

# EXPOSURE DRAFT



EXPOSURE DRAFT

## Competition and Consumer (Consumer Data Right) Amendment (2024 Measures No. 1) Rules 2024

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I, Stephen Jones, Assistant Treasurer and Minister for Financial Services, make the following rules.

Dated 2024

Stephen Jones [DRAFT ONLY—NOT FOR SIGNATURE]  
Assistant Treasurer  
Minister for Financial Services

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## 1 Name

This instrument is the *Competition and Consumer (Consumer Data Right) Amendment (2024 Measures No. 1) Rules 2024*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1 Amendments

### Part 1 Operational enhancements

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## Schedule 1—Amendments

### Part 1—Operational enhancements

#### *Competition and Consumer (Consumer Data Right) Rules 2020*

##### 1 After subrule 1.6(9)

Insert:

(9A) Part 50 of these rules sets out application and transitional provisions.

##### 2 Subrule 1.7(1)

Insert:

*consumer experience data standards* means data standards expressed to be consumer experience data standards.

Example: The Data Standards Chair must make data standards about disclosure and security of CDR data, including consumer experience data standards for certain disclosures—see subparagraphs 8.11(1)(c)(iii) to (vi).

##### 3 Subrule 1.7(1) (definition of *eligible*) (including the note)

Repeal the definition, substitute:

*eligible*:

- (a) in relation to a particular data holder, at a particular time—has the meaning given by rule 1.10B; and
- (b) in relation to a particular data holder in a particular designated sector, at a particular time—has the meaning given by rule 1.10B as affected by clause 2.1 of Schedule 3 and clause 2.1 of Schedule 4.

##### 4 Subrule 1.7(1) (definition of *nominated representative*)

Repeal the definition, substitute:

*nominated representative* means:

- (a) for a CDR consumer that is not an individual—an individual who has been nominated by the CDR consumer, using the service mentioned in paragraph 1.13(1)(c), to give, amend and withdraw authorisations to disclose CDR data, for the purposes of these rules, on behalf of the CDR consumer, unless that nomination has been withdrawn using the service; and
- (b) for a partnership of which one or more partners are CDR consumers—an individual who has been nominated by one or more of the partners who are CDR consumers, using the service mentioned in paragraph 1.13(1)(d) to give, amend and withdraw authorisations to disclose CDR data that relates to a partnership account of the partnership, for the purposes of these rules, on behalf of the partners who are CDR consumers, unless that nomination has been withdrawn using the service.

##### 5 Subrule 1.7(1) (definition of *secondary user*)

Omit “if:”, substitute “at a particular time, if, at that time:”.

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## 6 Subrule 1.7(1) (subparagraph (c)(ii) of the definition of *secondary user*)

Repeal the subparagraph, substitute:

- (ii) are eligible in relation to the data holder; and
- (iii) in accordance with the requirements for the account, have given the data holder an instruction to treat the person as a secondary user for the purposes of these rules; and
- (iv) have not withdrawn that instruction.

## 7 Paragraph 1.10AA(1)(d)

Repeal the paragraph, substitute:

- (d) under which the CDR representative is required to comply with:
  - (i) any rules that are expressed as applying to a CDR representative; and
  - (ii) any consumer experience data standards that are expressed as applying to an accredited data recipient, as if the CDR representative were an accredited data recipient.

## 8 Rule 1.11

Omit “a functionality for amending or withdrawing consents, and for withdrawing authorisations”, substitute “allow CDR consumers to manage consents and authorisations”.

## 9 Paragraphs 1.13(1)(c) and (d)

Repeal the paragraphs, substitute:

- (c) for each eligible CDR consumer that is *not* an individual—a service that:
  - (i) can be used to nominate one or more individuals (aged 18 years or older), who are able to give, amend and manage authorisations to disclose CDR data for the purposes of these rules on behalf of the CDR consumer, as nominated representatives; and
  - (ii) can be used to withdraw nominations of individuals able to give, amend and manage authorisations to disclose CDR data for the purposes of these rules on behalf of the CDR consumer; and
  - (iii) is simple and straightforward for CDR consumers to use; and
  - (iv) is prominently displayed and readily accessible to the CDR consumer; and
- (d) for each eligible CDR consumer that is a partner in a partnership for which there is a partnership account with the data holder—a service that:
  - (i) can be used to nominate one or more individuals (aged 18 years or older), who are able to give, amend and manage authorisations to disclose CDR data that relate to a partnership account of the partnership for the purposes of these rules on behalf of the CDR consumers who are its partners, as nominated representatives; and
  - (ii) can be used to withdraw nominations of individuals able to give, amend and manage authorisations to disclose CDR data that relate to the partnership account of the partnership for the purposes of these rules on behalf of the CDR consumers who are its partners; and

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## Schedule 1 Amendments

### Part 1 Operational enhancements

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- (iii) is simple and straightforward for the partners who are CDR consumers to use; and
- (iv) is prominently displayed and readily accessible to the partners who are CDR consumers; and

#### 10 Subrule 1.13(1) (note 4)

Repeal the note, substitute:

- Note 4: To avoid doubt, a service may be offered in an online form even if this subrule does not require it to be an online service.

#### 11 After subrule 1.13(1) (including the notes)

Insert:

- (1A) If, otherwise than under these rules, a person is authorised to manage, online, an eligible CDR consumer's account or a partnership account with a particular data holder:
- (a) the service mentioned in paragraph (1)(c) or (d), as applicable, must be online; and
  - (b) those paragraphs are taken to refer to that online service.

#### 12 Subrule 1.13(4)

Repeal the subrule, substitute:

- (4) A data holder does not contravene subparagraph (1)(a)(ii), (c)(iii) or (d)(iii) if the data holder takes reasonable steps to ensure that the service complies with that subparagraph.

#### 13 Paragraph 1.14(1)(c)

Repeal the paragraph, substitute:

- (c) allows the CDR consumer, at any time, to withdraw a current consent; and
- (d) as part of the process of withdrawing a consent, displays a message, in accordance with the data standards, about the consequences of proceeding with withdrawing a consent; and
- (e) is simple and straightforward to use; and
- (f) is prominently displayed and readily accessible to the CDR consumer.

#### 14 Subrule 1.14(2A)

Omit all the words after “also”, substitute “allow a CDR consumer to amend a current consent.”.

#### 15 Subrule 1.14(4)

Repeal the subrule, substitute:

- (4) An accredited person does *not* contravene paragraph (1)(e) if the accredited person takes reasonable steps to ensure that the online service complies with that paragraph.

#### 16 Paragraphs 1.15(1)(c) and (d)

Repeal the paragraphs, substitute:

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- (c) allows the CDR consumer, at any time, to withdraw a current authorisation; and
- (d) as part of the process of withdrawing an authorisation, displays a message, in accordance with the data standards, about the consequences of proceeding with withdrawing an authorisation; and
- (e) is simple and straightforward to use; and
- (f) is prominently displayed and readily accessible to the CDR consumer; and
- (g) is no more complicated to use than the process for giving the authorisation to disclose CDR data; and
- (h) contains any other details, and does anything else, required by these rules.

## 17 Subrule 1.15(4)

Repeal the subrule, substitute:

- (4) A data holder does not contravene paragraph (1)(e) or (g) if the data holder takes reasonable steps to ensure that the online service complies with the paragraph.

## 18 Paragraph 1.15(5)(b)

Repeal the paragraph, substitute:

- (b) allows the account holder, at any time, to withdraw the secondary user instruction; and
- (c) as part of the process of withdrawing a secondary user instruction, displays a message, in accordance with the data standards, about the consequences of proceeding with withdrawing a secondary user instruction; and
- (d) is simple and straightforward to use; and
- (e) is prominently displayed and readily accessible to the account holder; and
- (f) is no more complicated to use than the processes for giving the authorisation or instruction.

## 19 Subrule 1.15(5) (notes)

Repeal the notes, substitute:

Note: This subrule is a civil penalty provision (see rule 9.8).

## 20 Subrule 1.15(6)

Repeal the subrule, substitute:

- (6) A data holder does not contravene paragraph (5)(d) or (f) if the data holder takes reasonable steps to ensure that the online service complies with the paragraph.

## 21 Paragraph 1.16A(2)(a)

Repeal the paragraph, substitute:

- (a) fails to comply with a provision required to be included in the CDR representative arrangement by subrule 1.10AA(1), (3) or (4), or takes or omits to take action which would constitute a failure to comply with such a provision even if it is not included in the CDR representative arrangement; or

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## Schedule 1 Amendments

### Part 1 Operational enhancements

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#### **22 Subrule 1.16A(5)**

Repeal the subrule.

#### **23 Rule 4.6A**

Repeal the rule, substitute:

##### **4.6A When disclosure of CDR data not permitted**

Despite subrules 4.6(2) and (4), a data holder must not disclose requested CDR data to the person who made the request if a provision of these rules provides that the requested CDR data must not be disclosed.

Note: For example, see subrules 4A.10(5) and (6) in relation to joint accounts.

#### **24 Paragraph 4.12B(2)(a)**

Omit “offers the consent amendment functionality referred to in”, substitute “allows a consent amendment in accordance with”.

#### **25 Paragraph 4.20H(2)(a)**

Omit “offers the consent amendment functionality referred to in”, substitute “allows an amendment to a consent in accordance with”.

#### **26 Paragraph 4A.13(1)(d)**

Repeal the paragraph, substitute:

- (d) can be used by the relevant account holder to manage approvals in relation to each authorisation to disclose joint account data made by a requester; and
- (e) allows for the withdrawal, at any time, of an approval in relation to each authorisation to disclose joint account data made by a requester; and
- (f) as part of the process for withdrawing an approval in relation to an authorisation, displays a message, in accordance with the data standards, about the consequences of withdrawing an approval in relation to an authorisation; and
- (g) is simple and straightforward to use; and
- (h) is prominently displayed and readily accessible by a relevant account holder.

#### **27 Subrule 4A.13(4)**

Repeal the subrule, substitute:

- (4) A data holder does not contravene paragraph (1)(g) if the data holder takes reasonable steps to ensure that the online service complies with the paragraph.

#### **28 Subclauses 7.2(1) and (2) of Schedule 3**

Repeal the subclauses, substitute:

- (1) For the purposes of paragraph 56AJ(4)(c) of the Act, an accredited person that is an ADI may elect to meet the conditions specified in either subclause (2) or (2B) if:

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Part 1 Operational enhancements

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- (a) the accredited person has collected CDR data, or any data directly or indirectly derived from that data, in accordance with a collection consent; and
- (b) the accredited person reasonably believes that the data is relevant to its supply of a product to the CDR consumer for the data.

*Conditions involving request for consent*

- (2) The conditions are that:
  - (a) the accredited person has requested the CDR consumer to consent to the accredited person changing from an accredited data recipient of the data to a data holder of the data; and
  - (b) the accredited person has informed the CDR consumer:
    - (i) that, if the consumer consented to that change, the privacy safeguards applicable to a data holder (rather than those applicable to an accredited data recipient) would apply to the accredited person in relation to the data; and
    - (ii) of the manner in which the accredited person proposed to treat the data; and
    - (iii) why the accredited person was entitled to request the consumer's consent to the change; and
    - (iv) of the consequences of the consumer *not* giving their consent to the change; and
  - (c) the CDR consumer has consented.

- (2A) The accredited person may only make a request under subclause (2) if, at the time of the request, the accredited person is supplying the product to the CDR consumer.

*Conditions involving notification*

- (2B) The conditions are that, before the collection, or a previous collection, of the CDR data in accordance with the collection consent, the accredited person:
  - (a) notified the CDR consumer that the accredited person would be a data holder, rather than an accredited data recipient, of all CDR data collected in accordance with the collection consent that related to the supply of the product; and
  - (b) informed the CDR consumer:
    - (i) that the privacy safeguards applicable to a data holder (rather than those applicable to an accredited data recipient) would apply to the accredited person in relation to the CDR data collected in accordance with the collection consent; and
    - (ii) of the manner in which the person proposed to treat such data.
- (2C) The accredited person may only give the notification under subclause (2B) if, at the time of the notification:
  - (a) the accredited person is supplying the product to the consumer; or
  - (b) the CDR consumer has applied or is applying to acquire the product from the person.

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## Schedule 1 Amendments

### Part 1 Operational enhancements

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#### 29 After clause 1.4 of Schedule 4

Insert:

##### 1.5 Meaning of *trial product*

- (1) For these rules, in relation to the energy sector, a plan is a *trial product* if the plan is offered:
  - (a) with the description “pilot” or “trial”; and
  - (b) with a statement that it will operate as a pilot or trial for a period that ends no more than 12 months after the initial offering (the *trial period*); and
  - (c) on the basis that the number of customers to be supplied with the plan for the purposes of the trial will be limited to no more than 1,000; and
  - (d) with a statement that the plan may be terminated before the end of the trial period and that, if it is, the CDR data in relation to the plan may *not* be available for data sharing under these rules.
- (2) Such a plan ceases to be a *trial product* at the earlier of the following times:
  - (a) the end of the trial period;
  - (b) the time (if any) at which the plan begins to be supplied to more than 1,000 customers.

#### 30 Before clause 3.1 of Schedule 4

Insert:

##### 3.1A Application of Part

This Part does not apply in relation to a plan while it is a trial product.

Note: If a plan ceases to be a trial product in accordance with subclause 1.5(2) of this Schedule, the data holder must comply with its obligations under this Part in relation to the plan. The obligations cover any CDR data generated while the plan was a trial product.

#### 31 Clause 8.1 of Schedule 4 (definition of *complex request*)

At the end of the definition, add:

; or (d) is made on behalf of a CDR consumer who has a nominated representative.

#### 32 Subclause 8.4(1) of Schedule 4

Repeal the subclause.

#### 33 Subclauses 8.4(2) and (3) of Schedule 4

After “Part 2”, insert “of these rules”.

#### 34 Subclause 8.6(1) of Schedule 4

Repeal the subclause.

#### 35 Subclauses 8.6(2) to (5) of Schedule 4

After “Part 4”, insert “of these rules”.

#### 36 Subclause 8.6(6) of Schedule 4

Repeal the subclause, substitute:

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*Tranche 4 —1 May 2024*

- (6) Part 4 of these rules applies to a larger retailer in relation to a complex request on and from the later of:
- (a) the tranche 4 date; and
  - (b) the day that is 6 months after the day that it became a larger retailer.

**37 Subclauses 8.6(7) and (8) of Schedule 4**

Repeal the clauses, substitute:

*Application of Part 4 to small retailers that are accredited persons*

- (7) Part 4 of these rules applies to a person who is both a small retailer and an accredited person, except in relation to a complex request, on and from the latest of the day that is 12 months after:
- (a) the tranche 1 date; and
  - (b) the day that the person became an accredited person; and
  - (c) the day that the person became a small retailer.
- (8) Part 4 of these rules applies to a person who is both a small retailer and an accredited person, in relation to a complex request, on and from the latest of the day that is 18 months after:
- (a) the tranche 1 date; and
  - (b) the day that the person became an accredited person; and
  - (c) the day that the person became a small retailer.

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## Schedule 1 Amendments

### Part 2 Consent

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## Part 2—Consent

### *Competition and Consumer (Consumer Data Right) Rules 2020*

#### **38 Rule 1.8 (note)**

Repeal the note.

#### **39 Subrule 1.8(2)**

Repeal the subrule, substitute:

- (2) The use or disclosure of CDR data by an accredited person or a CDR representative complies with the *data minimisation principle* if, when providing the requested goods or services, or doing any other thing that constitutes a permitted use or disclosure of collected CDR data, the use or disclosure of the collected data, or any CDR data directly or indirectly derived from it, does *not* go beyond what is reasonably needed in order to provide the requested goods or services or to effect the permitted use or disclosure.

#### **40 After subrule 1.10A(1)**

Insert:

Note: A direct marketing consent or a de-identification consent could consist of either or both a use consent or a disclosure consent.

#### **41 Subrules 4.3(2) and (2A) (note 2)**

Omit “collected and used”, substitute “collected, used and disclosed”.

#### **42 Subrule 4.3A(2) (note 3)**

Omit “collected and used”, substitute “collected, used and disclosed”.

#### **43 Subrule 4.3A(3) (note 2)**

Omit “collected and used”, substitute “collected, used and disclosed”.

#### **44 Rule 4.10**

Repeal the rule, substitute:

#### **4.10 Requirements relating to seeking consent**

A request by an accredited person for a CDR consumer to give or amend a consent:

- (a) must comply with any relevant data standards; and
- (b) having regard to any consumer experience guidelines made by the Data Standards Body—must be reasonably easy to understand, including by use of plain concise language and, where appropriate, visual aids; and
- (c) must *not* include or refer to the accredited person’s CDR policy or other documents in a way that reduces understandability; and
- (d) may only be combined with other requests for consent under these rules (other than requests for direct marketing or de-identification consents).

**45 Paragraphs 4.11(1)(a) and (b)**

Omit “actively select or otherwise”.

**46 Paragraph 4.11(1)(ba)**

Omit “select”, substitute “clearly indicate”.

**47 Subparagraph 4.11(1)(d)(ii)**

Omit “actively select or otherwise”.

**48 Subparagraph 4.11(1)(d)(ii)**

Omit “passed on; and”, substitute “passed on.”.

**49 Subparagraph 4.11(1)(e)**

Repeal the paragraph.

**50 Subrule 4.11(1) (example)**

Repeal the example.

**51 After subrule 4.11(1)**

Insert:

- (1A) A CDR consumer may give express consent to a choice referred to in paragraph (1)(a), (b) or (ba) by clearly indicating a pre-selected option in relation to that choice.

**52 Subrule 4.11(2)**

Omit “present pre-selected options to the CDR consumer”, substitute “request direct marketing consents or de-identification consents by means of pre-selected options”.

**53 Paragraph 4.11(3)(c)**

Repeal the paragraph, substitute:

- (c) in the case of a collection, use or disclosure consent—information about how the collection, use or disclosure indicated in a manner consistent with the requirements set out in subrule (1) complies with the data minimisation principle, including:
- (i) in the case of a collection consent in relation to the provision of requested goods or services—an explanation of why that collection is reasonably needed, and relates to the shortest practicable time period; and
  - (ii) in the case of a use or disclosure consent—an explanation of why that use or disclosure does *not* exceed what is reasonably needed; in order to provide the requested goods or services to the CDR consumer, or to effect the permitted uses or disclosures consented to;
- (caa) if a pre-selected option has been presented to the CDR consumer for the purposes of paragraph (1)(a), (b) or (ba)—an explanation of why each presented option is reasonably needed to provide the goods or services the consumer has requested;

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## Schedule 1 Amendments

### Part 2 Consent

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#### 54 After paragraph 4.11(3)(d)

Insert:

- (da) if the accredited person is seeking a direct marketing consent—information about how the CDR data may be used or disclosed in accordance with the consent;

#### 55 Subparagraphs 4.11(3)(f)(ii) and (iii)

Repeal the subparagraphs, substitute:

- (ii) the name of the OSP; and
- (iii) the OSP's accreditation number (if any); and
- (iv) if the OSP is based overseas—the country in which it is based; and
- (v) link to a website where the accredited person's CDR policy and the OSP's CDR policy (if any) can be viewed; and
- (vi) a statement detailing why the OSP needs to access the consumer's CDR data; and
- (vii) a statement that the consumer can obtain further information about why the OSP needs to access the consumer's CDR data from the policy if desired;

#### 56 Paragraphs 4.11(3)(g) and (h)

Repeal the paragraphs, substitute:

- (g) a statement that, at any time, the consent can be withdrawn;

#### 57 Subparagraphs 4.11(3)(i)(iv) and (v)

Repeal the subparagraphs, substitute:

- (iv) if the sponsor is based overseas—the country in which it is based; and
- (v) a link to a website where sponsor's CDR policy can be viewed; and
- (vi) a statement detailing why the sponsor needs to access the consumer's CDR data; and
- (vii) a statement that the CDR consumer can obtain further information about collections or disclosures of CDR data from the sponsor's CDR policy if desired.

#### 58 Subrule 4.11(3) (note)

Omit "Note:", substitute "Note 1:".

#### 59 Subrule 4.11(3) (after Note 1)

Insert:

- Note 2: For paragraph (da), the uses or disclosures that are permitted under a direct marketing consent may be limited under another part of these rules (see subrule 7.5(3)).

#### 60 Subrule 4.12(2) (not including the note)

Repeal the subrule, substitute:

- (2) An accredited person must *not* ask for a collection consent, use consent or disclosure consent unless the collection, use or disclosure of CDR data in accordance with the consent would comply with the data minimisation principle.



**61 Subrule 4.12C(2)**

Repeal the subrule.

**62 Subrule 4.13(3)**

Repeal the subrule.

**63 Rule 4.15**

Omit “information relating to de-identification”, substitute “information the accredited person must give the CDR consumer when seeking a de-identification consent”.

**64 Paragraph 4.15(e)**

Repeal the paragraph, substitute:

- (d) that CDR data to which a current de-identification consent applies will not be automatically deleted in accordance with these rules when the data becomes redundant.

**65 Subdivision 4.3.4**

Repeal the Subdivision.

**66 Rule 4.18**

Repeal the rule, substitute:

**4.18 CDR receipts**

An accredited person must give the CDR consumer a notice that complies with the data standards as soon as practicable after the CDR consumer:

- (a) gives the accredited person a collection consent, use consent or disclosure consent; or
- (b) amends a collection consent, use consent or disclosure consent given to an accredited person in accordance with this Division; or
- (c) withdraws a collection consent, use consent or disclosure consent given to an accredited person in accordance with rule 4.13.

Note: This rule is a civil penalty provision (see rule 9.8).

**67 Paragraph 4.18A(1)(b)**

After “use consent” insert “, or any disclosure consent,”

**68 Subrule 4.18A(2) (not including the note)**

Repeal the subrule, substitute:

- (2) The accredited person must notify the CDR consumer as soon as practicable after the collection consent expires that they may withdraw the use consent or disclosure consent at any time.

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## Schedule 1 Amendments

### Part 2 Consent

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#### 69 Rule 4.20 (heading)

Omit “collection consents and use consents”, substitute “current consents”.

#### 70 Subrule 4.20(1)

Omit “consent or a use consent”, substitute “consent, use consent or disclosure consent”.

#### 71 Subparagraph 4.20(1)(b)(iii)

Repeal the subparagraph, substitute:

- (iii) the accredited person last notified the CDR consumer that the consent is still current.

#### 72 Subrules 4.20(2), (3) and (4)

Repeal the subrules, substitute:

- (2) The accredited person must notify the CDR consumer, in relation to each consent given by the CDR consumer that is still current, that the consent is still current.

Note: This subrule is a civil penalty provision (see rule 9.8).

- (3) The notification must be given in accordance with the data standards.

Note: This subrule is a civil penalty provision (see rule 9.8).

#### 73 Division 4.3

At the end of the Division, add:

##### Subdivision 4.3.6—Redundant CDR data

##### 4.20AB Redundant CDR data must be deleted

Subject to rule 1.17A, an accredited person must delete a CDR consumer’s CDR data when it becomes redundant unless there is a current de-identification consent in relation to the data.

Note 1: If paragraph 56BAA(2)(a), (b) or (c), or paragraph 56EO(2)(b) or (c), of the Act applies to the CDR data, the CDR data must be retained for as long as the provision of the Act applies to the data (see rule 1.17A).

Note 2: For the data deletion process, see rule 1.18.

#### 74 Rule 4.20D

Repeal the rule, substitute:

##### 4.20D Requirements relating to seeking consent

A request by a CDR representative for a CDR consumer to give or amend a consent:

- (a) must comply with any relevant data standards; and
  - (b) having regard to any consumer experience guidelines developed by the Data Standards Body—must be reasonably easy to understand, including by use of plain concise language and, where appropriate, visual aids; and
  - (c) must *not* include or refer to the CDR representative principal’s CDR policy or other documents in a way that reduces understandability; and
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- (d) must *not* be combined with any other request for consent, direction, permission or agreement unless the other request is for a consent under these rules (other than a direct marketing consent or a de-identification consent).

**75 Paragraphs 4.20E(1)(a) and (b)**

Omit “actively select or otherwise”.

**76 Paragraph 4.20E(1)(c)**

Omit “select”, substitute “clearly indicate”.

**77 Subparagraph 4.20E(1)(e)(ii)**

Omit “actively select or otherwise”.

**78 Subparagraph 4.20E(1)(e)(ii)**

Omit “passed on; and”, substitute “passed on.”.

**79 Paragraph 4.20E(1)(f)**

Repeal the paragraph.

**80 Subrule 4.20E(1) (example)**

Repeal the example.

**81 Subrule 4.20E(1) (note 3)**

Omit “an accredited data recipient”, substitute “a CDR representative”.

**82 After subrule 4.20E(1)**

Insert:

- (1A) A CDR consumer may give express consent to a choice referred to in paragraph (1)(a), (b) or (c) by clearly indicating a pre-selected option in relation to that choice.

**83 Subrule 4.20E(2)**

Omit “pre-selected options”, substitute “direct marketing consents or de-identification consents as pre-selected options”.

**84 Paragraph 4.20E(3)(f)**

Repeal the paragraph, substitute:

- (f) in the case of a collection consent, a use consent or a disclosure consent—information about how the collection, use or disclosure (as applicable) indicated in accordance with subrule (1) complies with the data minimisation principle, including about how:
- (i) in the case of a collection consent in relation to the provision of requested goods or services—that collection is reasonably needed, and relates to no longer a time period than is reasonably needed; and

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- (ii) in the case of a use consent or disclosure consent, or any other use that is a permitted use or disclosure—that use or disclosure does not go beyond what is reasonably needed;  
in order to provide the requested goods or services to the CDR consumer or to make the permitted use or disclosure or other uses consented to;
- (fa) if a pre-selected option has been presented to the CDR consumer for the purposes of paragraphs (1)(a), (b) or (c)—information about how each option presented is reasonably needed to provide the goods or services the consumer has requested;

#### **85 After paragraph 4.20E(3)(g)**

Insert:

- (ga) in the case of a direct marketing consent—information about how the CDR data may be used or disclosed in accordance with the consent;

#### **86 Paragraph 4.20E(3)(k)**

Omit all words after “or of the CDR representative”, substitute:

principal:

- (i) a statement of that fact; and
- (ii) the name of the OSP; and
- (iii) the OSP’s accreditation number (if any); and
- (iv) if the OSP is based overseas—the country in which it is based; and
- (v) links to the CRD representative principal’s CDR policy and the OSP’s CDR policy (if any); and
- (vi) a statement detailing why the OSP needs to access the consumer’s CDR data;

#### **87 Paragraphs 4.20E(3)(m) and (n)**

Repeal the paragraphs, substitute:

- (m) a statement that, at any time, the consent can be withdrawn.

#### **88 Subrule 4.20E(3) (note)**

Omit “Note:”, substitute “Note 1:”.

#### **89 Subrule 4.20E(3) (after the note)**

Insert:

- Note 2: For paragraph (fa), the uses or disclosures that are permitted under a direct marketing consent are limited under these rules (see subrule 7.5(3)).

#### **90 Subrule 4.20F(2) (not including the note)**

Repeal the subrule, substitute:

- (2) A CDR representative must not ask for a collection consent, a use consent or a disclosure consent unless the consent would comply with the data minimisation principle in respect of that collection or those uses or disclosures.

#### **91 Subrule 4.20I(2)**

Repeal the subrule.

## 92 Subrule 4.20J(7)

Repeal the subrule.

## 93 Paragraph 4.20L(e)

Repeal the paragraph, substitute:

- (d) that CDR data to which a current de-identification consent applies will not be automatically deleted in accordance with these rules when the data becomes redundant.

## 94 Subdivision 4.3A.7

Repeal the Subdivision.

## 95 Rule 4.200

Repeal the rule, substitute:

### 4.200 CDR receipts

A CDR representative must give the CDR consumer a notice that complies with the data standards as soon as practicable after:

- (a) the CDR consumer gives the CDR representative a collection consent, a use consent or a disclosure consent; or
- (b) the CDR consumer amends such a consent in accordance with this Division; or
- (c) the CDR consumer withdraws such a consent in accordance with rule 4.20J.

Note: A failure to do this could make the CDR representative principal liable for a civil penalty (see rule 1.16A).

## 96 Paragraph 4.20Q(1)(b)

After “use consent” insert “or any disclosure consent given under subrule 4.3A(3)”.

## 97 Subrule 4.20Q(2) (not including the note)

Repeal the subrule, substitute:

- (2) The CDR representative must notify the CDR consumer as soon as practicable that, at any time, they may withdraw the use consent or disclosure consent.

## 98 Rule 4.20U (heading)

Omit “collection consents and use consents”, substitute “current consents”.

## 99 Subrule 4.20U(1)

Omit “consent or a use consent”, substitute “consent, use consent or disclosure consent”.

## 100 Subparagraph 4.20U(1)(b)(iv)

Repeal the subparagraph, substitute:

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- (iv) the CDR representative or the CDR representative principal last notified the CDR consumer that the consent is still current.

#### **101 Subrules 4.20U(2) to (4) (including the note)**

Repeal the subrules, substitute:

- (2) The CDR representative must notify the CDR consumer, in relation to each consent given by the CDR consumer that is still current, that the consent is still current.

Note: A failure to do this could make the CDR representative principal liable for a civil penalty (see rule 1.16A).

- (3) The notification must be given in accordance with the data standards.

Note: A failure to do this could make the CDR representative principal liable for a civil penalty (see rule 1.16A).

#### **102 After rule 4.20U**

Insert:

#### **Subdivision 4.3A.9—Redundant CDR data**

##### **4.20V Redundant CDR data must be deleted**

Subject to rule 1.17A, a CDR representative must delete a CDR consumer's CDR data when it becomes redundant unless:

- (a) the CDR consumer has given a de-identification consent in relation to the data; and  
(b) the de-identification consent is current.

Note 1: If paragraphs 56BAA(2)(a), (b) or (c), or paragraphs 56EO(2)(b) or (c) of the Act applies to CDR data, CDR data must be retained for as long as the provision of the Act applies to the data (see rule 1.17A).

Note 2: For the data deletion process, see rule 1.18.

#### **103 Subparagraphs 7.2(4)(k)(ii) and (iii)**

Repeal the subparagraphs, substitute:

- (ii) how it deletes redundant data; and  
(iii) that CDR data to which a current de-identification consent applies will not be automatically deleted in accordance with these rules when the data becomes redundant;

#### **104 Paragraph 7.2(4)(m)**

Repeal the paragraph.

#### **105 Subrule 7.12(1) (not including the notes)**

Repeal the subrule, substitute:

- (1) For subsection 56EO(2) of the Act, this rule applies if a CDR consumer has given a de-identification consent in relation to their redundant data and the consent is current.

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## 106 After paragraph 8.11(1)(f)

Insert:

- (fa) requirements for a notice to be given to a CDR consumer under rule 4.18 or 4.20O (CDR receipts);
- (fb) requirements for a notice to be given to a CDR consumer under subrule 4.20(3) or subrule 4.20U(3) (current consents);

## 107 Rule 9.8 (after table item 42)

Insert:

42A	subrule 4.20(3)
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## 108 Rule 9.8 (table items 34 and 35)

Repeal the items, substitute:

34	rule 4.18
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## Part 3—Application provisions

### *Competition and Consumer (Consumer Data Right) Rules 2020*

#### 109 After Part 9

Insert:

## Part 50—Transitional provisions

### **Division 50.1—Application provisions relating to the *Competition and Consumer (Consumer Right) Amendment (2024 Measures No. 1) Rules 2024***

#### 500 Definitions

In this Division:

*principal rules* means the *Competition and Consumer (Consumer Data Right) Rules 2020*;

*amending rules* means the *Competition and Consumer (Consumer Right) Amendment (2024 Measures No. 1) Rules 2024*.

#### 501 Application—nominated representatives

Subparagraphs 1.13(1)(c)(iii) and (iv) and (1)(d)(iii) and (iv) and subrule 1.13(1A) of the principal rules, as inserted by the amending rules, apply on and after the day that is 12 months after the commencement of the amending rules.

#### 502 Application—CDR representative arrangements

The amendments of rule 1.16A of the principal rules made by the amending rules apply on and after the day that is 6 months after the commencement of the amending rules.

#### 503 Application—CDR receipts given by accredited persons

Rule 4.18 of the principal rules, as in force immediately before the commencement of the amending rules, continues to apply, on and after that commencement, to an accredited person until the coming into effect of data standards made for the purposes of paragraph 8.11(1)(fa) of the principal rules.

#### 504 Application—CDR receipts given by CDR representatives

Rule 4.20O of the principal rules, as in force immediately before the commencement of the amending rules, continues to apply, on and after that commencement, to a CDR representative until the coming into effect of data standards made for the purposes of paragraph 8.11(1)(fa) of the principal rules.



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**505 Application—conditions for accredited persons to hold data as data holders**

The amendments of clause 7.2 of Schedule 3 to the principal rules made by the amending rules do not apply to an accredited person in relation to CDR data, and any CDR data directly or indirectly derived from that data, if the person started to hold such data before the commencement of those amendments.