



Australian Government



Consumer  
Data Right

# Accreditation guidelines

Version 4  
December 2022

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# 1. Introduction

## 1.1. Consumer Data Right

The Consumer Data Right (CDR) gives consumers the right to require a service provider that holds their personal data (**data holder**) to share that data with another service provider (**accredited data recipient**).

CDR aims to give consumers more access to and control over their personal data. Being able to share data easily and efficiently between service providers will make it easier for consumers to compare and switch between products and services. This will encourage competition between service providers, leading to more innovative products and services and the potential for lower prices.

CDR is being implemented sector by sector. Banking was the first sector to be brought into CDR. The energy sector is the next.

The CDR operates under Part IVD of the *Competition and Consumer Act 2010* (Cth) (the CCA). The CCA sets out the CDR framework, including the subject matter that the CDR Rules may cover. The [Competition and Consumer \(Consumer Data Right\) Rules 2020](#) (CDR Rules) set out the obligations that data holders, accredited data recipients and other participating entities must meet to participate in the CDR.

A glossary of common terms is published on the [CDR Support Portal](#).

## 1.2. Accreditation

To participate fully in the CDR system, a service provider must be an **accredited person** under the CDR Rules. Data holders can provide CDR data only to an accredited person and only at the request and with the consent of the consumer.<sup>1</sup> The data must be used to provide the consumer with goods or services.

To receive CDR data, a provider must be accredited by the Accreditor. Currently the Accreditor is the Australian Competition and Consumer Commission (ACCC).

Persons (companies or individuals) must apply for accreditation. The Accreditor will grant accreditation if it is satisfied that the applicant meets the criteria specified in the CDR Rules.<sup>2</sup>

There are 2 levels of accreditation:

- unrestricted accreditation (see Table 1 and section 2.1)
- sponsored accreditation (see Table 1 and section 2.2).

To maintain their accreditation, an accredited person must:

- comply with the accreditation obligations<sup>3</sup>
- comply with any conditions on their accreditation, including the default conditions set out in Schedule 1 to the CDR Rules.

For more information about ongoing obligations, please refer to the CDR Rules.

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<sup>1</sup> CDR Rules, rule 4.3.

<sup>2</sup> *Competition and Consumer Act 2010* (Cth), section 56CA(1).

<sup>3</sup> CDR Rules, rule 5.12.

### 1.3. Other pathways to participation

It is possible to participate in some aspects of the CDR system without accreditation. There are 2 pathways to this:

- the **CDR representative model**, which allows an unaccredited person to partner with an unrestricted accredited person to provide goods and services using CDR data (see Table 1 and section 9.1)
- the **outsourced service provider model**, which allows an unaccredited person to collect CDR data on behalf of an accredited person and to use CDR data to provide goods and services to an accredited person (see Table 1 and section 9.2).

### 1.4. These guidelines

These guidelines contain:

- information on accreditation and other pathways to participation in the CDR system
- guidance on lodging a valid application to become an accredited person.

They may be updated from time to time.

These guidelines are not intended to exhaustively cover all aspects of accreditation. They should be read together with:

- the 2 supplementary accreditation guidelines on [insurance](#) and on [information security](#)
- the CDR Rules.

### 1.5. More information

You will find fact sheets and other information about accreditation on the [CDR website](#).

See section 10 for links to other resources.

You can also find answers to [frequently asked questions](#) (FAQs) about accreditation and applications for accreditation on the CDR Support Portal. If the applicant has a query that is not addressed in the FAQs, they should email [ACCC-CDR@acc.gov.au](mailto:ACCC-CDR@acc.gov.au).

**Table 1: CDR participation pathways**

Pathway	Description	Accreditation required?	Data collection allowed?	When participation can start
Unrestricted accreditation	Higher level of accreditation. Persons with unrestricted accreditation can: sponsor accreditation of an affiliate engage a CDR representative engage an outsourced service provider.	Yes	Yes From both data holders and other accredited data recipients	After accreditation and completion of on-boarding
Sponsored accreditation	Persons with sponsored accreditation: must have a sponsor (a person with unrestricted accreditation) can only collect CDR data through their sponsor, their sponsor's outsourced service provider, or another accredited person cannot engage a CDR representative cannot engage an outsourced service provider to collect CDR data.	Yes However, evidence requirements are lighter	Limited Not directly from data holders May ask sponsor to collect data and pass it on May collect data from an accredited person other than the sponsor	After accreditation and completion of on-boarding
CDR representative model	Limited participation in CDR without accreditation. An unaccredited person (the CDR representative) may partner with an unrestricted accredited person (the principal) to provide goods and services using CDR data. A CDR representative may only have one principal.	No	No	When CDR representative arrangement is included on CDR Register

Pathway	Description	Accreditation required?	Data collection allowed?	When participation can start
Outsourced service provider model	<p>Limited participation in CDR without accreditation.</p> <p>Outsourced service providers may:</p> <ul style="list-style-type: none"> <li>collect CDR data on behalf of an accredited person</li> <li>use CDR data to provide goods and services to an accredited person.</li> </ul>	No	Yes	When CDR outsourcing arrangement is in place

## 2. Levels of accreditation

Both levels of accreditation – unrestricted and sponsored – apply across all sectors. Currently this means they apply to banking. In the future they will apply to other sectors that will be added to the CDR.

They allow access to all data sets (subject to consumer request and consent).

### 2.1. Unrestricted accreditation

Unrestricted accreditation is the higher level of accreditation and enables full participation in the CDR system.

At the request of a CDR consumer, participants with unrestricted accreditation may collect CDR data from data holders to provide goods or services to the consumer. They may collect the data directly or by using an outsourced service provider.

Participants with unrestricted accreditation may also:

- sponsor another person’s participation in the CDR
- enter into a CDR representative arrangement.

The criteria for unrestricted accreditation are set out in section 4.

### 2.2. Sponsored accreditation

Sponsored accreditation is the lower level of accreditation and enables partial participation in CDR. It is easier to attain than unrestricted accreditation.

Persons with a sponsored level of accreditation can participate in the CDR system if they have an arrangement with an unrestricted accredited person who is willing to act as their sponsor. A person with sponsored accreditation is known as an ‘affiliate’ of their sponsor.

The criteria for sponsored accreditation are the same as for unrestricted accreditation (see section 4). However, the evidence that the applicant must provide is different. An applicant for sponsored accreditation can self-assess and attest to their compliance with the information security obligations, whereas applicants for unrestricted accreditation are required to provide a third-party assurance report.<sup>4</sup>

#### 2.2.1. Restrictions on an affiliate

An affiliate (a person with sponsored accreditation) may not:

- collect data directly from a data holder
- enter into their own arrangement to collect CDR data through an outsourced service provider, although they can use their sponsor’s outsourced service provider to collect CDR data
- enter into a CDR representative arrangement (see section 9.1).

They may:

- request their sponsor to collect data for them

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<sup>4</sup> For details of the evidence required, see the [Supplementary accreditation guidelines: information security](#).



- collect data from another person with unrestricted accreditation who is not their sponsor<sup>5</sup>
- use their sponsor's outsourced service provider to collect CDR data
- disclose data to an outsourced service provider under a CDR outsourcing arrangement.

Before an affiliate can access CDR data or provide goods or services to a CDR consumer, the affiliate must have both sponsored accreditation and a sponsorship arrangement in place. Their accreditation will lapse after they have not been in a sponsorship arrangement for 120 days.<sup>6</sup>

### 2.2.2. Sponsor's obligations

The sponsor must comply with specific obligations set out in the CDR Rules.<sup>7</sup> These include:

- undertaking due diligence before sponsoring an affiliate
- providing appropriate training and assistance to the affiliate on technical and compliance matters
- taking reasonable steps to ensure the affiliate complies with its obligations as an accredited person.

The sponsor must inform the Accreditor when:

- they become a sponsor
- there is any change in their sponsorship arrangements.

Details on how to do this are in section 8.3 of the [CDR Participant Portal user guide](#).

## 2.3. Setting up an account

To apply for accreditation at either level, the applicant must first set up an account on the [CDR Participant Portal](#). On the CDR Participant Portal:

- applicants can complete and submit their accreditation application
- CDR participants can update and manage their information and view the CDR Register of Accredited Persons (CDR Register).

The person who sets up the account for the applicant must be 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. This provides assurance that they have the authority to act on behalf of the applicant. For example, they may be listed as the director, company secretary or authorised contact.

Detailed information about creating an account is in the [CDR Participant Portal user guide](#) on the CDR website.

Once the account creation form is completed, the person will receive an activation code to confirm the account. This allows them to log into the CDR Participant Portal. This person will be the applicant's initial primary business contact. They may then invite additional users to the CDR Participant Portal as required.

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<sup>5</sup> Relying on the AP disclosure rules in rule 1.10A of the CDR Rules.

<sup>6</sup> CDR Rules, rule 5.1B(5).

<sup>7</sup> CDR Rules, Schedule 1, clause 2.2.

### 2.3.1. Address for service

Creating an account also creates a business record in the CDR Participant Portal for the applicant. This requires certain information to be provided, including the applicant's addresses for service (both physical and electronic).<sup>8</sup> If the applicant is a foreign entity this information must include the name of the applicant's agent in Australia and the Australian agent's addresses for service (both physical and electronic).<sup>9</sup>

For applicants that are corporations, the physical address for service will be the registered office. For other business types, the physical address for services could be the principal place of business or the 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 to receive official communication and notices.

## 2.4. Completing an application

The application process is all done electronically through the CDR Participant Portal.

Sample application forms with all the questions and required documentation that will be in the electronic application forms are available on the [CDR website](#). Note that these sample forms are for information only; applications must use the electronic forms in the CDR Participant Portal.

### 2.4.1. Which form to use

Currently there are 3 approved application forms:

- **Full form for unrestricted accreditation:** This form is for all applicants seeking unrestricted accreditation, except those that are authorised deposit-taking institutions (ADIs) eligible for streamlined accreditation.
- **Form for sponsored accreditation:** This form is for all applicants seeking sponsored accreditation.
- **Streamlined form for unrestricted accreditation:** This form is only for applicants that are ADIs eligible for streamlined accreditation.

### 2.4.2. Authorised deposit-taking institutions

Banking sector applicants that are ADIs (but not restricted ADIs) meet the criteria for streamlined accreditation and may complete the streamlined accreditation form.<sup>10</sup>

The streamlined form requires the ADI to provide:

- its policy on how it will manage CDR data
- details of its membership of the Australian Financial Complaints Authority (AFCA).<sup>11</sup>

If the ADI has more than one AFCA membership (because it has multiple brands), it must provide membership details for the legal entity seeking accreditation. Details for additional brands can be provided as relevant further information.

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<sup>8</sup> CDR Rules, rule 5.2(2)(c)(i).

<sup>9</sup> CDR Rules, rule 5.2(2)(c)(ii).

<sup>10</sup> CDR Rules, rule 5.5 and Schedule 3, clause 7.3.

<sup>11</sup> CDR Rules, rule 5.12 and Schedule 3, clause 7.1.

### 2.4.3. Energy retailers

An updated application form incorporating questions and documentation requirements for energy retailer applicants will be made available.

### 2.4.4. Application process

1. Log into the CDR Participant Portal.
2. Select 'New Application' and choose the relevant form.
3. Answer all sections of the form fully.

The information you provide will be used to assess the application, populate the CDR Register or otherwise administer the CDR system.

You can save your responses and return to the form later to complete it.

4. Upload all the requested documents.

For documents that are not in English, you must provide both the original foreign language document and a translation by a National Accreditation Authority for Translators and Interpreters (NAATI) accredited translator.

5. Check that you have completed all mandatory fields and uploaded all required documents.

You must provide full responses and all documents. The Accreditor cannot assess incomplete applications.

6. Submit the application.

## 2.5. Related applications

An applicant may wish to have 2 or more related applications (for example, applications by related bodies corporate) considered by the Accreditor at the same time.

Related entities interested in applying for accreditation may wish to consider whether alternative participation pathways would be more suitable for them (see section 9).

When an applicant wishes to have multiple applications assessed simultaneously, the Accreditor may be able to consider certain information in support of more than one application. For example, 2 related entities in a corporate group may both use the same insurance held by their holding company on behalf of its subsidiaries. There may also be scope for applicants to demonstrate that their internal dispute resolution (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 they can use to support related applications with us before submitting their application.

## 2.6. Amending an application

Once an applicant has submitted their application, they cannot directly amend it. However, they may log into the CDR Participant Portal and request a change or submit additional information. The Accreditor will consider the additional information alongside the original information in the application.

For example, the applicant will need to submit additional information if a person named as a fit and proper person in the original application is no longer fit and proper or is no longer associated with the applicant.

## 2.7. Withdrawing an application

An applicant can withdraw their application 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 request to withdraw the application.

## 2.8. 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 based on that information.<sup>12</sup>

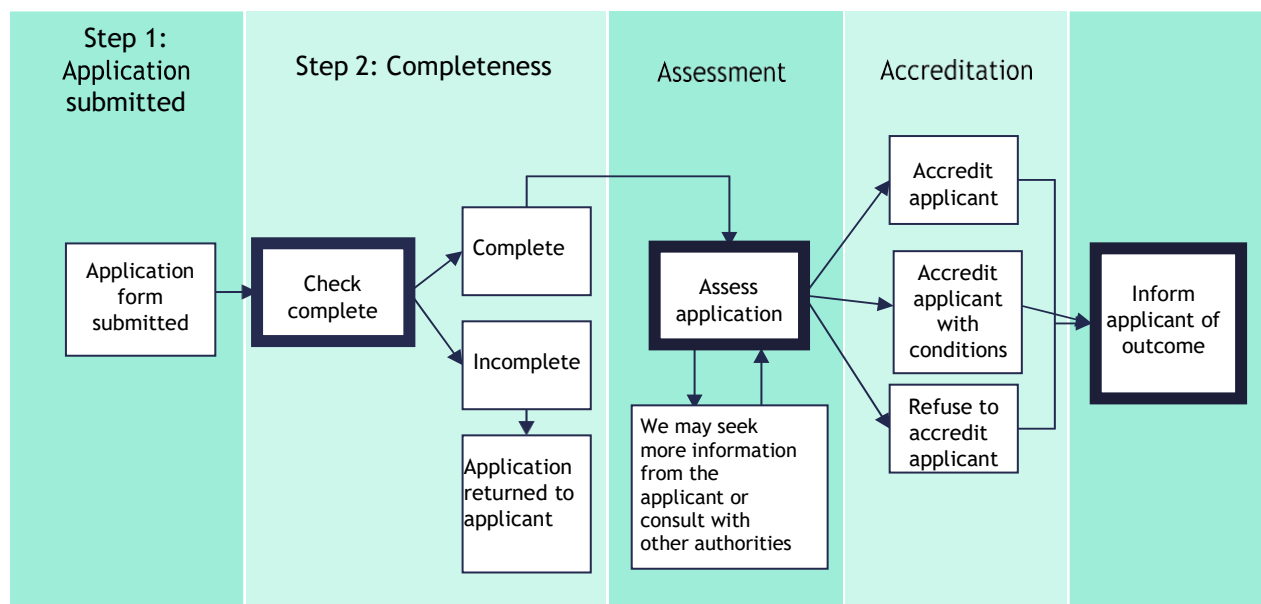
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<sup>12</sup> CDR Rules, rule 5.17(1).

### 3. Accreditation process

This section outlines the steps the Accreditor will take in assessing applications for accreditation. These steps (shown in Figure 1) apply to both levels of accreditation.

**Figure 1: Accreditation process**



#### 3.1. How long it takes

We aim to complete Step 2 (completeness check) within 1–2 weeks.

Steps 3 and 4 (assessment and decision) may take approximately 3 months. The timing depends on factors such as the level of detail provided in response to questions, whether further information is required, and the complexity of any issues that arise during assessment.

We will engage with the applicant during the assessment period. This may include meeting with them or seeking further information if needed.

#### 3.2. Completeness check

Before assessing an application, we check whether it is complete. An application is incomplete when required fields on the form have not been answered or required documents are missing.

The Accreditor cannot assess incomplete applications. If the application is incomplete, we will return it to the applicant in the CDR Participant Portal and notify them, indicating where missing information is required.

The applicant can then complete the relevant section of the application and resubmit it.

### 3.3. Further information and consultation

If the application is complete but the Accreditor needs further information before deciding whether to grant accreditation, we may:

- request additional information from the applicant<sup>13</sup> either:
  - in an interview
  - in writing, by phone or by other electronic means
- consult with Australian Government authorities such as the Australian Information Commissioner, the Australian Prudential Regulation Authority and ASIC, or similar authorities overseas.<sup>14</sup>

### 3.4. Accreditation decision

If the Accreditor decides to grant accreditation, they will notify the applicant of this in writing.

If the Accreditor decides not to grant accreditation, they will advise the applicant in writing and provide information about the applicant's rights to have the decision reviewed.<sup>15</sup> See section 8 for details on review of decisions.

### 3.5. Commencement of accreditation

Accreditation takes effect when the Accreditor's decision to accredit the applicant is recorded in the CDR Register.<sup>16</sup>

However, the accredited person will need to complete the on-boarding process (see section 3.6) before they can start actively participating in the CDR system.

### 3.6. CDR Register

The Accreditor will inform the Accreditation Registrar in writing after accreditation is granted. The Accreditation Registrar will be informed of the accredited person's name, any conditions of accreditation, and the effect of those conditions.<sup>17</sup>

The Accreditation Registrar may require an accredited person to provide other information so that requests under the CDR Rules can be processed.

### 3.7. On-boarding

Newly accredited persons must go through the CDR on-boarding process before they can actively participate in CDR. As part of this process, they will need to successfully complete testing and meet other requirements.

The ACCC will contact newly accredited persons to initiate the on-boarding process. See the [CDR on-boarding guide](#) and [On-boarding fact sheet](#) for details.

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<sup>13</sup> CDR Rules, rule 5.3.

<sup>14</sup> CDR Rules, rule 5.4.

<sup>15</sup> CDR Rules, rule 5.7(3)(b).

<sup>16</sup> CDR Rules, rule 5.8.

<sup>17</sup> CDR Rules, rule 5.15.

## 4. Accreditation criteria

The criteria for accreditation are that the applicant:

- would, if accredited, be able to comply with the obligations of a person who is accredited at that level.<sup>18</sup> These obligations relate to:
  - fit and proper person requirements
  - information security
  - dispute resolution
  - insurance

or

- meets the criteria for streamlined accreditation as set out in the CDR Rules for the relevant designated sector.<sup>19</sup>

For the banking sector, the criterion for streamlined accreditation is that the applicant is an ADI (but not a restricted ADI). Note that ADIs have the same ongoing obligations as any other accredited person (excluding the insurance obligation).<sup>20</sup>

### 4.1. Fit and proper person

An applicant and any associated person of the applicant must be a fit and proper person<sup>21</sup> to manage CDR data.

An associated person is anyone who, if the applicant were accredited, would be involved in decision-making by the applicant or someone who could significantly impact the applicant's management of CDR data. If the applicant is a body corporate, its associated persons also include its associates or associated entities within the meaning of the *Corporations Act 2001* (Cth).<sup>22</sup>

When assessing an application against this criterion, the Accreditor will consider whether the applicant (or 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 data<sup>23</sup> in Australia or a similar law in another country. The contravention does not need 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* (Cth), or a similar finding under a similar law in another country
- insolvent or bankrupt

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<sup>18</sup> CDR Rules, rule 5.5(a).

<sup>19</sup> CDR Rules, rule 5.5(b).

<sup>20</sup> CDR Rules, rule 5.12 and Schedule 3, clause 7.4.

<sup>21</sup> CDR Rules, rule 1.9.

<sup>22</sup> CDR Rules, rule 1.7(1).

<sup>23</sup> CDR Rules, rule 1.7(1) defines law relevant to the management of CDR data as meaning the *Competition and Consumer Act 2010* (Cth) and any regulation made for the purposes of the Act; the CDR Rules; the *Corporations Act 2001* and the Corporations Regulations 2001; the *Privacy Act 1988*; and specified laws for particular sectors. For the banking sector this includes the *Australian Securities and Investments Commission Act 2001* (specified in clause 7.1 of Schedule 3 to the CDR Rules).

- subject to a determination made under an external dispute resolution (EDR) scheme recognised under the *Privacy Act 1988* or a recognised EDR scheme<sup>24</sup> that included a requirement to pay financial compensation.

The Accreditor will also consider any other relevant matters, including the objects of Part IVD of the *Competition and Consumer Act 2010* (Cth).<sup>25</sup> Broadly, the objects of Part IVD are to:

- enable consumers in certain sectors (currently banking) to require information about them to be shared safely, efficiently and conveniently with:
  - themselves
  - accredited persons (subject to privacy safeguards)
- 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.

Other information that may be relevant to whether an applicant or associated person is a fit and proper person includes any:

- criminal investigation
- investigation or disciplinary action by a professional body
- inquiry or investigation by a government agency
- court proceedings initiated by a government agency.

For a body corporate, the Accreditor will also consider whether any of its directors have ever been disqualified or banned from managing a company.<sup>26</sup>

The Accreditor will undertake relevant checks to verify an applicant's answers relating to the fit and proper person criterion. This may include criminal background checks.

#### 4.1.1. Identifying associated persons

When determining who their organisation's associated persons, associates and associated entities are, applicants should refer to the definitions of **associate**<sup>27</sup> and **associated entity**<sup>28</sup> in the *Corporations Act 2001*. These definitions encompass a wide group of individual and corporate persons associated with the applicant, including persons who belong to overseas entities.

Applicants need to consider which persons within their organisation make decisions that would affect the management of CDR data. This may include:

- a director or secretary, including directors or secretaries of a subsidiary or holding company
- operations managers
- any other staff who have influence over work that that could affect or influence the management of CDR data.

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<sup>24</sup> A recognised EDR scheme. For the banking sector this is AFCA.

<sup>25</sup> CDR Rules, rule 1.9(g).

<sup>26</sup> CDR Rules, rule 1.9(1)(d).

<sup>27</sup> *Corporations Act 2001* (Cth), section 11.

<sup>28</sup> *Corporations Act 2001* (Cth), section 50AAA.



Applicants must provide signed declarations addressing the fit and proper person criterion from each of the associated persons identified in their application. The declaration template is on the [Resources page](#) of the CDR website. Applicants should send the signed declarations to [ACCC-CDR@accc.gov.au](mailto:ACCC-CDR@accc.gov.au) at the time they submit their accreditation application.<sup>29</sup>

Applicants must also provide:

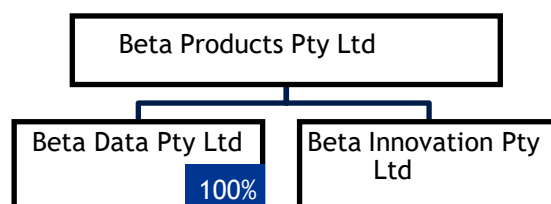
- a current corporate structure chart that identifies the applicant, its subsidiaries and its related bodies corporate
- a current organisational chart that identifies the key roles within the organisation and who performs them. The chart should identify the relevant individuals by their full name and position title. Individuals who are not associated persons of the applicant do not need to be identified by name.

The following example is provided for illustration only.

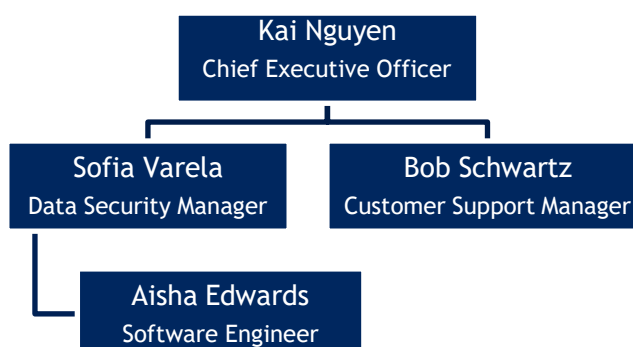
### Example: Beta Data Pty Ltd

Beta Data Pty Ltd (Beta Data) is an Australian registered 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 is an Australian registered company which has 2 directors, Amy Lin and Ali Hassan. Beta Innovation Pty Ltd (Beta Innovation), also 100% owned by Beta Products, is a company registered in Singapore and has one director, Veronica Chang.

This is Beta Data's corporate structure chart:



This is Beta Data's organisational chart:



### Who are Beta Data's associated persons?

- Beta Products is Beta Data's parent company and controls Beta Data's operations. This means Beta Products is an associated person.

<sup>29</sup> The accreditation form in the CDR Participant Portal is being updated to allow for declarations to be uploaded instead.

- Beta Innovation is a related entity to Beta Data. This means Beta Innovation is an associated person.
- Amy, as director of both Beta Data and Beta Products, is an associated person.
- Ali, as director of Beta Products, is an associated person.
- Veronica, as director of Beta Innovation, is an associated person.
- Kai, 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. Kai is an associated person.
- Sofia, as Beta Data’s Data Security Manager, influences decisions that affect the management of Beta Data’s CDR data. Sofia is an associated person.
- As Beta Data’s Software Engineer, Aisha develops software solutions for Beta Data following Kai’s and Sofia’s direction but does not make or influence decisions affecting the management of Beta Data’s CDR data. This means Aisha is not an associated person.
- Bob works in an area that does not manage or handle CDR data. This means he is not an associated person.

## 4.2. Information security

The Privacy Act and the CDR Rules contain privacy safeguards to protect consumer data.

Applicants must take the steps set out in Schedule 2 of the CDR Rules for ‘Privacy Safeguard 12 to protect CDR data from misuse, interference, loss, unauthorised access, modification or disclosure’.<sup>30</sup>

When applying for accreditation, an applicant must provide evidence to show that it is able to take these steps. This evidence must be in the form set out in the [Supplementary accreditation guidelines: information security](#).

## 4.3. Dispute resolution process

### 4.3.1. Internal dispute resolution

Applicants must have IDR processes that meet the requirements set out in the CDR Rules for the relevant designated sector.

The CDR Rules generally require IDR processes that comply with the latest version of [ASIC Regulatory Guide 271: Internal dispute resolution](#).<sup>31</sup>

However, applicants who are retailers in the energy sector must have IDR processes that satisfy the applicable requirements for standard complaints and dispute resolution procedures under the National Energy Retail Law or the Energy Retail Code (Victoria).<sup>32</sup>

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<sup>30</sup> CDR Rules, rule 5.12(1)(a) and Schedule 2.

<sup>31</sup> CDR Rules, Schedule 3, Part 5 and Schedule 4, Part 5.

<sup>32</sup> CDR Rules, Schedule 4, clause 5.1(2).

**Table 2: Relevant provisions of ASIC Regulatory Guide 271 (September 2021)**

Matters to be dealt with	Relevant paragraphs of RG 271	Further guidance
<b>Standards the applicant's IDR procedures must meet</b>	271.127 – 271.197	<p>RG 271 sets out IDR standards for:</p> <ul style="list-style-type: none"> <li>• top-level commitment to effective, fair and timely complaint management</li> <li>• enabling complaints</li> <li>• resourcing</li> <li>• responsiveness</li> <li>• objectivity and fairness</li> <li>• complaint management policies and procedures, including: <ul style="list-style-type: none"> <li>○ acknowledging complaints</li> <li>○ investigating complaints</li> <li>○ responding to complaints within appropriate time limits</li> <li>○ referring unresolved complaints to AFCA</li> <li>○ recording information about complaints</li> <li>○ identifying and recording systemic issues</li> <li>○ internal structures and reporting requirements for complaint handling</li> <li>○ the types of remedies available for resolving complaints</li> <li>○ internal structures and reporting requirements for complaint handling</li> </ul> </li> <li>• data collection, analysis and internal reporting</li> <li>• continuous improvement of the IDR process.</li> </ul> <p>The IDR standards can be adapted to suit the nature, scale and complexity of the applicant's business.</p>
<b>Outsourcing IDR procedures</b>	271.45 – 271.48	An applicant that outsources its IDR procedures to a third-party service provider remains responsible for ensuring that its IDR procedures comply with the requirements of Regulatory Guide 271.
<b>Acknowledgement of complaint</b>	271.51 – 271.52	An applicant's IDR procedures should set out how and when a complaint is acknowledged.
<b>What an IDR response must contain</b>	271.53 – 271.55	Information that minimally must be contained in an IDR response.

<b>Maximum timeframes for an IDR response</b>	271.56 – 271.75	An applicant’s IDR procedures should set out time periods associated with various stages in the CDR consumer complaint process, including delays and complaints closed within 5 business days of receipt.
<b>Multi-tiered IDR procedures</b>	271.102 – 271.106	An applicant’s own internal appeals or escalation mechanisms for resolving complaints.
<b>Role of customer advocates</b>	271.109 – 271.110	The appointment of customer advocates could potentially assist with the resolution of disputes.
<b>Establishing links between IDR procedures and external dispute resolution</b>	271.111 - 271.112, 271.115	IDR procedures must require applicant to inform the complainant that they have a right to pursue their complaint with AFCA and provide details about how to access AFCA.
<b>Systemic issues</b>	271.118 – 271.121	An applicant should have robust systems in place to ensure that possible systemic issues are investigated, followed up and reported on.

## CDR policy

An applicant’s internal IDR processes will also be relevant to their obligation as an accredited person to have and maintain a standalone CDR policy<sup>33</sup> about how it will manage CDR data. The CDR policy must include the following information about the applicant’s IDR processes<sup>34</sup> for 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
- options for redress
- options for review, both internally and externally.<sup>35</sup>

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 a mobile app.<sup>36</sup> If a consumer requests it, the applicant must also provide an electronic or hard copy of the policy, depending on the consumer’s preference.<sup>37</sup>

### 4.3.2. External dispute resolution

Applicants must belong to a recognised EDR scheme dealing with CDR consumer complaints.<sup>38</sup> As evidence of their membership, applicants must provide their membership details, including membership number and date of commencement.

<sup>33</sup> CDR Rules, rule 7.2.

<sup>34</sup> See section 56ED(3) of the *Competition and Consumer Act 2010* (Cth) and CDR Rules, rule 7.2(6).

<sup>35</sup> CDR Rules, rule 7.2(6).

<sup>36</sup> CDR Rules, rule 7.2(8).

<sup>37</sup> CDR Rules, rule 7.2(9).

<sup>38</sup> CDR Rules, rule 5.12(1)(c).

Generally applicants in the banking sector (including those that are not financial services providers) must belong to AFCA.

Banking sector applicants that are not financial services providers and not already AFCA members should:

- apply for membership using the [AFCA Licensee membership form](#). When this form is completed, it will generate a unique ‘application pending’ number
- on the accreditation application, provide this number and the date on which the applicant sought membership
- advise AFCA by email (to [membership@afca.org.au](mailto:membership@afca.org.au)) that the application relates to CDR, and provide the AFCA ‘application pending’ number.

The applicant’s AFCA membership will be pending until CDR accreditation is confirmed. The accredited person must then email AFCA, providing their CDR accreditation number, to activate its membership.

Applicants that would not normally be required to hold AFCA membership will only be subject to AFCA’s rules to the extent to which they relate to the CDR regulatory framework.

Applicants that are retailers in the energy sector and will not use any energy sector CDR data to provide services outside the energy sector must belong to the energy and water Ombudsman in their state or territory, if there is one.<sup>39</sup> If there is no recognised energy and water Ombudsman in their state or territory, a retailer must take the necessary steps to participate in the dispute resolution process appropriate to CDR consumer complaints in their jurisdiction.<sup>40</sup>

#### 4.4. Insurance

Applicants must have adequate insurance, or a comparable guarantee, relevant to the nature and extent of their management of CDR data.<sup>41</sup> This requirement reduces the risk of CDR consumers not being properly compensated due to an accredited person’s lack of financial resources.

The level of insurance that meets the standard of adequate insurance or a comparable guarantee is not prescribed. This is because what is adequate will depend on a range of factors that may be unique to the insured.

The applicant must provide a written statement, signed by an authorised representative, explaining the basis on which it has determined that the insurance policies or comparable guarantees it holds are adequate to cover risks it may be exposed to in connection with the management of CDR data.

The [Supplementary accreditation guidelines: insurance](#) lists factors to consider in determining whether your insurance arrangements are adequate.

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<sup>39</sup> CDR Rules, Schedule 4, clause 5.2(3)(c).

<sup>40</sup> CDR Rules, Schedule 4, clause 5.2(3)(d).

<sup>41</sup> CDR Rules, rule 5.12(2)(b).

## 5. Conditions on accreditation

The Accreditor may impose any conditions on accreditation at the time of accreditation or at any time afterwards.<sup>42</sup>

Conditions on accreditation could:

- make the accreditation conditional on meeting testing requirements
- limit the accreditation to the operation of particular websites or software products
- mandate that certain websites or software products cannot be used.

For example, there may be a condition to suspend the use or operation of an app. Any use of that app by the accredited person, including any attempt to seek to collect CDR data through it, would be a breach of the condition of accreditation.

### 5.1. Life span, removal and variation of conditions

The Accreditor will set a date and time at which a condition takes effect,<sup>43</sup> and for how long the condition will apply. This could be until a specified date or indefinitely.

The Accreditor may remove a condition at any time if it is no longer necessary. It may also vary any condition.<sup>44</sup>

### 5.2. Notification of conditions

The Accreditor must write to the applicant or accredited person to advise that it proposes to impose, vary or remove a condition. The Accreditor will give the applicant or accredited person a reasonable opportunity to present its views on the proposal.<sup>45</sup>

Before making a final decision, Accreditor will consider any additional evidence the applicant or accredited person provides as to whether the condition should remain, be modified or be removed.

The Accreditor must also write to the applicant or accredited person as soon as practicable after imposing, varying or removing a condition.<sup>46</sup>

The Accreditor will notify the Accreditation Registrar after imposing, varying or removing a condition.<sup>47</sup> Conditions on accreditation must be published on the CDR Register. The Accreditor may also issue a public notice.<sup>48</sup>

#### 5.2.1. Exceptions

There are exceptions to the requirement for the Accreditor to give the applicant or accredited person notice before imposing or varying a condition. The Accreditor does not need to provide notice if doing so would:

- create a real risk of harm or abuse to an individual

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<sup>42</sup> CDR Rules, rule 5.10(1)(a).

<sup>43</sup> CDR Rules, rule 5.10(4).

<sup>44</sup> CDR Rules, rule 5.10(1)(b).

<sup>45</sup> CDR Rules, rule 5.10(2)(b).

<sup>46</sup> CDR Rules, rule 5.11(1).

<sup>47</sup> CDR Rules, rule 5.15(a)(ii).

<sup>48</sup> CDR Rules, rule 5.10(5).

- have an adverse impact on the security, integrity or stability of the CDR Register or CDR system.

However, the Accreditor must still give the person an opportunity to be heard about the proposed condition as soon as practicable.<sup>49</sup>

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<sup>49</sup> CDR Rules, rule 5.10(3).

## 6. Reciprocal data holder obligations

Accredited persons may be subject to reciprocal data holder obligations – that is, obligations to share certain CDR data if a consumer requests it.

This applies to CDR data that is:

- generated and held by or on behalf of an accredited person
- generated for a product that the accredited person publicly offers to consumers.<sup>50</sup>

For example, a non-bank lender that is accredited may become a reciprocal data holder for 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 the CDR Rules<sup>51</sup> will not be a reciprocal data holder.

It is not expected that an accredited person in the energy sector will meet the requirements for reciprocal data holder obligations unless they are already a retailer. However, if a non-retailer ADR is considered a reciprocal data holder for energy sector CDR data, the CDR Rules exempt them from consumer data sharing obligations.<sup>52</sup>

Small retailers<sup>53</sup> will have data sharing obligations if they are accredited.<sup>54</sup> These obligations will commence on the later of 15 November 2023 or 12 months after they are accredited.<sup>55</sup>

We encourage applicants who have questions or want to discuss how the reciprocal data holder obligations may apply to them to contact the ACCC at [ACCC-CDR@acc.gov.au](mailto:ACCC-CDR@acc.gov.au).

### 6.1. Exemptions to reciprocal obligations

The ACCC has recently heard that some prospective applicants have decided to defer seeking accreditation because they are concerned that this would immediately trigger certain reciprocal data holder obligations.

Reciprocity is intended to increase the fairness of the CDR by encouraging eligible entities to participate fully. However, we consider that there may be benefits for the CDR program – for example, increased competition and earlier participation – if there is some short-term flexibility on the timing of reciprocal data holder obligations in some situations. Therefore, the Accreditor will consider applications for exemption (under section 56GD of the Competition and Consumer Act) from these obligations.

Applicants should send exemption applications to [ACCC-CDR@acc.gov.au](mailto:ACCC-CDR@acc.gov.au). The Accreditor will consider them when they are assessing the applicant's accreditation application.

[Guidance for applicants seeking exemption under section 56GD](#) is available on the ACCC website.

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<sup>50</sup> *Competition and Consumer Act 2010* (Cth), section 56AJ(3).

<sup>51</sup> CDR Rules, Schedule 3, clause 1.4.

<sup>52</sup> CDR Rules, Schedule 4, clause 3.2(5).

<sup>53</sup> Retailers with fewer than 10,000 smaller customers.

<sup>54</sup> CDR Rules, Schedule 4, clauses 8.6(7) and 8.6(8).

<sup>55</sup> Except in relation to complex requests, where the obligations will commence an additional 6 months later.



## 7. Transfer, suspension, surrender and revocation

### 7.1. Transfer

Accreditation cannot be transferred, even between related bodies corporate.<sup>56</sup>

Change in control of an accredited person will not affect accredited status. However, accredited persons must notify the Accreditor of any material changes in circumstances that are relevant to compliance with their obligations, including the fit and proper person obligation.<sup>57</sup>

### 7.2. Surrender

If an accredited person no longer wishes to be accredited, they may apply to the Accreditor to surrender accreditation. Applications to surrender accreditation must be in writing.<sup>58</sup>

The Accreditor will advise the person in writing that their application to surrender accreditation has been accepted.<sup>59</sup>

### 7.3. Suspension and revocation of accreditation

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

- it finds that accreditation was granted based on false or misleading information
- it finds that an associated person of the accredited person has contravened a law relevant to the management of CDR data
- it reasonably believes that the suspension or revocation is necessary to protect consumers or to protect the security, integrity or stability of the CDR Register or other information technology systems used to disclose or collect CDR data
- the accredited person no longer satisfies a requirement that it satisfied at the time of accreditation
- the accredited person has, or the Accreditor reasonably believes may have, contravened an offence under the Competition and Consumer Act, a civil penalty provision under the Act or the 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.<sup>60</sup>

Before suspending or revoking accreditation, the Accreditor will inform the accredited person of:

- the proposed suspension or revocation
- when it will commence
- for a suspension, its duration.<sup>61</sup>

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<sup>56</sup> CDR Rules, rule 5.16.

<sup>57</sup> CDR Rules, rule 5.14.

<sup>58</sup> CDR Rules, rule 5.1.

<sup>59</sup> CDR Rules, rule 5.17(1).

<sup>60</sup> CDR Rules, rule 5.17(1).

<sup>61</sup> CDR Rules, rule 5.18, 5.19.

The Accreditor will then provide a reasonable opportunity for the accredited person to present its views on the proposed suspension or revocation before making a decision.<sup>62</sup>

However, the Accreditor may suspend accreditation without notice if there is a need for urgency.<sup>63</sup> In these circumstances the Accreditor will inform the accredited person as soon as practicable.<sup>64</sup>

Accreditation may be suspended for a specific period or until a specified event. Suspension may also be extended. The Accreditor will inform the accredited person if it decides to extend the suspension.<sup>65</sup>

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<sup>62</sup> CDR Rules, rules 5.18(1)(b), 5.20(2)(b).

<sup>63</sup> CDR Rules, rule 5.21.

<sup>64</sup> CDR Rules, rule 5.21(3)(a).

<sup>65</sup> CDR Rules, rule 5.20(4).

## 8. Review of decisions

Applicants or accredited persons may apply for review or legal appeal of the Accreditor's decisions. If they wish to do this, they should seek legal advice.

### 8.1. Administrative Appeals Tribunal

Applicants or accredited persons may apply to the Administrative Appeals Tribunal (the Tribunal) for review of decisions by the Accreditor. The Tribunal can affirm, vary or set aside the original decision and may substitute its own decision for that of the Accreditor.<sup>66</sup> Tribunal proceedings are conducted with as little formality and technicality, and with as little delay, as possible.

The Tribunal is not bound by the rules of evidence. However, it may inform itself on any matter in any way it thinks appropriate.<sup>67</sup>

#### 8.1.1. Decisions the Tribunal can review

Applicants or accredited persons may apply to the Tribunal for review of decisions by the Accreditor to:

- refuse to accredit them<sup>68</sup>
- impose or vary conditions on their accreditation<sup>69</sup>
- revoke, suspend or extend a suspension of their accreditation.<sup>70</sup>

#### 8.1.2. How to apply

Information on applying to the Tribunal for review of a decision is on the [Administrative Appeals Tribunal website](#).

## 8.2. Federal Court

Applicants or accredited persons may apply to the Federal Court for judicial review of Accreditor decisions.

### 8.2.1. Scope of judicial review

Judicial review is concerned only with the legality of the decision. It is limited to questions of law, such as:

- whether the Accreditor had the power to make the decision
- whether it has taken an irrelevant consideration into account or failed to take a relevant consideration into account
- whether the decision was so unreasonable that no reasonable decision-maker could have made it.

Unlike the Tribunal, the Federal Court cannot determine the merits (the facts) of the case. In other words, it can only rule on whether the Accreditor's decision was legal, not on whether it was correct.

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<sup>66</sup> *Administrative Appeals Tribunal Act 1975* (Cth), section 43(1).

<sup>67</sup> *Administrative Appeals Tribunal Act 1975* (Cth), section 33(1).

<sup>68</sup> *Competition and Consumer Act 2010* (Cth), section 56CB.

<sup>69</sup> CDR Rules, rule 9.2(a).

<sup>70</sup> CDR Rules, rules 5.18, 5.20, 9.2(b).

### **8.2.2. Appealing decisions of the Tribunal**

Applicants or accredited person may appeal to the Federal Court for judicial review of any decision of the Tribunal. Again, the Federal Court can rule only on questions of law, not on the merits of the decision.

### **8.2.3. How to apply**

Information on the process to apply to the Federal Court for judicial review of a decision is on the [Federal Court of Australia website](#).

## 9. Other CDR participation pathways and data sharing options

There are 2 pathways for participation in CDR without going through accreditation:

- The **CDR representative model** allows an unaccredited person to partner with an unrestricted accredited person to provide goods and services using CDR data (see Table 1 and section 9.1)
- The **outsourced service provider model** allows an unaccredited person to collect CDR data on behalf of an accredited person and to use CDR data to provide goods and services to an accredited person (see Table 1 and section 9.2).

### 9.1. CDR representative model

Persons who wish to use CDR data to provide goods or services to consumers but do not wish to seek accreditation may enter a CDR representative arrangement with a person accredited at the unrestricted level (the principal).

For example, an accredited financial technology (fintech) organisation's packaged CDR services can be sold by representatives as long as the CDR data will remain within the fintech's CDR data environment.

In this 'agency-like' relationship the principal will collect CDR data on behalf of the CDR representative. The relationship is governed by the terms of a written contract known as the **CDR representative arrangement**.

A CDR representative can only have one principal.

The principal is fully liable under the CDR Rules for the CDR representative's use and disclosure of the CDR data.

The principal must comply with specific obligations set out in the CDR Rules. In particular, they must notify the Accreditor of a new or proposed representative arrangement within 5 business days of the commencement of the arrangement. They can do this in the CDR Participant Portal using a CDR Representative Arrangement Notification form (under the Organisations tab – see Figure 2). Further details on how to do this are in section 8.2 of the [CDR Participant Portal user guide](#).

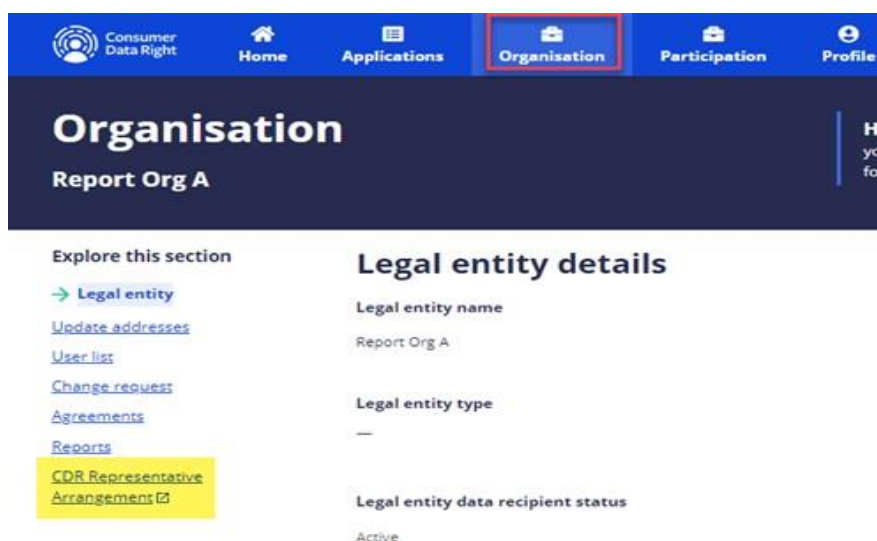


Figure 2: Screenshot of CDR Representative Arrangement Notification form

## 9.2. Outsourced service provider model

An accredited person may:

- use an outsourced service provider to collect or facilitate the collection of CDR data on its behalf
- disclose CDR data to an outsourced service provider so they can provide goods or services to the accredited person.

An outsourced service provider does not need to be accredited.

The goods or services from the outsourced service provider must be provided in accordance with a CDR outsourcing arrangement (as outlined in rule 1.10 of the CDR Rules).

A CDR outsourcing arrangement is a contract between the outsourced service provider and the accredited person (the principal). It must include certain restrictions on how the outsourced service provider can deal with the CDR data.

The principal is fully liable under the CDR Rules for the use or disclosure of CDR data by its outsourced service provider.

## 9.3. Other data sharing options

The CDR Rules provide 2 other ways for an accredited person to share CDR data, with a consumer's consent, with an unaccredited person:

- The **trusted adviser model** allows disclosure of CDR data to approved professionals such as accountants, lawyers, financial advisers, financial counsellors and mortgage brokers.<sup>71</sup>
- The **CDR insights model** allows disclosure of certain limited CDR data, known as 'insights', to any person if the disclosure is for one of the purposes specified in the CDR Rules.

Currently consumers cannot receive their own data through an application programming interface without becoming accredited. Consumers who want to access their own CDR data need to get it from a provider who is accredited or from another channel, such as directly from their bank.

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<sup>71</sup> Rule 1.10C of the CDR Rules provides the full list of approved professionals.

## 10. Other resources

For more information on accreditation, see:

- [CDR supplementary accreditation guidelines: insurance](#)
- [CDR supplementary accreditation guidelines: information security](#)
- [Competition and Consumer \(Consumer Data Right\) Rules 2020 and Explanatory Statement](#)
- [OAIC CDR Privacy Safeguard Guidelines](#)
- [Consumer Data Standards](#)