



AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

Data Quality Compliance in the Consumer Data Right

Discussion Paper

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Introduction

The Consumer Data Right (CDR) is an economy-wide data sharing program that enables Australians to leverage the data businesses hold about them for their own benefit. For this program to realise its value, the data disclosed must be of ‘good quality’. That is, the data disclosed is accurate, complete, and in the required format.

CDR is designed and overseen by the Australian Government and independent regulators to ensure that it is safe and secure for consumers. Treasury is the responsible policy agency. The Data Standards Body is responsible for consulting on changes to the CDR Standards that may improve the structure of available data.¹ The Australian Competition and Consumer Commission (ACCC), together with the Office of the Australian Information Commissioner (OAIC), is responsible for ensuring CDR participants, including accredited providers and data holders, comply with their CDR obligations. The ACCC also has an operational role to support the consumer data right through the provision of technology platforms and support services.

The CDR has already been rolled out in the banking sector, with authorised deposit taking institutions (ADIs) required to disclose standardised product data and consumer data. The next sector to join the CDR will be the energy sector, for which product reference data sharing commenced on 1 October 2022, and consumer data sharing obligations will commence on 15 November for initial data holders (the three major energy retailers).

To date the ACCC has focused its compliance and enforcement efforts on ensuring that data holders are providing the basic services outlined in the *Competition and Consumer (Consumer Data Right) Rules 2020* (the Rules) and the Consumer Data Standards (the Standards). For example, the ACCC has undertaken a number of investigations, and has issued an infringement notice to one bank for failing to provide a service that enables consumers’ data to be shared.²

In many cases the ACCC has addressed identified data quality issues directly with data holders. This allows for the prompt resolution of matters and improves the quality of CDR data. Product reference data is largely monitored by proactive checks of the publicly available data. Issues related to consumer data are examined following complaints from participants and consumers, noting that when data sharing occurs, data does not pass through the ACCC.

As the CDR ecosystem matures, the consumer impact of poor data quality will increase. The *Statutory Review of the Consumer Data Right: Report* found that data quality is limiting wider adoption of CDR.³ The review recommended taking measures to enhance data quality, including enforcement action where necessary.

The purpose of this discussion paper is to gather views on:

- the prevalence of, issues arising from, and harm resulting from, data quality issues in the CDR ecosystem, and
- approaches that may be required to address data quality issues from a Compliance or Enforcement perspective.

¹ For more information please see: <https://treasury.gov.au/policy-topics/economy/consumer-data-right>

² ACCC, Bank of Queensland pays penalty for alleged breach of Consumer Data Right Rules, 13 July 2022, <https://www.accc.gov.au/media-release/bank-of-queensland-pays-penalty-for-alleged-breach-of-consumer-data-right-rules>

³ For more information: <https://treasury.gov.au/publication/p2022-314513>

Please provide feedback on the issues outlined in this paper via the [ACCC Consultation Hub](#) by 21 November 2022. The ACCC will also engage directly with interested stakeholders. If you wish to register your interest, or have questions about the survey, please contact us via ACCC-CDR@acc.gov.au.

Background

Data Quality is a broad concept, that may refer to different attributes of data depending on the context. The Australian Bureau of Statistics Data Quality Framework defines institutional environment, relevance, timeliness, accuracy, coherence, interpretability, and accessibility as dimensions of data quality.⁴

We are currently focusing on the completeness, accuracy, and conformance of data that is disclosed and collected pursuant to the CDR Rules. In practice, this means that the data disclosed must mirror other sources of the data, such as the data holder's website, online banking platform, or mobile app, and do so in the format prescribed by the Standards.

This discussion paper complements other work that is being undertaken to progressively improve and uplift the regulation of the CDR. This includes a holistic review of CDR Guidance, and the following proposed changes to procedures surrounding the management of technical incidents raised to the ACCC:

- The implementation of Service Level Objectives for technical incidents raised in the CDR Service Management Portal. To the extent that incidents are raised in relation to data quality issues, this change will improve data quality by addressing slow response and resolution times to raised incidents, and
- Changes to incident categories, workflow, and structure to improve clarity during the incident management process.

These are separate processes to this consultation. If you wish to provide feedback on these points, please contact ACCC-CDR@acc.gov.au

⁴ ABS Data Quality Framework, <https://www.abs.gov.au/websitedbs/D3310114.nsf/home/Quality:+The+ABS+data+quality+framework#:~:text=It%20consists%20of%20seven%20dimensions.coherence%2C%20interpretability%2C%20and%20accessibility>.

Discussion

The ACCC has processes in place to address data quality issues in the two types of data available in the CDR ecosystem, Product Reference Data (PRD) and Consumer Data.

Product Reference Data

Rule 4.13 requires data holders to provide a product data disclosure service. Data disclosed by this service must contain any information that is included on a website or in a product disclosure statement. The purpose of PRD is to improve the information available to potential customers of the relevant product.

This data will generally be made available to consumers via 'users' of PRD, such as comparison sites or mortgage aggregators, although any person is able to retrieve this information.

Regulatory Approach

Where users of PRD observe issues, we encourage them to raise these directly with data holders for resolution. Where a resolution cannot be achieved directly, the user can contact the ACCC via ACCC-CDR@acc.gov.au to report the issue as a compliance matter. The ACCC reviews provide information and raises issues with data holders where appropriate.

To evaluate conformance with the data standards, the ACCC uses an automated schema validation tool. To assess the accuracy of data, the ACCC staff conduct manual reviews, comparing the information provided in a data holders' product reference data to information published on their website. These reviews have been either in response to issues raised by stakeholders, or proactively initiated by the ACCC.⁵

To date we have completed more than 80 such reviews and raised over 250 separate issues relating to data quality with data holders.

Observations

The ACCC has observed a range of data quality issues including:

- Disclosure of inaccurate interest rates for mortgages
- The omission of relevant fees
- The use of inaccurate fee types, for instance, using an event fee type where a variable type is more appropriate
- Use of non-conformant values, for instance the use of a number when a string is required
- Omission of relevant bonus rewards for credit cards, and
- Product Information URIs that do not lead to a valid webpage.

All of these issues impact users of PRD, who are unable to access the data in the manner or to the quality required under the relevant Rules. Users also expend time and resources examining PRD and raising issues with data holders and the ACCC. Consumers are also harmed, as they cannot benefit from the services offered by the user.

⁵ PRD in the energy sector is provided by the AER, who receives the information from primary data holders under the National Electricity Law. The ACCC and AER will work collaboratively to monitor the quality of data provided in the energy sector.

A key cause of PRD data quality is data holders' failure to maintain PRD alongside changes to their website and disclosure documents. For example, when a change to a mortgage interest rate occurs, each data holder should have robust internal processes and controls to ensure that their website and disclosure documents are updated to reflect the new rate(s). We have identified cases where similar robust processes and controls had not been implemented for PRD by several data holders. Where this occurs, the ACCC requires data holders to implement appropriate processes and controls.

Some data holders have informed us that they did not sufficiently understand the requirements of the rules and standards. This may cause the data holder to load incorrect data types or consider that a field is optional when it holds the relevant data. These issues generally do not recur once raised by the ACCC. Where they do, the ACCC has requested evidence of changes to internal procedures to address the recurrence.

The ACCC's assessment approach has limitations. The amount of available PRD requires the ACCC to prioritise its efforts.⁶ This has led to a focus on data quality among the largest data holders. We have observed that this has increased the quality of available data, with institutions subject to this level of scrutiny improving their practices. However, issues remain, particularly among smaller data holders.

Data users have also reported difficulties in resolving issues. Where issues are raised by the ACCC, data holders have generally responded effectively, and met commitments to remedy the data within reasonable timeframes. However, users of PRD have reported that data holders are frequently not responsive to direct contacts. We expect data holders to respond to any issues concerning data quality that are raised with them in an efficient manner.

The ACCC would appreciate feedback on:

1. The experience of data users and data holders in addressing product reference data quality issues, and
2. The ACCC's product reference data compliance program.

In responding to the above points, you may wish to consider:

- The harm suffered by users of PRD as a result of poor data quality
- The relative harm of the various kinds of data quality issue
- How the ACCC might define and measure an acceptable level of data quality
- Any experiences relating to attempting to raise and resolve PRD data quality issues with data holders or the ACCC
- Whether the ACCC's observations above regarding the cause of PRD related data quality issues are correct
- Whether the ACCC should change its approach to addressing PRD data quality compliance, and
- Whether there are operational reasons that PRD is less likely to be updated regularly than a data holder's other sources of information.

⁶ Currently, more than 4,400 products are disclosed by data holders in the banking sector. The energy sector is disclosing more than 11,000 products.

Consumer data

Privacy Safeguard 11 requires that data holders ensure the quality of disclosed CDR data, inform customers in the event incorrect CDR data is disclosed, and disclose corrected CDR data to the original recipient when requested by the affected customers.

Rule 1.13(1)(b) requires that data holders provide an online service, that enables consumer data requests to be made by accredited persons, enables data to be disclosed in a machine-readable form, and that conforms with the data standards. The data standards set out the endpoints that data holders must make available, the responses they must provide, and the format of those responses.

Regulatory Approach

The ACCC has limited ability to analyse consumer data, which is shared directly between the data holder and data recipient without visibility to the ACCC. Therefore, our ability to proactively review data disclosed in the system is limited and we rely on reports from third parties.

Individuals who are concerned that their data may have been mishandled, including by being disclosed incorrectly, can make an enquiry, or submit a complaint to the OAIC via the [relevant form](#) on the CDR website. While the OAIC has primary responsibility for CDR complaints, the ACCC and OAIC regularly examine enquiries and reports received to ensure they are properly triaged between the two agencies.

Consumer data quality incidents experienced by data recipients can be raised against an individual data holder, and notified to the ACCC, via the CDR Service Management Portal. This provides data recipients and data holders with a collaborative forum, monitored by the ACCC, in which to resolve issues. This may be appropriate where the disclosure is caused by an unanticipated technical issue and can be quickly resolved.

Where this is not sufficient to address the identified harm, the ACCC triages data quality issues through its CDR Under Assessment process. This involves assessing the issue against the *ACCC/OAIC Joint Compliance and Enforcement Policy*. This includes assessing the impact on the data recipient, the consumer, and possible broader ecosystem impact. The ACCC has taken compliance action in response to issues, including by writing to data holders to prompt them to examine issues on a broader basis.

ACCC Observations

Reports from data recipients have indicated that consumer data quality continue to impede access to consumer data.

The ACCC has to date become aware the following types of issues:

- Missing transactions, or delays in transactions being disclosed
- Duplicate transactions
- Failure to disclose pending transactions
- Failure to include sufficiently detailed transaction descriptions
- Balance mismatches between CDR and online banking data, and
- Provision of an incorrect data attribute (e.g. a lending rate provided where a deposit rate should be).

Data quality issues in consumer data appear to have a wider array of possible causes. Incidents have been caused by intermittent technical issues, while others are caused by implementation gaps in data holder systems. Some issues, such as insufficient detailed transaction descriptions, result from data holders' core systems not fully reflecting standards requirements and have required a change in approach from data holders.

The ACCC would appreciate feedback on:

3. The kinds of data quality failures that you may have experienced
4. The impact of consumer data quality on participants and consumers
5. The ACCC's consumer data quality compliance approach, and
6. Steps taken by data holders to improve consumer data quality.

In responding to the above points, you may wish to consider:

- Any data quality issues you have experienced that are not captured in the list above
- The relative harm of consumer data quality issues and other kinds of issue faced by data recipients
- How the ACCC might define and measure an acceptable level of data quality
- The relative harm of the various kinds of data quality issue
- The impact of issues on different use cases for consumer data
- Operational challenges that contribute to poor consumer data quality, and
- What options the ACCC may consider to promote best practice data quality.

Next Steps

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