



Australian Government



Consumer
Data Right

Accreditation Guidelines

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Glossary

Shortened form	Extended form
accredited person	an accredited person means a person who has satisfied the Data Recipient Accreditor that it meets the criteria for accreditation specified in the CDR Rules and has been accredited by the Data Recipient Accreditor
Accreditor	Data Recipient Accreditor - currently the ACCC
ACCC	Australian Competition and Consumer Commission
ADI	authorised deposit-taking institution
AFCA	Australian Financial Complaints Authority
Applicant	a person who makes an application for accreditation to be an accredited person
ASIC	Australian Securities and Investments Commission
associated person	a person involved, or who would be involved if accredited, in decision making by the applicant or accredited person or who has the ability to significantly impact another person's management of CDR data. For a body corporate - an associate of another person or associated entity of another person within the meaning of the <i>Corporations Act 2001</i>
CDR	Consumer Data Right
CDR consumer	CDR consumer is defined in the Act, see section 56A(3)
CDR data	CDR data is specific information for the relevant designated sector. See section 56A(1) of the Act. For the banking sector this is set out in Schedule 3 of the CDR Rules
CDR Participant Portal	the online mechanism to create a CDR account, complete and submit an accreditation application, manage and update a participant's information
CDR Register	register of accredited persons
CDR Rules	<i>Competition and Consumer (Consumer Data Right) Rules 2020</i>
Data Holder	a holder of CDR data
designation instrument	before a sector of the economy is subject to the CDR, the sector must be designated by the Minister in a legislative instrument known as a designation instrument
EDR	external dispute resolution
IDR	internal dispute resolution
OAIC	Office of the Australian Information Commissioner
Registrar	Accreditation Registrar - currently the ACCC
Restricted ADI	is an ADI that has an authority under section 9 of the <i>Banking Act 1959</i> to carry on a banking business in Australia for a limited time in accordance with section 9D of the Act.
the Act	<i>Competition and Consumer Act 2010 (Cth)</i>
The Tribunal	Administrative Appeals Tribunal

1. Introduction

Under Part IVD of the *Competition and Consumer Act 2010 (Cth)*¹ (the Act), the Consumer Data Right (CDR) regime allows consumers to require data holders to share their data with accredited persons.

The Competition and Consumer (Consumer Data Right) Rules 2020 (CDR Rules) set out how the CDR is to operate including the criteria that the Data Recipient Accreditor (Accreditor) (currently the Australian Competition and Consumer Commission (ACCC)) will apply when considering an application for accreditation.

This guide aims to provide information and guidance to assist applicants with lodging a valid application to become an accredited person.

This guide may be updated from time to time and is not intended to be exhaustive on all aspects of the accreditation process. This guide should be read in conjunction with the two supplementary accreditation guidelines on Insurance and Information Security, and the CDR Rules.

Answers to [frequently asked questions](#) (FAQs) about accreditation and applications for accreditation can be found on the CDR Support Portal. If a query is not addressed in the FAQs, prospective applicants should [submit an enquiry](#) on the CDR Support Portal.

2. Who needs accreditation?

The CDR aims to give consumers more access to and control over their personal data.

Being able to easily and efficiently share data will improve consumers' ability to compare and switch between products and services and encourage competition between service providers, leading to more innovative products and services for consumers and the potential for lower prices.

Banking is the first sector to be brought into the CDR.

Accredited persons may receive a CDR consumer's data from a data holder at the request and consent of the consumer.² Any person, in Australia or overseas, who wishes to receive CDR data to provide products or services to consumers under the CDR regime, must be accredited.

The Act provides that the Accreditor may accredit persons if it is satisfied that they meet the criteria specified in the CDR Rules.³

Once accredited, an accredited person must comply with ongoing obligations to maintain accreditation.⁴ For further information about ongoing obligations please refer to the CDR Rules.

¹ The Act sets out the CDR framework including the subject matter that the CDR Rules may cover

² CDR Rules, rule 4.3

³ The Act, section 56CA(1)

⁴ CDR Rules, Schedule 1, clause 2.1

2.1. Accredited intermediaries

An accredited person may wish to use an outsourced service provider to collect, or facilitate the collection of, CDR data on its behalf. Currently under the Act, only an accredited data recipient can collect CDR data from a data holder. The rules cannot require a data holder to disclose CDR data to persons who are not accredited (for example to agents and outsourced service providers who perform services on behalf of an accredited data recipient).

The accredited person may use an accredited intermediary as an outsourced service provider to collect CDR data under the accredited intermediary rules. In these circumstances a CDR outsourcing arrangement (as outlined in Rule 1.10 of the CDR Rules) is required. The accredited person who is the principal may be liable for the use or disclosure of CDR data by the accredited intermediary who acts as its outsourced service provider.

As part of the accreditation process you will be asked to identify whether you offer your services as an accredited intermediary. For further information please consult our [technical guidance](#) on the CDR Support Portal.

2.2. Levels of accreditation

Unrestricted

Currently the only level of accreditation is unrestricted. Additional levels of accreditation will be included in the future as the CDR develops and other sectors are introduced to the CDR regime.

The criteria for the unrestricted level are set out in section 5 below.

3. How to apply for accreditation

3.1. Establishing an account

In order to apply for accreditation, an applicant's primary business contact must first set up an account through the CDR Participant Portal. The CDR Participant Portal is the online mechanism through which an applicant must complete and submit an accreditation application. The portal is also the place for CDR participants to update and manage their information and view the CDR Register of Accredited Persons.

The applicant's primary business contact must be a person who is listed on the applicant's Australian Securities and Investments Commission (ASIC) business record, or the equivalent foreign business record if the applicant is a foreign entity, as confirmation that the person creating the account has the requisite authority to act on behalf of the applicant. For example, director, company secretary, authorised contact etc.

As part of creating this account, the person must verify their identity. Detailed information about creating an account and verifying the person's identity is provided in the [CDR Participant Portal User Guide](#) which is available on the CDR website.

Once the account creation form is completed and the person's identity has been verified an activation code will be sent to the person to confirm the account. This will then allow the person to log into the CDR Participant Portal. As initial primary business contact the person may then invite additional users to the Portal, as required, in order

to complete the relevant accreditation application form and submit it to the Accreditor for assessment.⁵

Creating an applicant's CDR Participant Portal account also creates a business record in the CDR Participant Portal for the entity. This requires certain information to be provided about the applicant including the applicant's addresses for service (both physical and electronic).⁶ If the applicant is a foreign entity this information must include the applicant's local agent and the local agent's addresses for service (both physical and electronic).⁷ For applicants that are corporations the physical address for service will be the registered office. For other business types this could be the principal place of business or place where business is carried on. The physical address for service cannot be a post office box and must be in Australia. Generally, the electronic address for service is an email address where the applicant wishes to receive official communication and notices.

3.2. How to lodge a valid application for accreditation

The electronic accreditation forms are available in the CDR Participant Portal.

Once logged in to the CDR Participant Portal select 'New Application' and choose the relevant approved application form. Currently, there are two approved application forms, a standard approved form at the unrestricted level (standard form) and a streamlined approved form at the unrestricted level (streamlined form).

Sample application forms incorporating all the questions and required documentation that will be in the electronic application forms are available on the CDR website.

Please note, the sample application forms are for information only and accreditation applications must be made via the electronic forms in the CDR Participant Portal.

Standard form

All applicants that are not an authorised deposit-taking institution (ADI) must complete the standard form for accreditation.

The standard form seeks information about the applicant that will be used to assess the application, populate the CDR Register or otherwise administer the CDR system.

Fulsome responses and all documents are required to enable efficient consideration of applications. Responses can be saved and revisited at a later time.

Any documents that are not in English must be accompanied by a translation. The original foreign language document must also be provided. Translations should be undertaken by a [National Accreditation Authority for Translators and Interpreters](#) (NAATI) accredited translator.

Once all mandatory fields have been completed and all required documents uploaded the applicant will be able to submit the application for accreditation to be assessed by the Accreditor.

⁵ CDR Rules, rule 5.2

⁶ CDR Rules, rule 5.2(c)(i)

⁷ CDR Rules, rule 5.2(c)(ii)

Streamlined form

For the banking sector an applicant who is an ADI (but not a restricted ADI) meets the criteria for streamlined accreditation and may complete the streamlined version of the approved accreditation form.⁸

The streamlined approved form will require an ADI to provide its policy on how it will manage CDR data and details of its Australian Financial Complaints Authority (AFCA) membership (the recognised external dispute resolution (EDR) scheme for banking).⁹

3.3. Amending an application

Once an application has been submitted it can be viewed but not amended. However, an applicant may request a change or submit additional information to accompany an application through the CDR Participant Portal. The additional information submitted will be considered by the Accreditor alongside the original information contained in the application.

For example, additional information would have to be submitted when a person who is included as a fit and proper person in the original application is no longer fit and proper, or is no longer associated with the applicant.

3.4. Withdrawing an application

An application can be withdrawn at any stage of the application process.

To withdraw an application after it has been submitted, the applicant must log into the CDR Participant Portal and submit a request to withdraw the application. The request to withdraw an application will be acknowledged when received.

3.5. Providing false or misleading information

It is a serious criminal offence under the Commonwealth Criminal Code to provide false or misleading information. False or misleading information in an application (including a material omission) may also be grounds to revoke any accreditation granted on the basis of that information.¹⁰

⁸ CDR Rules, rule 5.5 and Schedule 3 clause 7.3

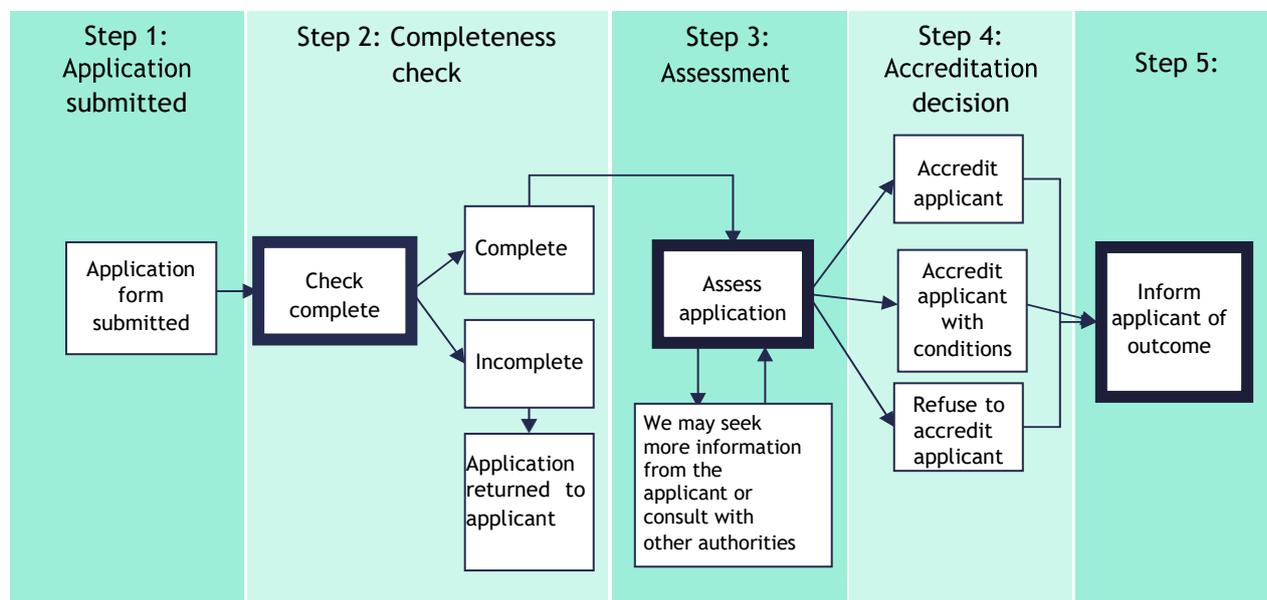
⁹ CDR Rules, rule 5.12

¹⁰ CDR Rules, rule 5.17(1)

4. Steps in the accreditation process

This section outlines the steps the Accreditor will take in assessing applications for accreditation.

Figure 1: Accreditation process



4.1. Check for completeness

The first step in the accreditation process is for the Accreditor to determine if the application is complete. If the application is incomplete, the Accreditor will return the application to the applicant indicating where missing information is required.

The applicant will be able to complete the relevant section of the application and resubmit it.

The Accreditor will consider an application to be incomplete when required fields on the approved form have not been answered or required documents are missing.

4.2. Further information and consultation

If the Accreditor considers the application is complete but that further information is needed to assess the application and make a decision whether to accredit a person, it may:

- request additional information from the applicant¹¹:
 - by way of an interview
 - in writing, by phone or other electronic means.
- consult with Australian government authorities, such as the Information Commissioner, the Australian Prudential Regulation Authority and ASIC, as well as similar authorities overseas.¹²

¹¹ CDR Rules, rule 5.3

¹² CDR Rules, rule 5.4

4.3. Accreditation decisions

The Accreditor will notify the applicant, and the Accreditation Registrar (Registrar), in writing, after accreditation is granted. The Registrar will also be informed of the accredited person's name, any conditions of accreditation, and the effect of any conditions where appropriate.¹³

If the Accreditor has decided not to grant accreditation, the Accreditor will advise the applicant in writing and provide information about the applicant's rights to have the decision reviewed.¹⁴ Further information is provided below at section 9.

4.4. Commencement of accreditation

Accreditation will take effect when the Accreditor's decision to accredit the applicant is included in the CDR Register.¹⁵ However, an accredited person will need to complete the on-boarding process to commence active participation in the ecosystem.

4.5. Inclusion in the register

The Registrar (currently the ACCC) maintains the CDR Register and may require an accredited person to provide information to it in order for requests under the CDR Rules to be processed.

Following accreditation, the Registrar will initiate the on-boarding process. On-boarding is the process of a participant new to the CDR ecosystem preparing to commence active participation in the ecosystem. The goal of the on-boarding process is to satisfy the Registrar that the accredited person can be activated as a participant in the system. As part of the on-boarding process, accredited persons will need to successfully complete testing and meet other requirements, including the [CDR Conformance Test Suite](#).

Following accreditation the ACCC will contact newly accredited persons to help initiate the on-boarding process.

Detailed information about the on-boarding process is provided in the [On-Boarding Guide](#).

5. The criteria for accreditation

The criteria for accreditation at the unrestricted level is that the applicant:

- would, if accredited, be able to comply with the obligations of a person who is accredited at that level,¹⁶ or
- meets the criteria for streamlined accreditation as set out in the CDR Rules for the relevant designated sector.¹⁷

The relevant assessment criteria are outlined below.

¹³ CDR Rules, rule 5.1

¹⁴ CDR Rules, rule 5.7(3)(b)

¹⁵ CDR Rules, rule 5.8

¹⁶ CDR Rules, rule 5.5(a)

¹⁷ CDR Rules, rule 5.5(b)

5.1. Streamlined accreditation

While ADIs (other than restricted ADIs) meet the criteria for the streamlined accreditation process, once accredited ADIs must also comply with the ongoing obligations of an accredited person (excluding the insurance obligation).¹⁸

5.2. Obligations of accredited person at the unrestricted level

Fit and proper person

An applicant and any associated person of the applicant must be a fit and proper person to manage CDR data.

In assessing the fit and proper criterion set out in section 1.9 of the CDR Rules, the Accreditor will consider whether an applicant, or any associated person, has been:

- convicted of a serious criminal offence or offence of dishonesty within the past 10 years in Australia or a foreign jurisdiction
- found to be in contravention of any law relating to the management of CDR data¹⁹ in Australia or a similar law in another country. The contravention is not required to be in respect of CDR data
- subject to a determination relating to interfering with the privacy of an individual under the *Privacy Act 1988*, or similar finding or determination under a similar law in another country
- insolvent or bankrupt
- subject to a determination made under an EDR scheme recognised under the *Privacy Act 1988*, or a recognised EDR scheme²⁰ that included a requirement to pay financial compensation or
- any other relevant matter, including but not limited to the objects of Part IVD of the Act.²¹

Broadly, the object of Part IVD of the Act is to:

- enable consumers in certain sectors (currently banking) to require information about them to be shared safely, efficiently and conveniently to:
 - themselves, or
 - accredited persons (subject to privacy safeguards) and
 - enable any person to efficiently and conveniently access information about goods and services that do not relate to identifiable consumers and as a result create more choice and competition.

For a body corporate, the Accreditor will also consider whether any of its directors have ever been disqualified or banned from managing a company.²²

¹⁸ CDR Rules, rule 5.12

¹⁹ CDR Rules, rule 1.7 (1) defines a ‘law relevant to the management of CDR data’ as 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. For the banking sector this includes the *Australian Securities and Investments Commission Act 2001*, as per clause 7.1 of Schedule 3 to the CDR Rules

²⁰ A recognised EDR scheme. For the banking sector this is AFCA

²¹ CDR Rules, rule 1.9

²² CDR Rules, rule 1.9(1)(d)

The Accreditor will undertake relevant checks to verify an applicant's answers to the fit and proper person criterion.

Associated Persons

The meaning of an associated person and associated entity is set out in rule 1.7 in the definitions section of the CDR Rules. When determining who an associated person or entity is within the applicant's organisation applicants should refer to the *Corporations Act 2001 (Cth)* which sets out the definition of associate²³ and associated entity.²⁴ The definitions include a wide group of individual and corporate persons that are associated with the applicant. They also include persons who belong to overseas related entities.

Applicants need to consider and further identify which persons within their organisation make decisions that affect the management of CDR data. These persons may include a director or secretary, including directors or secretaries of a subsidiary or holding company, operations managers and any other staff who have influence over the work that is undertaken that can affect or influence the management of CDR data.

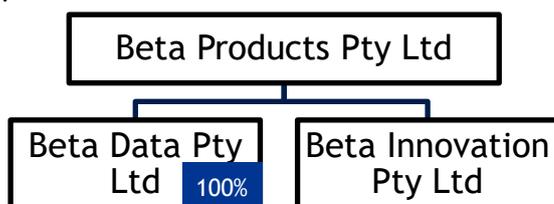
To assist the Accreditor to assess the fit and proper person criterion the applicant is required to provide a current corporate structure chart which identifies the applicant, its subsidiaries and related bodies corporate, as well as a current organisational chart that identifies the key roles within the organisation and who performs them. The organisational chart should identify the relevant individuals who are associated persons of the applicant by providing their full name and position title. Individuals who are not associated persons of the applicant do not need to be identified by name on the organisational chart.

The following example is provided for illustrative purposes only.

Example: Beta Data Pty Ltd

Beta Data Pty Ltd (Beta Data) is a company in the Beta Products Pty Ltd (Beta Products) Group. Beta Data is 100% owned by Beta Products. Beta Data's sole director is Amy Lin. Beta Products has two directors, Amy Lin and Andy Popov.

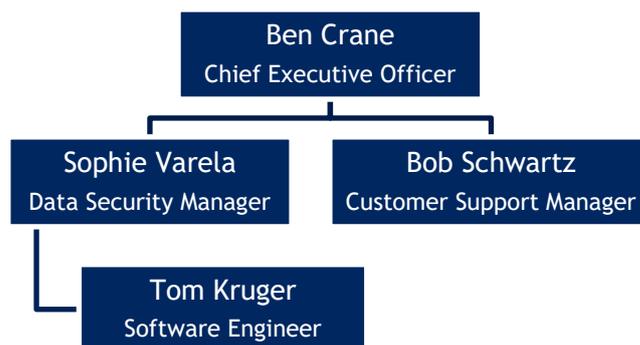
This is Beta Data's corporate structure chart:



²³ *Corporations Act 2001 (Cth), Section 11*

²⁴ *Corporations Act 2001 (Cth), Section 50AAA*

This is Beta Data's organisational chart:



Who are Beta Data's associated persons?

In this example:

- Beta Products is Beta Data's parent company and controls Beta Data's operations. As such, Beta Products is an associated person of Beta Data
- Amy, as director of both Beta Data and Beta Products, is an associated person of Beta Data
- Andy, as director of Beta Products, is an associated person of Beta Data
- Ben, Beta Data's CEO, provides senior management oversight and is responsible across the organisation for making decisions that affect the management of Beta Data's CDR data. Ben is an associated person of Beta Data
- as Beta Data's Data Security Manager, Sophie influences decisions that affect the management of Beta Data's CDR data. Sophie is one of Beta Data's associated persons.

As Beta Data's Software Engineer, Tom develops software solutions for Beta Data following Ben's and Sophie's direction but does not make or influence decisions affecting the management of Beta Data's CDR data. As such, Tom is not an associated person of Beta Data for the purposes of this application.

Bob works in an area that does not manage or handle CDR data. He is not an associated person of Beta Data for the purposes of this application.

5.3. Information Security

The Act and CDR Rules contain a number of privacy safeguards to increase the protection of consumer data.

An applicant must take the steps set out in Schedule 2 of the CDR Rules for the purposes of 'Privacy Safeguard 12 to protect CDR data from misuse, interference, loss, unauthorised access, modification or disclosure'.²⁵

When applying for accreditation, an applicant must provide evidence, in the form set out in the Supplementary Accreditation Guidelines: Information Security, to demonstrate that it is able to take these steps.

²⁵ CDR Rules, Schedule 2

5.4. Dispute Resolution Processes

Internal dispute resolution

Applicants must have internal dispute resolution (IDR) processes that meet the requirements set out in the CDR Rules for the relevant designated sector.

For applicants in relation to the banking sector, Schedule 3, Part 5 of the CDR Rules requires that applicants must have IDR processes that comply with provisions of [ASIC's Regulatory Guide 165 Licensing: Internal and external dispute resolution](#) as in force from time to time.

The relevant provisions deal with matters set out in the table below.

Table 1: Relevant provisions of ASIC's Regulatory Guide 165

Matters to be dealt with	Relevant paragraphs of Regulatory Guide 165 Licensing: Internal and external dispute resolution current as at September 2019
Guiding principles or standards the applicant's IDR procedures must meet	165.79 - 165.82
Outsourcing IDR procedures	165.73 - 165.74
Responding to complaints (including maximum timeframes for a response)	165.83 - 165.91
Multi-tiered IDR procedures	165.118 - 165.120
Tailoring IDR procedures to the applicant's business	165.65
Documenting internal facing IDR processes, policies and procedures	165.123 - 165.126
Establishing links between IDR procedures and external dispute resolution	165.127

An applicant's IDR processes will be relevant to their obligation as an accredited person to have and maintain a stand-alone CDR policy²⁶ about how it will manage CDR data.

An applicant's CDR policy must include the following information in relation to its IDR processes²⁷ about how the applicant will manage complaints relating to the management of CDR data:

- when, where and how a CDR consumer can lodge a complaint
- the information a CDR consumer must provide in a complaint
- when a CDR consumer can expect their complaint will be acknowledged
- the applicant's process for handling CDR consumer complaints
- time periods associated with various stages in the CDR consumer complaint process

²⁶ CDR Rules, rule 7.2

²⁷ See subsection 56ED(3) of the Act and CDR Rule 7.2(6)

- options for redress
- options for review, both internally and externally.²⁸

The applicant's CDR Policy must be available to consumers free of charge in a readily accessible location such as the applicant's website or on a mobile application.²⁹ If a consumer requests, the applicant must also provide an electronic or hard copy of the policy depending on the consumer's preference.³⁰

External dispute resolution

An applicant must be a member of a recognised EDR scheme in relation to CDR consumer complaints.³¹ As evidence of their membership, applicants will be required to provide their membership details including membership number and date of commencement.

For the banking sector an applicant (including non-financial services providers) must be a member of AFCA.

The process for applying for AFCA membership as a non-financial services provider in the banking sector is to:

- apply for membership via the [AFCA Licensee membership form](#)
- when the AFCA application form is completed it will generate a unique 'application pending' number. This number and the date membership was sought must be included in the accreditation application
- advise AFCA via email that the application relates to the CDR and provide application number.

The applicant's AFCA membership will be pending until accreditation is confirmed. The accredited applicant must then notify AFCA to activate its membership by way of an email to membership@afca.org.au and provide the applicant's accreditation number.

Applicants that would not normally be required to hold AFCA membership will only be subject to AFCA's rules to the extent it relates to the CDR regulatory framework.

5.5. Insurance

An applicant must have adequate insurance, or a comparable guarantee, relevant to the nature and extent of their management of CDR data.³² The object of this requirement is to reduce the risk of CDR consumers not being properly compensated due to an accredited person's lack of financial resources.

The insurance arrangements an accredited person must meet to maintain adequate insurance or a comparable guarantee are not prescribed because what will be adequate will depend on a range of factors which may be unique to the insured.

An applicant must provide a written statement, signed by an authorised representative, explaining the basis on which it has determined that the comparable

²⁸ CDR Rules, rule 7.2(6)

²⁹ CDR Rules, rule 7.2(8)

³⁰ CDR Rules, rule 7.2(9)

³¹ CDR Rules, rule 6.2

³² CDR Rules, rule 5.12(2)(b)

guarantee or insurance policy or policies it holds are adequate to cover risks it may be exposed to in connection with the management of CDR data.

A list of matters an applicant needs to take into account when considering adequate insurance arrangements is set out in Supplementary Accreditation Guidelines: Insurance Obligation.

5.6. Related applications

An applicant may wish to have two or more related applications (for example, applications by related bodies corporate) considered by the Accreditor at the same time.

In such circumstances it may be appropriate for certain information to be considered in support of more than one application. For example, two related entities in a corporate group may both wish to rely on insurance which is held by their holding company on behalf of its subsidiaries in support of their applications. There may also be scope for applicants to demonstrate that IDR processes and information security obligations are satisfied across a corporate group. The available options may be different for related entities of an ADI applicant seeking accreditation through the streamlined accreditation process.

We encourage applicants to discuss the types of information that may be used to support related applications with us prior to submission of their accreditation application.

6. Conditions on accreditation

6.1. Conditions

The Accreditor may impose any conditions on accreditation at the time of accreditation or at any time after accreditation.³³ It may also vary or remove any condition at any time after a condition is imposed.³⁴ Conditions could relate to testing requirements, or specify that the accreditation is limited to the operation of particular websites or software products or alternatively mandate that certain websites or software products cannot be used. A condition, for example, may be to suspend the use or operation of an application. Any use of that application by the accredited person, including any attempt to seek to collect CDR data via that application would be a breach of its condition of accreditation. The imposition of a condition must be published on the CDR Register. The Accreditor also has the discretion to issue a public notice.³⁵

6.2. Condition lifespan and removal

The Accreditor will set a time or date at which a condition takes effect.³⁶ The Accreditor will also specify the period the condition will apply. This could be a specified date or in perpetuity.

A condition of accreditation may be removed by the Accreditor at any time if it considers the condition is no longer necessary.

³³ CDR Rules, rule 5.10(1)(a)

³⁴ CDR Rules, rule 5.10(1)(b)

³⁵ CDR Rules, rule 5.10(5), 5.24

³⁶ CDR Rules, rule 5.10(4)

6.3. Notification of imposition, variation or removal of condition

The Accreditor must write to an applicant or accredited person to advise it is proposing to impose, vary or remove a condition and give the applicant or accredited person a reasonable opportunity to be heard about the proposal.³⁷

The Accreditor will then make a decision based on any additional evidence an applicant or accredited person may provide as to whether the condition should remain, be modified, or removed.

The Accreditor is not required to give an accredited person notice prior to imposing or varying a condition where to do so would create a real risk of harm or abuse to an individual, or have an adverse impact on the security, integrity or stability of the Register or CDR system. However, the Accreditor must provide an accredited person with an opportunity to be heard about the imposition or variation of a condition as soon as practicable.³⁸

The Accreditor must also notify an applicant or accredited person, in writing, as soon as practicable after imposing, varying or removing a condition.³⁹

The Accreditor will notify the Accreditation Registrar as soon as practicable after the imposition, variation or removal of a condition, and if appropriate provide further description of its effect.⁴⁰

7. Reciprocal data holder obligations

An accredited person (ADIs and non ADIs) may be subject to reciprocal data holder obligations. This means that an accredited person may be required to share particular CDR data at particular times in accordance with the obligations of a data holder under the CDR Rules, separate to the obligations of an accredited data recipient.

A [phasing table](#) summarising mandatory data sharing obligations for accredited ADIs and non-ADIs is available on the CDR website. Applicants with questions or wanting to discuss how these obligations may apply to them should [submit an enquiry](#) via the CDR Support Portal.

Reciprocity under the CDR Rules applies in respect of CDR data that is:

- generated and held by or on behalf of an accredited person and
- where the data is generated in respect of a product that is publicly offered by the accredited person to consumers and generally known as one of the types of products in Phase 1, Phase 2 or Phase 3 products.⁴¹

For example, a non-bank lender that is accredited may become a reciprocal data holder in respect of data they generate for their personal loan products. A non-bank accredited person that provides a budgeting app, but does not offer any of the banking-like products listed in Phase 1, Phase 2 or Phase 3, will not be a reciprocal data holder.

³⁷ CDR Rules, rule 5.10(2)(b)

³⁸ CDR Rules, rule 5.10(3)

³⁹ CDR Rules, rule 5.11(1)

⁴⁰ CDR Rules, rule 5.15(a)(ii)

⁴¹ See clause 1.4 of Schedule 3 to the CDR Rules

8. Transfer, suspension, surrender and revocation of accreditation

8.1. Transfer

An accreditation cannot be transferred, even between related bodies corporate.⁴² Change in control of an accredited person will not affect accredited status, however, accredited persons are required to notify the Accreditor of any material changes in circumstances that are relevant to compliance with their obligations, including the fit and proper person obligation.⁴³

8.2. Surrender

If an accredited person no longer wishes to be accredited it may apply to the Accreditor to surrender accreditation. Applications to surrender accreditation must be in writing.⁴⁴

The Accreditor will advise the applicant in writing of its acceptance of the application to surrender the accredited person's accreditation.⁴⁵

8.3. Suspension and revocation of accreditation

The Accreditor may suspend or revoke accreditation in certain circumstances, including if:

- it is satisfied that accreditation was granted on the basis of false or misleading information
- it is satisfied that an associated person of the accredited person has contravened a law relevant to the management of CDR data
- it reasonably believes this step is necessary to protect consumers or to protect the security, integrity or stability of the Register or other information technology systems used to disclose or collect CDR data
- the accredited person who is an ADI ceases to be an ADI
- the accredited person has, or the Accreditor reasonably believes the accredited person may have, contravened an offence of the Act, a civil penalty provision of the Act or CDR Rules, a data standard, or any condition of its accreditation
- it is no longer satisfied the accredited person is a fit and proper person to manage CDR data.⁴⁶

Before the Accreditor suspends or revokes an accreditation, the Accreditor will inform the accredited person of:

- the proposed suspension or revocation
- when it will commence
- for suspension, the duration.⁴⁷

⁴² CDR Rules, rule 5.16

⁴³ CDR Rules, rule 5.14

⁴⁴ CDR Rules, rule 5.17(1)

⁴⁵ CDR Rules, rule 5.17(1)

⁴⁶ CDR Rules, rule 5.17(1)

⁴⁷ CDR Rules, rule 5.18, 5.19

The Accreditor will then provide a reasonable opportunity for the accredited person to be heard about proposed suspension or revocation before making its decision.⁴⁸

Accreditation may also be suspended without notice if there is a need for urgency.⁴⁹ In these circumstances the Accreditor will inform the accredited person as per the steps above as soon as practicable.⁵⁰ Accreditation may be suspended for a specific period or until the occurrence of a specified event. Suspension of accreditation may also be extended. In these circumstances, the Accreditor will inform the accredited person of this fact.⁵¹

9. Review of decisions

9.1. Administrative Appeals Tribunal

Refusal to accredit

An applicant may seek to have a decision by the Accreditor to refuse to accredit the applicant reviewed by the Administrative Appeals Tribunal (the Tribunal).⁵²

Imposing or varying conditions

An applicant may make an application to the Tribunal to review the Accreditor's decision when the Accreditor has notified an applicant that it has decided to impose or vary condition/s on an accreditation and has provided the applicant with an opportunity to be heard about the decision.⁵³

Revocation, suspension or extension of suspension

If the Accreditor moves to revoke, suspend or extend a suspension of accreditation it will initially inform an accredited person of that fact.⁵⁴ The accredited person will have a reasonable amount of time to respond to the proposal and the Accreditor will review any response, if provided, to the proposal. The Accreditor will then make a decision based on any additional evidence an accredited person may provide as to whether the revocation, suspension or extension of suspension stands, or will not be applied.

If accreditation is revoked, suspended, or the suspension extended an accredited person may then make an application to the Tribunal to review the decision to revoke accreditation.⁵⁵

10. Federal Court

Judicial review of Accreditor decision

Review of Accreditor decisions can be sought in the Federal Court under the *Administrative Decisions (Judicial Review) Act 1977* or in the original jurisdiction of the

⁴⁸ CDR Rules, rules 5.18(1)(b), 5.20(2)(b)

⁴⁹ CDR Rules, rule 5.21

⁵⁰ CDR Rules, rule 5.21(3)(a)

⁵¹ CDR Rules, rule 5.20 (4))

⁵² CDR Rules, rule 9.3

⁵³ CDR Rules, rule 9.2(a)

⁵⁴ CDR Rules, rules 5.18, 5.20

⁵⁵ CDR Rules, rule 9.2(b)

Federal Court under section 39B of the *Judiciary Act 1903* on a question of law (judicial review).

Judicial review is concerned only with the legality of the decision, for example, whether the Accreditor had the power to make the decision, whether it has taken into account an irrelevant consideration or failed to take into account a relevant consideration, or whether the decision was so unreasonable that no reasonable decision maker could have made it. The Federal Court cannot determine the merits of the case. In the event an applicant wishes to obtain a review of the merits of a decision by the Accreditor, the Tribunal is the appropriate avenue for review.

Review of Tribunal determinations

The Federal Court can review Tribunal determinations only on questions of law, not questions of fact or the merits of the decision.

11. Related information

Specific information and guidance to assist applicants in meeting the insurance and information security obligations for accredited persons are set out in separate guidelines.

Further information and guides can be found at:

- [CDR Supplementary Accreditation Guidelines: Insurance](#)
- [CDR Supplementary Accreditation Guidelines: Information Security](#)
- [CDR On-boarding guide](#)
- [Competition and Consumer \(Consumer Data Right\) Rules 2020 and Explanatory Statement](#)
- [OAIC CDR Privacy Safeguard Guidelines](#)
- [Consumer Data Standards](#)