

# Nominated representatives of non- individuals and partnerships in CDR

## Fact sheet

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### Version Control

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December 2022	Version 2	Editorial changes and additional information on sole traders, dashboards, notifications and vulnerable customers
December 2023	Version 3	Amendments to section 4 regarding PPIDs and the management of authorisations and changes to reflect amendments to the CDR Rules since version 2 was published
October 2025	Version 4	Amendments to reflect changes made by <a href="#">Competition and Consumer (Consumer Data Right) Amendment (2025 Measures No. 1) Rules 2025</a> , remove commencement dates that have passed, and clarify guidance about authentication.

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# 1. Introduction

## 1.1. Consumer Data Right

The Consumer Data Right (CDR) gives consumers greater control over their data, enabling them to access and share their data with accredited third parties to access better deals on everyday products and services. A glossary of common terms is published on the [CDR website](#).

## 1.2. Nominated representatives

Entities that are non-individuals (for example, corporations) and partners in a partnership can participate in CDR by appointing a nominated representative to give, amend and manage authorisations on their behalf.

Nominated representatives' participation in CDR is regulated under the [Competition and Consumer \(Consumer Data Right\) Rules 2020](#) (CDR Rules). Currently, only data holders in the banking and energy sectors are required to support consumer data sharing functionality for non-individuals and partnerships (see section 1.4 of this fact sheet).

The nominated representative provisions of the CDR Rules are principles-based and non-prescriptive. They aim to provide flexibility for data holders dealing with a diverse range of non-individuals and partnerships. Data holders may have existing processes and systems which authorise an individual to transact on behalf of a non-individual or partnership. The CDR Rules intend to accommodate these existing practices to the extent possible.

## 1.3. This fact sheet

This fact sheet has been produced by the Australian Competition and Consumer Commission (ACCC). It assists data holders to deal with non-individuals and partnerships under the CDR Rules. Participants should read this fact sheet in conjunction with the CDR Rules.

This fact sheet does not cover:

- businesses that are supplied products in their capacity as individuals (for example, a natural person who is a sole trader and holds a bank account in their own name). Data holders must deal with these consumers as individuals under the CDR Rules.<sup>1</sup>
- accredited data recipients (ADRs). The CDR Rules do not prescribe how ADRs must facilitate data sharing for non-individuals and partnerships.<sup>2</sup>

This is general guidance only. It does not constitute legal or other professional advice and should not be relied on as a statement of the law. This fact sheet may contain generalisations.

We encourage participants to obtain their own professional advice regarding individual compliance matters to ensure they understand their obligations under the CDR framework.

The ACCC welcomes feedback on this fact sheet via email to [accc-cdr@accc.gov.au](mailto:accc-cdr@accc.gov.au).

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<sup>1</sup> However, a data holder must enable consumer data sharing under the nominated representative provisions if a sole trader's account is held by a non-individual (that is, the business rather than an individual is the account holder).

<sup>2</sup> However, we note particular provisions enable CDR business consumers to give business consumer disclosure consents and certain consents for a duration of up to 7 years (for example, see rules 4.12(1A)(a) and 4.14(2)(a)).

## 1.4. Implementation timeframes

### 1.4.1. Banking sector

In general, existing data holders in the banking sector must support consumer data sharing functionality for non-individuals and partnerships.<sup>3</sup>

If an entity becomes an unrestricted ADI after 4 March 2025, they will become a new data holder in the banking sector. An entity in this situation must support consumer data sharing for non-individuals and partnerships 18 months after becoming an unrestricted ADI.<sup>4</sup>

### 1.4.2. Energy sector

Initial retailers and larger retailers in the energy sector must now support consumer data sharing functionality for non-individuals and partnerships.<sup>5</sup>

Energy retailers that do not qualify as either an initial retailer or larger retailer are considered small retailers.<sup>6</sup> Small retailers will only have data sharing obligations if they become accredited by the CDR Accreditor (the ACCC) or choose to voluntarily support CDR data sharing.<sup>7</sup>

If a small retailer is interested in participating in CDR voluntarily, it should email the ACCC's CDR team: [accc-cdr@accc.gov.au](mailto:accc-cdr@accc.gov.au) and specify the date it would like to participate from.

A small retailer that becomes an accredited person must support consumer data sharing functionality for non-individuals and partnerships 18 months after the day it becomes accredited.<sup>8</sup>

### 1.4.3. Non-bank lenders sector

Data holders in the non-bank lenders sector are not currently required to respond to requests made on behalf of a CDR consumer that has a nominated representative, or to provide the services needed to be able to respond to these requests (i.e. the services referred to in clauses 1.13(1)(c) to (d) of the CDR Rules). This is because data sharing obligations in relation to complex requests (which includes a request from a consumer with a nominated representative) do not yet apply for data holders in the non-bank lenders sector.<sup>9</sup>

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<sup>3</sup> See guidance on [Assessing whether a banking or non-bank lending product is in scope for CDR](#) for further information on identifying whether a particular product is in scope for data sharing through the CDR.

<sup>4</sup> CDR Rules, Schedule 3, clause 6.9(2)(c) states that an entity that becomes an unrestricted ADI after 4 March 2025 must respond to complex requests 18 months after becoming an unrestricted ADI. Clause 6.1 sets out the meaning of complex request, which includes a consumer data request made on behalf of a CDR consumer that has a nominated representative.

<sup>5</sup> CDR Rules, Schedule 4, clause 8.6 sets out relevant obligation dates for complex requests, which include a consumer data request made on behalf of a CDR consumer that has a nominated representative. See clauses 8.2 and 8.3 for meaning of initial retailer and larger retailer.

<sup>6</sup> See CDR Rules, Schedule 4, clause 8.1 for meaning of small retailer.

<sup>7</sup> CDR Rules, Schedule 4, clause 8.6(8) and (9). See also the *Competition and Consumer Act 2010* (Cth), section 4 for the meaning of accredited person.

<sup>8</sup> CDR Rules, Schedule 4, clause 8.6(8). Clause 8.1 defines a complex request to include a consumer data request that is made on behalf of a CDR consumer who has a nominated representative.

<sup>9</sup> CDR Rules, Schedule 3, clauses 6.4(2) and 6.5(4). A complex request means a consumer data request that is made on behalf of a secondary user, or relates to a joint account or partnership account, or is made on behalf of a CDR consumer who has a nominated representative (see clause 6.1). For more information, see fact sheet on [Non-bank lenders with CDR obligations](#).

## 2. Nominated representatives

### 2.1. What is a nominated representative?

A nominated representative engages with a data holder on behalf of non-individuals and partners in a partnership.

To participate in CDR data sharing, a non-individual or partnership must nominate at least one individual as a nominated representative.

Once the non-individual or partnership has a nominated representative, the representative can give, amend and manage<sup>10</sup> authorisations to disclose CDR data on behalf of the non-individual or partnership.<sup>11</sup>

### 2.2. Sole traders

Sole traders can structure their accounts in different ways. While some may hold accounts in their capacity as individuals, other sole traders may set them up using separate business profiles.

Where an individual is operating a business as a sole trader using accounts set up in their capacity as an individual, data holders are required to enable consumer data sharing for the consumer using the CDR Rules as they apply to individuals.

Where a sole trader's account is held by a non-individual (that is, the account holder is a business, rather than an individual), the sole trader is to be treated as though it is a non-individual. In this circumstance, all the provisions relating to nominated representatives will apply to the sole trader's account.

### 2.3. Who can be a nominated representative?

Under the CDR Rules, a nominated representative can be any individual who is 18 years or older.<sup>12</sup>

### 2.4. Selecting a nominated representative

No particular position within a business automatically takes the role of a nominated representative. To share CDR data, businesses and partnerships must nominate at least one individual as a nominated representative. The CDR Rules do not prescribe who within a business or partnership can select a nominated representative.

Data holders can use their existing systems and processes for dealing with their non-individual and partnership customers. For example, a data holder may already have arrangements in place with their non-individual and partnership customers that identify the individuals who are authorised to act as agents for the business and make decisions, such as who can transact on behalf of the business for particular business accounts.

### 2.5. Nominating a representative

Data holders in the banking and energy sectors must provide their non-individual and partnership customers with a service that allows the customer to:

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<sup>10</sup> Being able to manage authorisations includes being able to withdraw authorisations.

<sup>11</sup> CDR Rules, rules 1.13(1)(c)(i) and 1.13(1)(d)(i).

<sup>12</sup> CDR Rules, rules 1.13(1)(c)(i) and 1.13(1)(d)(i).

- nominate representatives; and
- revoke those nominations.<sup>13</sup>

The data holder can provide this service as an online and/or offline service.<sup>14</sup>

This service should be easy to use and enable customers to nominate representatives or revoke those nominations in a timely manner. For example, a data holder may provide an entirely digital process through its online portal or mobile app that enables a customer to efficiently nominate a representative or revoke a nomination.

Data holders can incorporate a nomination process into existing processes to reduce friction for their customers. For example, while setting up a business account, a data holder may ask the business to select the permissions an individual will have for the account, this could include selecting permissions for CDR data sharing. If a data holder is using existing processes for appointing a nominated representative, the non-individual or partnership should be expressly informed about that process. It is important to note that the data holder must also provide a service to enable the non-individual or partnership to revoke the nomination and to nominate additional representatives.

### **2.5.1. What if a non-individual or partnership doesn't have a nominated representative?**

If the non-individual or partnership does not have a nominated representative, it will not be able to authorise the sharing of CDR consumer data. In this situation, the data holder can refer to the [Consumer Experience Standards](#) (CX Standards) for scenarios they can apply. For example, they can give instructions on how to become a nominated representative and share a non-individual's or partnership's data – see the [Authorisation Standards, Unavailable Accounts: Request sharing rights](#). Examples that can be applied to these scenarios can be found in the [Authorisation to disclose: Unavailable accounts](#) section of the [Consumer Experience Guidelines](#) (CX Guidelines).

## **2.6. Nominated representatives' scope of authority**

Data holders may allow account holders to set the scope of accounts for which different nominated representatives can give, amend and manage authorisations.

For example, business ABC may wish to nominate particular staff but restrict them from being able to share data from specific business accounts. In this type of scenario, data holder XYZ may offer business ABC the ability to tailor the scope of the authorisations to suit its needs. Data holder XYZ can provide this functionality alongside its existing processes for managing account permissions to reduce friction for its customers.

## **2.7. Approving the nomination of a representative**

A nominated representative is the individual nominated by the non-individual or partnership.<sup>15</sup> Not all partners in a partnership necessarily need to approve the nomination of a representative. For example, a data holder and a business partnership customer may agree that all partners, a particular subset of partners or one particular partner must approve a nomination before an individual is recognised as a nominated representative.

<sup>13</sup> CDR Rules, rules 1.13(1)(c) and 1.13(1)(d).

<sup>14</sup> An offline service could be an in-writing agreement involving wet signatures. See CDR Rules, rule 1.13(1) Note 4.

<sup>15</sup> CDR Rules, rules 1.13(1)(c)(i) and 1.13(1)(d)(i).

## 2.8. Is the nominated representative considered to be the CDR consumer?

A nominated representative acts *on behalf* of a non-individual or partnership.<sup>16</sup> They are not the CDR consumer. The CDR consumer will be either:

- the non-individual legal entity; or
- a partner of the partnership that the account is held by or on behalf of.

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<sup>16</sup> CDR Rules, rules 1.13(1)(c) and 1.13(1)(d).



## 3. Authorising consumer data sharing

### 3.1. Authenticating a nominated representative

Before a nominated representative can initiate an authorisation flow with a data holder and authorise data sharing, they must be authenticated.

The nominated representative is authenticated against the credentials held on the data holder's systems, in the same way an individual consumer is authenticated in accordance with the data standards.

When authenticating an individual, the data holder must request a user identifier that can uniquely identify the customer and that is already known by the customer in the redirected page (for example, the credentials could relate to the individual's personal profile or their business employee/representative profile). See the [Authentication flows](#) section of the data standards for further requirements of the authentication process.

An individual may successfully complete authentication if they have valid credentials despite not being a nominated representative. In this scenario, the individual would be alerted in the authorisation flow that they do not have authority to share data from the relevant business account(s). See section 3.2.3 of this fact sheet for further information.

### 3.2. Authorisation flow

Once a nominated representative has been authenticated, they can give, amend and manage authorisations to disclose CDR data on behalf of the CDR consumer.<sup>17</sup>

The CX guidelines provide guidance on how data holders may ask CDR consumers to give or amend authorisations. A data holder's processes for asking a CDR consumer to give or amend an authorisation must:

- (a) accord with the Consumer Data Standards (data standards); and
- (b) have regard to any consumer experience guidelines developed by the Data Standards Body, be as easy to understand as practicable, including by use of concise language and, where appropriate, visual aids.<sup>18</sup>

#### 3.2.1. Profile selection

If the nominated representative's credentials or identifier gives them access to different customer accounts, the data holder may also choose to add a profile selection step or equivalent before providing the list of available business accounts. For example, a single customer ID may give them access to their personal bank accounts as well as the business accounts of their employer.

According to the CX Standards, the [profile selection](#) step should only be considered if it is an existing customer experience, and it should be as minimal as possible to avoid introducing unwarranted friction.<sup>19</sup> Implementation examples can be found in the [Selection functionality](#) section of the [CX Guidelines](#).

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<sup>17</sup> CDR Rules, rules 1.13(1)(c) and 1.13(1)(d).

<sup>18</sup> CDR Rules, rule 4.22.

<sup>19</sup> [Authorisation Standards](#), Authorisation: Profile selection.

### 3.2.2. Account selection

Once the nominated representative has been authenticated against their credentials on the data holder's system, the data holder can move the nominated representative on to the account selection step and present the relevant business accounts the nominated representative has authority to share data from. The representative can then select an account they wish to share CDR data from.

The account selection step may be omitted where a nominated representative only has authority to share data from one account, or the data requested does not relate to any accounts (e.g. saved payees). See [Authorisation Standards, Authorisation: Account selection](#). Example implementations are shown in the [CX Guidelines for Authorisation to Disclose - Data related to one or no accounts](#).

### 3.2.3. Unavailable accounts

The [CX standards for the authorisation flow](#) also give options to use where an individual is unable to access accounts for any reason (e.g. the individual does not have authority to share data from a particular business account). In those cases, a data holder may provide instructions or an explanation. Examples of these scenarios can be found in the [Authorisation to disclose: Unavailable accounts](#) section of the [CX Guidelines](#).

## 4. Managing authorisations

### 4.1. Consumer dashboard

Data holders in the banking and energy sectors are required to provide a consumer dashboard to customers that are non-individuals or partners in a partnership. The customer's nominated representatives will use the dashboard to access and manage data sharing.<sup>20</sup>

For a non-individual CDR consumer or partners in the partnership, only nominated representatives will be able to use the dashboard to manage authorisations. Hence, we consider that providing the dashboard to the nominated representatives will satisfy the requirement of providing a dashboard to the CDR consumer as stated in rule 1.15. Where the CDR Rules require a notification or information to be provided to a non-individual CDR consumer or partner in a partnership, we consider this could in some cases also be satisfied by providing the relevant information to the nominated representative.

While a data holder may provide view only dashboards to non-individuals or partners in a partnership who are not nominated representatives to enable them to obtain an overarching view of authorisations, our view is this is not required to satisfy rule 1.15.

#### 4.1.1. Tailoring the dashboard view

The CDR Rules leave it open for a data holder to decide how it will present the consumer dashboard to nominated representatives. For example, the data holder may choose to provide:

- one identical dashboard view for all nominated representatives to view, give, amend or withdraw an authorisation given on behalf of the non-individual or partnership;<sup>21</sup> or
- each nominated representative with a dashboard view of all the accounts for which the nominated representative can view, give, amend or withdraw an authorisation for CDR data sharing on behalf of the non-individual or partnership.<sup>22</sup>

### 4.2. Withdrawing an authorisation

Data holders must allow CDR consumers to withdraw an authorisation to disclose CDR data at any time:

- through the data holder's consumer dashboard; or
- by using a simple alternative method of communication that the data holder makes available to CDR consumers to withdraw an authorisation.<sup>23</sup>

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<sup>20</sup> CDR Rules, rules 1.15(1) and 1.15(2A)

<sup>21</sup> A nominated representative may amend an authorisation it has given, but it is generally unable to amend an authorisation given by another nominated representative because authorisations are tied to a single Pairwise Pseudonymous Identifier (see section 4.3 of this guidance for further information). However, a nominated representative may view and withdraw an authorisation given by another nominated representative on behalf of the relevant CDR consumer.

<sup>22</sup> This example represents a desirable solution where a data holder enables a non-individual or partnership to tailor the scope of the authorisations that different nominated representatives can give.

<sup>23</sup> CDR Rules, rule 4.25(1).

As set out at section 4.1.1 of this guidance, a data holder may decide to provide one identical dashboard for all nominated representatives. A data holder may allow a nominated representative to use the dashboard to withdraw their own authorisations, as well as authorisations given by other current or previous nominated representatives.

#### **4.2.1. Status of existing authorisations when nominated representative status is revoked**

Non-individuals and partnerships may have authorisations in place that last beyond the time that the individual who gave the authorisation is a nominated representative. This is because nominated representatives act on behalf of the CDR consumer, and where a nominated representative has given an authorisation, it is for the business, not the individual representative.

As such, a data holder cannot decide to end an authorisation on the basis that a nominated representative's status has been revoked.

This means that in circumstances where a non-individual or partnership no longer has any nominated representatives, a data holder will continue to have data sharing obligations where an authorisation continues to exist.

A data holder may choose to have a default arrangement where any nominated representative or a select group of nominated representatives can view and withdraw all existing authorisations through the data holder consumer dashboard. This would mean that, if a nominated representative has had their status revoked, any remaining nominated representatives could withdraw the authorisations made by the former nominated representative.

Where a non-individual or partnership no longer has any nominated representatives, the CDR consumer could appoint a new nominated representative to manage the authorisations. However, if a new nominated representative has not been appointed, the CDR consumer could withdraw an authorisation using an alternative means of communication.<sup>24</sup>

### **4.3. Transferring an authorisation**

The [data standards](#) tie an authorisation to a Pairwise Pseudonymous Identifier (PPID) which is associated with the specific individual that established the authorisation. Where the authenticated user is a nominated representative, the PPID represents that nominated representative, not the entity they are representing. This means the identifier is specific to the nominated representative that established the authorisation.

While authorisations made by a nominated representative can be withdrawn by other nominated representatives, it is not possible to transfer the authorisation to an existing nominated representative that already has a PPID. This is because an authenticated user cannot have more than one PPID.

However, the data holder may be able to support the transfer of a former nominated representative's PPID to a new nominated representative for the same business who does not have an existing PPID. This would also transfer authorisations given by the former nominated representative.

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<sup>24</sup> CDR Rules, rule 4.25(1)(b). The CDR Rules do not prescribe who within a business or partnership can withdraw an authorisation in these circumstances. For more information on individuals who may act on behalf of the CDR consumer, see section 2.4 of this guidance.

As existing authorisation and permission structures for business customers vary significantly between data holders and these differences are sometimes a competitive differentiator, data holders have discretion about how to implement a transfer.

It is important to note that, when deciding how to implement authorisations for nominated representatives, an ADR may not be aware that an authorisation was given by a particular nominated representative. They may not have the same structures around transferring consents and may not have provided equivalent mechanisms for the transfer of account ownership in their solution.

#### 4.4. Vulnerable customers

If a data holder determines that any person, including a nominated representative is at risk of harm or abuse, it may refuse to:

- make a disclosure;<sup>25</sup>
- ask for an authorisation or an amendment to an authorisation.<sup>26</sup>

These provisions apply where the data holder considers it necessary to prevent physical, psychological or financial harm or abuse. Information relating to a consumer's vulnerability can be very sensitive. In determining whether a particular act or omission would be necessary to prevent physical, psychological or financial harm or abuse, data holders should consider the risk of harm or abuse to an individual and whether the individual is currently identified as vulnerable. Please refer to our knowledge article on [Vulnerable customers](#) for more information.

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<sup>25</sup> CDR Rules, rules 3.5(1)(a) and 4.7(1)(a).

<sup>26</sup> CDR Rules, rule 4.7(1)(a).