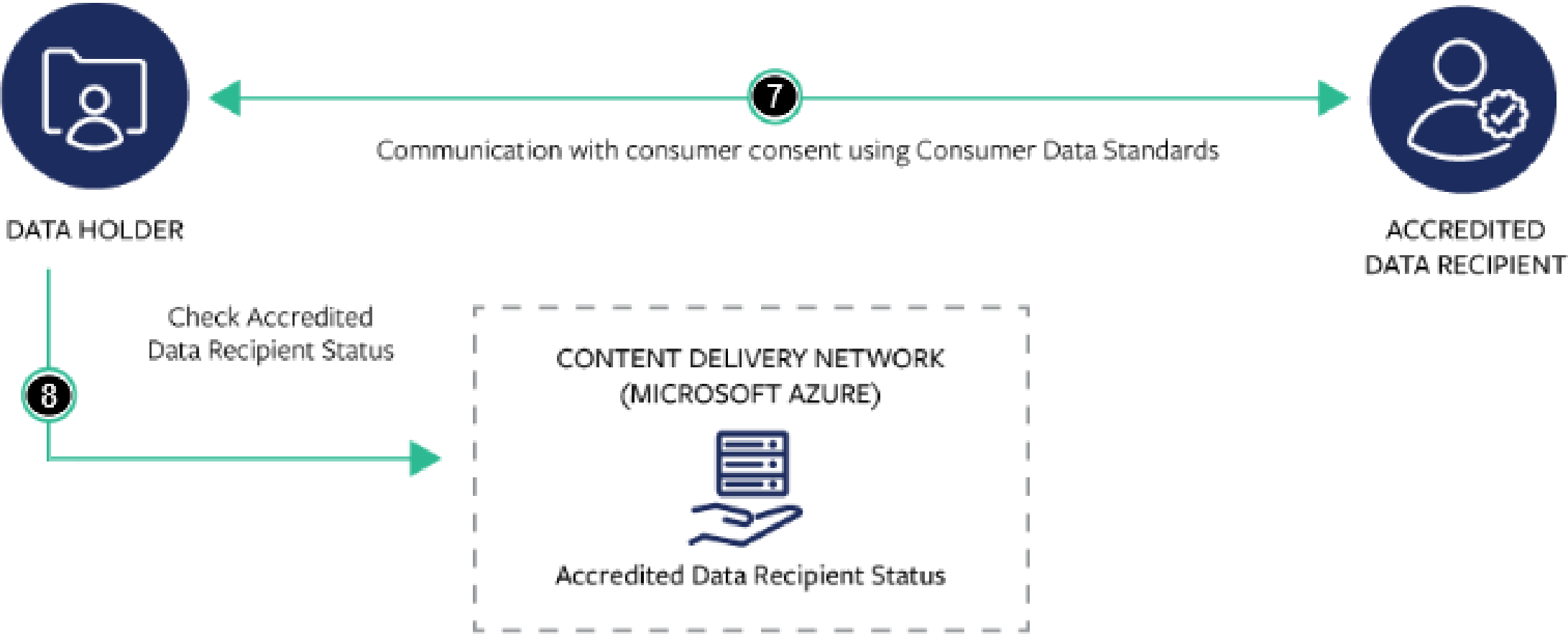





Relationship existing outside of the ecosystem

# How the CDR Ecosystem Works - Consent, Authentication, & Authorisation

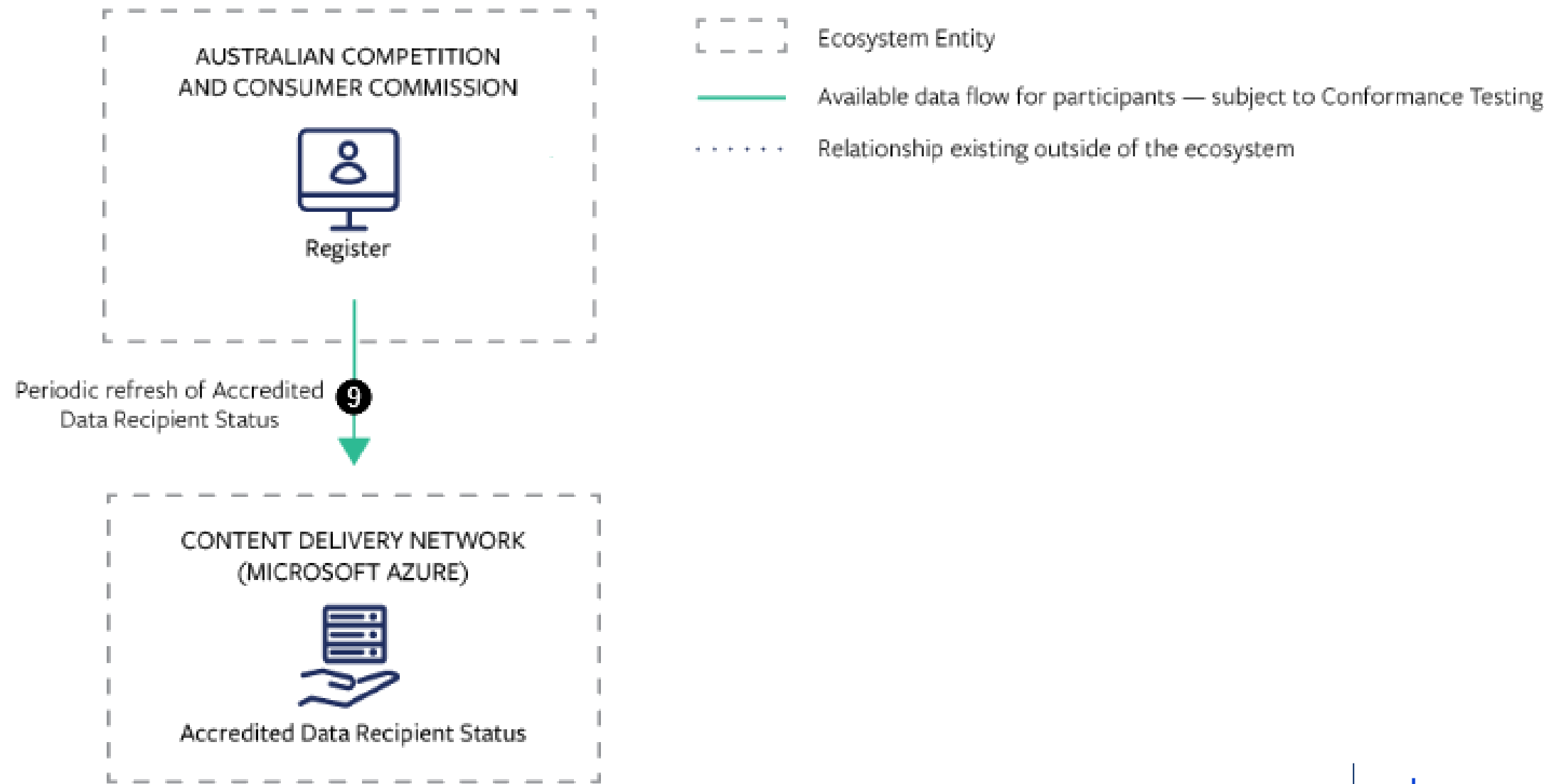


# How the CDR Ecosystem Works - Consumer Data Sharing



-  Ecosystem Entity
-  Available data flow for participants — subject to Conformance Testing
-  Relationship existing outside of the ecosystem

# How the CDR Ecosystem Works - Ongoing Management



# Working closely with the Data Standards Body

- The CDR Technical Delivery Team works closely with the Data Standards Body to ensure the Consumer Data Standards and Register are in lockstep
- Consumer Data Standards specify the information security profile, which applies to the CDR Register, and define APIs and schemas for data sharing
- Collaborate and consult on future direction
- Ensure that the Rules, Standards, Consumer Experience, and Register design are all in alignment

# CDR Register Design & Related Links

## The Register

Specifications for the CDR Register are available here

<https://cdr-register.github.io/register/#introduction>

Industry participants are encouraged to join the conversation and contribute to Register design

<https://github.com/cdr-register/register>

## Consumer Data Standards

Specifications for Consumer Data Standards are available here

<https://consumerdatastandardsaustralia.github.io/standards/#introduction>

Industry participants are encouraged to join the conversation to develop the CDS

<https://github.com/ConsumerDataStandardsAustralia/standards>

Industry participants are encouraged to join the conversation to maintain the CDS

<https://github.com/ConsumerDataStandardsAustralia/standards-maintenance>

## Consumer Experience

Standards and Guidelines covering the Consent flow, Data Holder and Data Recipient Dashboards are available here:

<https://consumerdatastandardsaustralia.github.io/standards/#consumer-experience>



# Compliance and Enforcement Policy and Record Keeping

Simon Pomery, Director, Compliance and Enforcement

# ACCC/OAIC Compliance and Enforcement Policy for the Consumer Data Right



# Co-regulatory model

## ACCC

- Breaches of the Rules
- Breaches of the Data Standards
- Systemic issues
- Misleading or deceptive conduct
- Suspending/revoking accreditation

## OAIC

- Breaches of the Privacy Safeguards and Rules relating to privacy
- Individual consumer redress (including small businesses)

# Principles

- Accountability
- Efficiency
- Fairness
- Proportionality
- Transparency



# Priority Conduct Areas

- Data holder refusal
  - Repeated refusal or frustration of disclosure process
- Misleading and deceptive conduct
  - Creating or fostering a false perception that a party is accredited
  - Misrepresenting the nature of the service provided
- Invalid consent
- Misuse or improper disclosure of CDR data
- Insufficient security controls

# Tools for monitoring compliance

- Stakeholder intelligence
- Business reporting
- Audits and assessments
- Information requests and compulsory notices

# Enforcement options

- Administrative resolutions
- Infringement notices (ACCC)
- Court enforceable undertakings
- Suspension or revocation of accreditation (ACCC)
- Determination and declarations power (OAIC)
- Court proceedings

# Record keeping and reporting obligations for CDR participants

# Record keeping

- All CDR participants must keep records for 6 years
- Records may be audited at any time by the ACCC or the OAIC
- Design systems to meet record-keeping obligations
- A compliance obligation (civil penalty provision)

# Reporting - periodic reports

- All data holders and ADRs must submit reports to the ACCC and the OAIC twice per year
- Reports must be in the approved form
- May be published
- Civil penalty provision



# Reporting - accredited persons reports

- Attestation statement
- Assurance report
- Must meet ASAE 3150
- Each report is due once every two years (alternating years)



# Questions and Answers

**Bruce Cooper, General Manager, Policy Engagement & Compliance**