



Australian Government



Consumer
Data Right

Powers of attorney and the Consumer Data Right

This document provides guidance to data holders about matters to consider when assessing the interaction between powers of attorney and the CDR.

A power of attorney is a legal document that allows one person (the principal or donor) to provide another person (the attorney) with the authority to make financial and legal decisions on the first person's behalf.

Banking sector participants can obtain more information in relation to the application of powers of attorney from the Australian Banking Association's industry guideline: [Responding to requests from a power of attorney or court-appointed administrator](#).

In general:

- a) the decisions that can be made by an attorney will depend on the actual or apparent authority of the attorney set out in the power of attorney document;
- b) a general power of attorney automatically terminates if the principal dies or becomes incapacitated; and
- c) an enduring power of attorney continues to operate if the principal becomes incapacitated.

The CDR does not contain provisions that expressly deal with powers of attorney. Where, for the purposes of the CDR, a data holder, accredited person or CDR representative deals with an attorney acting under a power of attorney, they will need to assess whether the attorney's decisions on behalf of the CDR consumer are within the scope of the attorney's authority.

This will need to be assessed on a case by case basis, with reference to the power of attorney document. For example, consideration should be given to whether the attorney is enabled to act on behalf of a CDR consumer to:

- take particular actions (e.g. request goods and services from an accredited person and give related consents)
- be asked to do certain things (e.g. be asked by a data holder to give an authorisation)
- receive notifications or information (e.g. receive ongoing notifications in relation to a sharing arrangement).

Data holders may need to obtain advice to determine how to meet specific CDR obligations, for example, whether the data holder must provide the attorney with notifications, a consumer dashboard or disclosure option management service etc.

In general, where the CDR Rules require something to be provided to a CDR consumer, we consider the same thing could be provided to the attorney acting on behalf of the CDR consumer (in addition to the CDR consumer), where this is within the attorney's authority. For example, an attorney with appropriate authority may receive a data holder consumer dashboard under rule 1.15 to enable them to act on behalf of the CDR consumer, and receive ongoing notifications under rule 4.20 to ensure they are kept informed on behalf of the CDR consumer and can keep the CDR consumer informed.

A person acting under a power of attorney on behalf of a CDR consumer would not become the “CDR consumer” for that CDR data. Accordingly, where authentication is required, the attorney must authenticate using their own identity. This means the attorney should receive their own credentials to access CDR services such as a consumer dashboard or disclosure option management service.

Nominated representatives & powers of attorney

An attorney acting on behalf of a CDR consumer that is not an individual could nominate one or more individuals (including themselves) as a nominated representative of the CDR consumer and do other things such as manage consents, where this is within the attorney’s authority. The attorney could not give, amend or manage authorisations unless the attorney is also a nominated representative. This is because a CDR consumer who is not an individual, and does not have a nominated representative, is not able to give or amend authorisations, or use their consumer dashboard to manage authorisations.

For further information on nominated representatives, please refer to our guidance: [Nominated representatives, non-individuals, and partnerships in the CDR](#).