



Wednesday, 25 October 2023

Mr James Kelly  
Division Head  
Market Conduct and Digital Division  
Consumer Data Right Policy and Engagement Branch  
The Treasury

By email: [data@treasury.gov.au](mailto:data@treasury.gov.au)

Dear Mr Kelly

### **Screen scraping – policy and regulatory implications**

Chartered Accountants Australia and New Zealand (CA ANZ) welcomes the opportunity to provide its views on the matters raised in the discussion paper noted above. Whilst we appreciate the concerns relating to consumers sharing their login details, we do not consider a case for regulating screen scraping has been made and that driving participation in the consumer data right (CDR) should be left to market forces once the CDR matures rather than banning a particular alternative, technology.

Following, we detail why we consider there is an insufficient basis for regulating screen scraping and that market forces will drive the natural transition away from screen scraping. We provide more detail about CA ANZ in Appendix A.

#### **Cyber security**

We acknowledge that cyber security is critically important and that regulation is required for businesses to become cyber-safe to, as best as possible, protect consumers' data. Accordingly, data and cyber security protection are best addressed through technology-neutral regulation on data and cyber security to capture all parties using any digital or manual process to collect, store or use personal data.

Our submission to the 2023-2030 Australian Cyber Security Strategy Discussion paper on 13 April 2023, noted that multiple agencies and mechanisms are already charged with helping businesses to be cyber secure. Our submission called for these to be streamlined with the aim of creating a single legislative framework and for a national set of tools to be cyber safe be publicly accessible.

Importantly, the harm associated with cyber security breaches is not associated with a particular type of technology. Regulation of screen scraping would not achieve the policy objective of protecting consumers' personal data during collection or when stored.

#### **Consumer protection**

The paper refers to the year-on-year increase in scams and frauds, and resulting harm, as a reason to consider regulating screen scraping. Yet the National Anti-scam Centre statistics show phishing to be the most reported scam, 72,471, with identity theft reported, 13,709<sup>1</sup> times. More granular statistics on *Attempts to gain your personal information* show that the most common approach of scammers is via a text message.

This again indicates that the risk of harm is not associated with a particular technology. In this scenario, harm arises due to the lack of awareness by consumers to check who is asking for their personal details and for what purpose. Regulating a single technology rather than educating consumers will see the resulting framework failing to improve with the key focus of the discussion paper, consumer protection.

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<sup>1</sup> National Anti-Scam Centre, [Scam statistics 2023](#), accessed on 12 October 2023

### Consumer data right (CDR)

Ultimately, consumers are more likely to choose a service or product that is reliable and easy to use over one that requires constant interaction and monitoring. Currently, screen scraping technology can deliver speed, scale, accuracy and customisation of data allowing innovative products to be developed to meet consumers' needs. As the CDR matures and covers the breadth of data available through other technologies, providers of financial products are likely to choose to access the necessary data via the CDR.

Market forces, rather than the government, will drive a transition of product providers to seek access to consumer data through the CDR.

### Conclusion

With the rate of technological change today, regulating a single technology, in this case, screen scraping, will not mitigate the risks raised in the discussion paper. Equally, a well-functioning CDR that meets or exceeds data accessibility through screen scraping will drive a natural transition away from screen scraping in those areas covered by the CDR without the need for regulation. If you would like to discuss our submission further, in the first instance please reach out to Jill Muir at [jill.muir@charteredaccountantsanz.com](mailto:jill.muir@charteredaccountantsanz.com).

Sincerely,



**Simon Grant FCA**  
Group Executive  
Advocacy and International Development



**Karen McWilliams FCA**  
Sustainability and Business Reform Leader  
Advocacy

# Appendix A

Chartered Accountants Australia and New Zealand (CA ANZ) represents more than 136,000 financial professionals, supporting them to build value and make a difference to the businesses, organisations and communities in which they work and live.

Around the world, Chartered Accountants are known for their integrity, financial skills, adaptability and the rigour of their professional education and training.

CA ANZ promotes the Chartered Accountant (CA) designation and high ethical standards, delivers world-class services and life-long education to members and advocates for the public good. We protect the reputation of the designation by ensuring members continue to comply with a code of ethics, backed by a robust discipline process. We also monitor Chartered Accountants who offer services directly to the public.

Our flagship CA Program, the pathway to becoming a Chartered Accountant, combines rigorous education with practical experience. Ongoing professional development helps members shape business decisions and remain relevant in a changing world.

We actively engage with governments, regulators and standard-setters on behalf of members and the profession to advocate in the public interest. Our thought leadership promotes prosperity in Australia and New Zealand. Our support of the profession extends to affiliations with international accounting organisations.

We are a member of the International Federation of Accountants and are connected globally through Chartered Accountants Worldwide and the Global Accounting Alliance. Chartered Accountants Worldwide brings together members of 13 chartered accounting institutes to create a community of more than 1.8 million Chartered Accountants and students in more than 190 countries. CA ANZ is a founding member of the Global Accounting Alliance which is made up of 10 leading accounting bodies that together promote quality services, share information and collaborate on important international issues.

We also have a strategic alliance with the Association of Chartered Certified Accountants. The alliance represents more than 870,000 current and next generation accounting professionals across 179 countries and is one of the largest accounting alliances in the world providing the full range of accounting qualifications.