



Australian Government



Consumer  
Data Right

## Approach to disclosure of consumer data: white label products

The following guidance clarifies consumer data sharing obligations in respect of white label products. It also contains information on how data holders will be able to approach the ACCC about registering white label brands on the CDR Register in advance of 1 July 2021.

### Background

White label products are typically supplied by one entity (a white labeller), and branded and retailed to consumers by another entity (a brand owner). White labelling is a feature of a number of products in banking, including credit cards and home loans.

In banking, white labellers are often authorised deposit-taking institutions (ADIs). Some brand owners are also ADIs. These parties are likely to be data holders for CDR data they hold in respect of the white label product, and potentially subject to obligations under the CDR Rules. Non-ADI white labellers and non-ADI brand owners, like supermarkets or airlines, will not be data holders unless they choose to become accredited. Data holders generally must respond to consumer data requests in relation to Phase 1 white label products, such as credit cards, from 1 July 2021.<sup>1</sup>

### Responding to consumer data requests

The ACCC's approach to consumer data sharing obligations for white label products under the CDR Rules aligns with our approach to disclosure of product data, as previously set out in [guidance published by the ACCC on 22 July 2020](#).

Where there is a single data holder involved in providing a white label product (whether that is the white labeller or the brand owner), that data holder must comply with consumer data request obligations under the rules.

Where there are two data holders involved in providing a white label product (for example, where a brand owner bank distributes a credit card on behalf of a white labeller bank), it is the data holder that has the contractual relationship with the consumer who will be considered responsible, to avoid unnecessary duplication.

The data holder that has the contractual relationship with the consumer (e.g. the white labeller) may agree with the other data holder (e.g. the brand owner) that the brand owner will perform that obligation on behalf of the white labeller. In this example, the white labeller, as the data holder that has the contractual relationship with the consumer, remains accountable for the performance of the obligation by the brand owner.

---

<sup>1</sup> See Schedule 3, Clause 6.6 of the Consumer Data Right Rules. In accordance with the table, reciprocal data holders may be required to comply earlier, from 1 March 2021.

## Registering brands that offer white label products on the CDR Register

White labeller data holders will be able to register their white label brands on the CDR Register in advance of 1 July 2021. In line with the above approach to responding to consumer data requests, a white labeller data holder may also agree with a brand owner data holder, that the brand owner will register the white label brand in the same way they are able to register their own brands.

Data holders and accredited persons will need to follow technical guidance, to be published by the ACCC in Q1 2021, around how white label brands should be presented on the CDR Register, and to consumers during the consent and authorisation processes.

### Other implementation issues

The ACCC understands there is a wide variety of white label arrangements in the banking sector and beyond. We are not seeking to mandate any particular commercial model, and are seeking to enable flexibility for parties in how they comply with the rules. We are therefore open to discussing any aspect of this guidance, or our technical guidance in future, with stakeholders for whom this may pose compliance issues, especially those with complex white labelling arrangements.

For example, the ACCC is aware of certain white label arrangements, particularly in home loans, where a brand owner may outsource one or more similar products to a panel of white labellers. We consider a technical solution may be required to guarantee that a consumer is able to select the correct data holder.

For cases such as this, other implementation challenges that data holders may face, we are open to discussing potential exemption applications where a white labeller is able to show that it is not currently possible to comply with the CDR Rules.

### Next steps

The ACCC intends to continue to work closely with the Data Standards Body on issues relating to white label products. We expect that both the DSB and ACCC may need to undertake intensive consultation with stakeholders in early 2021. This will be aimed at finding technical and other solutions to identify and accommodate any white label arrangements that are not currently catered for by the CDR, and to improve the consumer experience around data sharing for white label brands.

We consider the development of some potential longer-term solutions, such as allowing multiple data holders associated with a single brand to rely on authentication by one of the data holders, would necessitate changes to technical standards, and potentially the Rules. We will look to update stakeholders on developments in due course.