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Consumer Data Right Project Team
Commerce, Consumers and Communications
Ministry of Business, Innovation & Employment
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New Zealand

Sent by email to: consumerdataright@mbie.govt.nz

SUBMISSION on 'Unlocking value from our consumer data' discussion document

1. Introduction

Thank you for the opportunity to make a submission on the draft Customer Product and Data Bill (the Bill) and related discussion document. This submission is from Consumer NZ, an independent, non-profit organisation dedicated to championing and empowering consumers in Aotearoa. Consumer has a reputation for being fair, impartial and providing comprehensive consumer information and advice.

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2. General Comments

As stated in previous submissions, we support the introduction of a consumer data right. We therefore support the Bill and consider, if properly implemented, its introduction will ultimately benefit consumers.

However, we do not consider banking is the best sector to start with. The banking sector has already demonstrated its reluctance to implement

open banking. We also think banking data is more complex, inherently sensitive, and open to abuse. We therefore consider the electricity or telecommunications sectors would be better sectors to start with. This is discussed in further detail under the "other comments" below.

Finally, we note the ability of policy makers to fully consider the risks and benefits of the Bill relies on organisations, such as Consumer and the Privacy Foundation, participating in this consultation. However, we receive no funding to do this, and our small policy teams prepare many submissions on a wide range of issues. We consider funding should be set aside for consumer advocacy groups to ensure the consumer voice is represented in this consultation, and other initiatives.

3. Answers to questions in discussion document

Our answers to selected questions in the discussion document are attached in Appendix 1.

Submission on discussion document: *Unlocking value from our customer data*

Your name and organisation

Name	Aneleise Gawn
Organisation (if applicable)	Consumer NZ
Contact details	Privacy of natural persons

[Double click on check boxes, then select 'checked' if you wish to select any of the following.]

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Responses to discussion document questions

How will the draft law interact with protections under the Privacy Act?

1 ***Does the proposed approach for the interaction between the draft law and the Privacy Act achieve our objective of relying on Privacy Act protections where possible? Have we disapplied the right parts of the Privacy Act?***

Overall, we think the Customer and Product Data Bill (the Bill) appropriately relies on the Privacy Act protections. However, for a Consumer Data Right (CDR) to be effectively implemented in Aotearoa New Zealand, we think greater privacy protections are required to ensure consumers have confidence and trust in the system. We consider Aotearoa's current privacy framework needs to be more robust and in-line with the EU's General Data Protection Regulation (GDPR).

Also, we consider section 57(b) of the Privacy Act (or an equivalent provision) should be included in the Bill. Where data holders and accredited requesters have reasonable grounds to suspect or have evidence that a request is made under the threat of physical or mental harm, we think it is appropriate for the data holder or accredited requester to refuse that request.

Consent settings: respecting and protecting customers' authority over their data

2 ***Should there be a maximum duration for customer consent? What conditions should apply?***

Yes, we support a maximum duration of 12-months for consent. We agree consumers should be able to specify a shorter period and revoke their consent at any time.

We think a 90-day period is too short, and if consent is revoked after 90-days this may cause confusion, frustration, and fatigue for consumers who have to keep providing consent to an accredited requester or data holder.

We note that for the CDR consultations in Australia, FinTechs have made the argument that to avoid consent fatigue the requirements for consent should be 'smoothed'.[1] While we recognise this is important in determining how the consent process should be designed, this should be balanced against the consumer's right to give free and express consent. We support the Australian Financial Rights Legal Centre's sentiment who noted in one of their submissions: "'Friction' can have a positive impact, slowing down decision-making where consumer understanding is low and where there is an over-reliance on disclosure for consumer protection."[2]

Also, we think a 12-month period for consent may be advantageous for certain services, such as personal finance software that assesses a consumer's behaviour over a longer period of time to offer trends and analysis.

[1] Australian Consumer Policy Research Centre and Data Standards Chair, "Stepping towards trust – Consumer Expereience, Consumer Data Standards, and the Consumer Data Right", August 2020, page 7, https://cprc.org.au/wp-content/uploads/2021/12/CPRC-Consumer-Data-Standards-Consumer-Data-Rights-Report-1.pdf.
[2] Australian Financial Rights Legal Centre, " Statutory Review of the Consumer Data Right: Issues Paper", 12 May 2022, page 9, https://financialrights.org.au/wp-content/uploads/2022/05/220421_CDRIndependentStatRev_FINAL.pdf.

3	***What settings for managing ongoing consent best align with data governance tikanga?***
	We are not experts in tikanga Māori but support the CDR framework in Aotearoa New Zealand being consistent with the Māori Data Sovereignty principles and encourage the Ministry, Business, Innovation & Employment (the Ministry) to consult tikanga Māori experts.
4	***Do you agree with the proposed conditions for authorisation ending? If not, what would you change and why?***
	Yes, we agree with the proposed conditions for authorisation ending.
5	***How well do the proposed requirements in the draft law and regulations align with data governance tikanga relating to control, consent and accountability?***
	See our response to question 3 above.
6	***What are your views on the proposed obligations on data holders and accredited requestors in relation to consent, control, and accountability? Should any of them be changed? Is there anything missing?***
	We think a definition of 'consent' or 'authorisation' should be included in the draft Bill. Article 4 of the GDPR defines consent as 'any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.'[3] Although clause 30 of the Bill currently requires authorisation that is express, reasonably informed, and in the manner prescribed, we think it should be amended to include additional requirements around seeking consent that is voluntary, specific, time limited, and that can be easily withdrawn[4]. We think this could be achieved by having an objective like rule 4.9 of the Australian Competition and Consumer (Consumer Data Right) Rules 2020 in the Bill. This clause sets out the objective of giving and amending consents and seeks to ensure that consent is voluntary, express, informed, specific as to purpose, time limited, and easily withdrawn. If a consent system or process is too complex this will risk consumers disengaging with the CDR framework and not understanding what they are consenting to. Also, we consider sufficient safeguards should be put in place for consent by joint account holders. In our view, both account holders must provide voluntary, express, and informed consent. We do not support the current "opt-out" approach being used in Australia whereby joint account holders are presumed to have provided consent and need to opt out of sharing data. In our view this is likely to lead to poor outcomes, particularly for consumers who may be subject to some form of abuse.

[3] Official Journal of the European Union, REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, Chapter 1, Article 4, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679.

[4] By easily withdrawn we mean consent withdrawn in a manner that is at least as easily as it is given.

Care during exchange: standards	
7	***Do you think the procedural requirements for making standards are appropriate? What else should be considered?***
	Yes, we think the procedural requirements for making standards are appropriate. However, we are concerned that if the standards are overly prescriptive and complex this will result in any intended protections to consumers being lost. The Australian Treasury's "Statutory Review of the Consumer Data Right" report (the Australian Statutory Review Report) states the review found concerns that "overly prescriptive standards may cause some data holders to shift consumers from bespoke or niche products to standard offerings, or alternatively, may adjust their products to fit the standards resulting in more homogenised offerings across the market, less value for consumers and reduced competition in the marketplace".[5] We therefore support a balanced approach to making standards to ensure they are practical and enable innovation, but adequately protect consumers. We also consider there should be consideration given to consultation with, and funding for, consumer representatives to participate in the process.
8	***Do you think the draft law is clear enough about how its storage and security requirements interact with the Privacy Act?***
	Yes, the Bill creates clear storage and security requirements consistent with the Privacy Act. However, we think it would be helpful if the Ministry and the Office of the Privacy Commissioner published guidance on this point to ensure that data holders and accredited providers are aware of this.
9	***From the perspective of other data holding sectors: which elements of the Payments NZ API Centre Standards are suitable for use in other sectors, and which could require significant modification?***
	No comment.
10	***What risks or issues should the government be aware of, when starting with banking for standard setting? For example, could the high security standards of banking API's create barriers to entry?***
	As stated above, we do not consider banking is the best sector to start with. We suggest the electricity or telecommunications sectors would be better suited to being the 'first cab off the rank'. Our reasoning for this is expanded in the 'other comments' section below. Alternatively, we support a sector-agnostic, use-based model to ensure there is standardisation of data use cases. A sector-by-sector approach to the roll-out of CDR in Aotearoa New Zealand must ensure it avoids complicating the ability to expand into different sectors in future by creating inconsistent standards and rules.

[5] The Australian Government the Treasury, "Statuory Review of the Consumer Data Right", 29 September 2022, page 45, https://treasury.gov.au/sites/default/files/2022-09/p2022-314513-report.pdf.

As the Australian Statutory Review Report states, "[t]o build a truly cross-sectoral CDR, further consideration will need to be given to moving towards greater alignment and sector neutrality of the rules, standards and consents for participants. The CDR should aim for horizontal integration and reusability across sectors in its design and differences should be by exception".[6]

We also support the Australia Consumer Policy Research Centre's view: "[a]s there are likely to be similarities in use cases across several sectors, ensuring use cases are practical and sector neutral would assist in fast-tracking measurable outcomes for consumers".[7] We agree with this view and urge the Ministry to take this into account. We consider a sector-by-sector approach ultimately aims to attempt to solve 'all sectors for all use cases' and this will result in "an extremely complex environment for all involved, regulators and consumers included".[8]

While we understand the attractiveness of a sectorial approach from a practical perspective – particularly in the early stages of the regime, we think a use-based model could more realistically reflect how consumers live day-to-day. We agree that "data cannot and should not be locked in one sector, as it permeates and influences decision-making in other sectors."[9] By combining information with data from other sectors this may create more value and better outcomes for consumers. For example, combining an individual's energy and banking data would allow a consumer to work out the best electricity deal based on their usage, payment due dates, and reminders about ensuring there are sufficient funds in the direct debit account.

Trust: accreditation of requestors

11	***Should there be a class of accreditation for intermediaries? If so, what conditions should apply?***
	We agree intermediaries should be required to become accredited themselves.
12	***Should accredited requestors have to hold insurance? If so, what kind of insurance should an accredited requestor have to hold?***
	Yes, we support introducing a requirement in the regulations that businesses hold "appropriate" insurance. We have no specific comments on what kind of insurance an accredited requestor should hold, however it should enable consumers to obtain appropriate compensation in the case of a breach of legal obligations and/or a data breach where loss is suffered.

[6] The Australian Government the Treasury, "Statuory Review of the Consumer Data Right", 29 September 2022, page 58.
[7] Australian Consumer Policy Research Centre, "Submission to Treasury on the Implementation of an ecnomoy-wde Consumer Data Right – Strategic Assessment consultation paper", 26 August 2021, page 2, https://cprc.org.au/wp-content/uploads/2021/11/CPRC-Submission-Consumer-Data-Right-Strategic-Assessment-August-2021.pdf.
[8] Australian Consumer Policy Research Centre, "Submission to Treasury on the Implementation of an ecnomoy-wde Consumer Data Right – Strategic Assessment consultation paper", 26 August 2021, page 2.
[9] Buckley, Ross P, Natalia Jevglevskaja, Scott Farrell, "Australia's Data-Sharing Regime: Six Lessons for the World", *University of New South Wales Law Research Series*, 2021, page 33, http://classic.austlii.edu.au/au/journals/UNSWLRS/2021/67.pdf.

13	***What accreditation criteria are most important to support the participation of Māori in the regime?***
	As noted above, we are not tikanga Māori experts. However, we support accredited requestors being required to meet cultural capability thresholds and guidance being provided around cultural capability and competency.
14	***Do you have any other feedback on accreditation or other requirements on accredited requestors?***
	No comment.
Unlocking value for all	
15	***Please provide feedback on:*** • ***the potential relationships between the Bill safeguards and tikanga, and Te Tiriti/the Treaty*** • ***the types of use-cases for customer data or action initiation which are of particular interest to iwi/Māori*** • ***any specific aspirations for use and handling of customer and product data within iwi/hapū/Māori organisations, Te Whata etc, which could benefit from the draft law.***
	See our response to question 3 above.
16	***What are specific use cases which should be designed for, or encouraged for, business (including small businesses)?***
	No comment.
17	***What settings in the draft law or regulations should be included to support accessibility and inclusion?***
	We suggest the CDR regime supports initiatives which could target use cases that drive social benefit. Collaboration with consumer advocacy groups should be considered to help identify these initiatives. Also, we think consumers should not be charged to access data that companies hold about them. However, if fees are charged then they should be consistent with the relevant provisions of the Privacy Act for requests under principle 6.
18	***In what ways could regulated entities and other data-driven product and service providers be supported to be accessible and inclusive?***
	No comment.

Ethical use of data and action initiation	
19	***What are your views on the proposed options for ethical requirements for accreditation? Do you agree about requirements to get express consent for de-identification of designated customer data?***
	We support both options 1 (ethical requirements as a condition of accreditation) and 2 (requirement to get express consent from customers for de-identification of designated customer data) in the Ministry's discussion document. We agree it is appropriate to seek express consent for de-identification of designated customer data. Consumers have a right to know, and have control over, how their data is being used for purposes other than the direct good or service they obtain. This should not affect an accredited requestor's or data holder's obligation to ensure that they have systems and policies in place to ensure that data and action initiation are used ethically, responsibly, and appropriately.
20	***Are there other ways that ethical use of data and action initiation could be guided or required?***
	We consider a ban on screen scraping should be introduced. This is currently being considered in Australia and is already prohibited for payments in the EU and the UK where other methods of safe access and payments are regulated.[10] Also, we think an independent Privacy Impact Assessment (PIA) should be conducted at the initial phase of designing the CDR framework. We support a privacy-by-design and safety-by-design approach that is consumer-centric. We support a PIA being conducted earlier rather than later so that it has potential to influence the outcome of the CDR implementation. We oppose heavy reliance on a disclosure and consent model of CDR and support ensuring that the CDR framework is easy for consumers to understand and engage with from the initial implementation phase. A disclosure and consent model should not be the only means of privacy protection and ensuring ethical use of data and action initiation.
Preliminary provisions	
21	***What is your feedback on the purpose statement?***
	We think reference to "customers" should be changed to "consumers" in the purpose statement and throughout the draft Bill. Also, we think the wording of the purpose statement could be amended to ensure consumers are at the centre of the system. We suggest using stronger and clearer wording to clearly reflect the intent of CDR, which is ultimately about "giving consumers greater control over their data".[11]

[10] Worldline, "New ways to shop, pay and bank", *BusinessDesk*, 11 July 2023, https://businessdesk.co.nz/sponsored/new-ways-to-shop-pay-and-bank.

[11] Australian Consumer Policy Research Centre, "Submission to Treasury on the Implementation of an ecnomoy-wde Consumer Data Right – Strategic Assessment consultation paper", 26 August 2021, page 1.

22	***Do you agree with the territorial application? If not, what would you change and why?***
	Yes, we agree with the proposed territorial application.
Regulated data services	
23	***Do you think it is appropriate that the draft law does not allow a data holder to decline a valid request?***
	As stated in our response to question 1, we think section 57(b) of the Privacy Act (or an equivalent provision) should be included in the Bill. In particular, accredited requestors and data holders should have systems in place to flag actual or reasonably suspected signs of physical or other harm (i.e. financial, mental) or abuse.
24	***How do automated data services currently address considerations for refusing access to data, such as on grounds in sections 49 and 57(b) of the Privacy Act?***
	In specific circumstances we think it would be appropriate for a data holder or accredited requester to refuse access to data, such as on the grounds listed in sections 49 and 57(b) of the Privacy Act. In the context of an automated data service, this could be by temporarily restricting access to services or pausing the automated data services where the data holder has reasonable grounds to believe that such a threat or harm exists or would cause harm to an individual.
Protections	
25	***Are the proposed record keeping requirements in the draft law well targeted to enabling monitoring and enforcement? Are there more efficient or effective record keeping requirements to this end?***
	We support the proposed record keeping requirements in the draft Bill. We agree the benefits of greater consumer protection and trust in the CDR system will outweigh reasonable compliance costs being passed onto the consumer.
26	***What are your views on the potential data policy requirements? Is there anything you would add or remove?***
	Clause 42 should include a requirement to review the policies on an annual basis. Given the fast-developing nature of many sectors, we consider it necessary that data holders and accredited requestors regularly check their policies are fit for purpose.
Regulatory and enforcement matters	
27	***Are there any additional information gathering powers that MBIE will require to investigate and prosecute a breach?***
	No comment.

Administrative matters	
28	***Are the matters listed in clause 60 of the draft law the right balance of matters for the Minister to consider before recommending designation?***
	Yes, we agree with the matters listed in clause 60. However, as noted above, we think "customers" should be amended to refer to "consumers".
29	***What is your feedback on the proposed approach to meeting Te Tiriti o Waitangi/Treaty of Waitangi obligations in relation to decision-making by Ministers and officials?***
	See our response to question 3.
30	***What should the closed register for data holders and accredited requestors contain to be of most use to participants?***
	No comment.
31	***Which additional information in the closed register should be machine-readable?***
	No comment.
32	***Is a yearly reporting date of 31 October for the period ending 30 June suitable? What alternative annual reporting period could be more practical?***
	No comment.
33	***Should there be a requirement for data holders to provide real-time reporting on the performance of their CDR APIs? Why or why not?***
	No comment.
34	***What is your feedback on the proposal to cap customer redress which could be made available under the regulations, in case of breach?***
	We think a cap on customer redress may be appropriate for redress beyond the actual loss suffered by the consumer. However, as a starting point consumers should be entitled to claim any actual loss resulting from the breach. In situations where actual loss cannot be calculated, the Ministry should provide guidance on the appropriate amounts of redress for certain categories of breaches (i.e. ranging from less serious breaches to more egregious breaches). We support a regular review of the cap.

Complaints and disputes	
35	***In cases where a data holder or requestor is not already required to be member of a dispute resolution scheme, do you agree that disputes between customers and data holders and/or accredited requestors should be dealt with through existing industry dispute resolution schemes, with the Disputes Tribunal as a backstop? Why or why not?***
	If a sector-by-sector approach is adopted, we agree it would make sense to utilise existing dispute resolution schemes. The CDR framework should ensure that consumers can easily raise complaints. As the regime expands it may be more difficult for consumers to determine which organisation they should approach. We think ultimately an independent dispute resolution scheme specifically for CDR complaints should be established. In the meantime, we suggest housing the regime within an existing regulator and the Office of the Privacy Commissioner currently appears to be the most appropriate regulator.[12] Also, we think clause 43 should include a requirement that data holders and accredited requestors must provide consumers with information about its complaints process when the consumer is onboarded and when a dispute arises. A complaints process will not be helpful to consumers if they are not aware of it.

Other comments

Importance of consumer education and funding of consumer advocacy groups

As part of implementing a CDR framework there should be timely consumer education to ensure that a lack of awareness will not create a barrier to consumers' uptake. A criticism of the Australian approach to implementation was the lack of focus on large-scale consumer education campaigns, which was regarded as one of the reasons for low public knowledge of Australia's open banking regime and the CDR system.[13]

Another failing of the Australian approach in implementing the CDR has been the lack of support and funding for financial counsellors, community legal centres, and consumer advocacy groups.[14] Consumer advocacy groups in Australia have noted feeling the burden to amplify the consumer voice at personal cost when these advocacy groups are already under-resourced.[15] As part of implementing an effective CDR framework in Aotearoa, it is vital there is funding allocated to support consumer advocacy groups, such as Consumer to ensure the consumer perspective is heard.

[12] If the Office of the Privacy Commissioner were to pick up this responsibility we suggest that the provisions of the Privacy Act that relate to offences would need to be reviewed and strengthened to ensure that it can adequately monitor and enforce the requirements of the CDR regime.
[13] Buckley, Ross P, Natalia Jevglevskaja, Scott Farrell, "Australia's Data-Sharing Regime: Six Lessons for the World", *University of New South Wales Law Research Series*, 2021, pages 40-41.
[14] The Australian Government the Treasury, "Statuory Review of the Consumer Data Right", 29 September 2022, page 68.
[15] The Australian Government the Treasury, "Statuory Review of the Consumer Data Right", 29 September 2022, page 68.

The case for the electricity (or telecommunications) sector for the initial implementation of the CDR

As noted above, we do not think banking is the best sector to start with. We think there is a strong case for the electricity sector for the initial implementation of the CDR framework in Aotearoa as it is less complex than open banking, the data is less sensitive and there is enormous potential for consumers to save millions of dollars through switching providers. Access to real-time smart meter data is also an ideal use case for a sector-neutral approach.

There are similar arguments for the telecommunications sector being the best sector to start with. However, as we have more direct experience with data use and switching activity in retail electricity - through our operation of the comparison site Powerswitch - we have focused our comments on that sector.

Electricity consumers in Aotearoa can save, on average, around $400 per year simply by changing provider[16]. Despite there being a cost-of-living crisis, only around 6% of households changed providers in the last 12 months (excluding move-in switches). According to Electricity Market Information residential switching data, switching rates are currently at the lowest they've been since 2009 and 42% of households have been with their current provider for more than 5-years. Around one quarter have been with their provider for more than 10 years. However, for every 1% of households that switches providers (that's only around 20,000 households) this represents a saving to consumers of around $7 million[17].

The 2019 Electricity Price Review recognised the potential for smart data to be used to help consumers find cheaper power deals.[18]

If comparison sites were able to access data directly from metering providers on behalf of a consumer (with their express consent), this would increase the ease of undertaking comparisons, and increase switching rates, which increases competitive pressure and innovation and reduces prices.

We have discussed the technical feasibility of accessing this data directly with a metering provider and established this is technically possible and could be done in real time (the data would be provided immediately via an API).[19]

Powerswitch has been advocating for such a solution for several years. This is all the more frustrating as the data is already being collected and shared, with complex systems set up, for the purposes of charging consumers for electricity use. However, that same data is not able to be used to help consumers save money.

We are fast approaching a critical juncture where, as retail offers become increasingly complex, being able to access a consumer's consumption data will be essential to be able to provide useful price comparisons.

[16] The median saving of 42,000 Powerswitch results pages over winter 2022 was $385.
[17] 1% x 1.9M (approx. number of households) x $385 (median savings) = $7,315,000.
[18] New Zealand Government, "Electricity Price Review Hikohiko Te Uira", 21 May 2019, page 52, https://www.mbie.govt.nz/assets/electricity-price-review-final-report.pdf.

Automating real-time smart meter data has the potential to provide better consumer outcomes more quickly than the banking sector given that most retailers are voluntarily complying with the Electricity Authority's 'Consumer care guidelines'. Introducing a mandatory requirement for retailers to provide consumers the right to access and share consumption data would be easier given there are existing systems in place. It is currently not happening due to the metering providers' and retailers' purported concerns around privacy. However, in our view, the retailers do not want to change the status quo, not because of privacy concerns, as they claim, but because access to data will be a game changer in that it will increase switching rates, increase competitive pressure, and ultimately reduce prices.

As noted above, we have less experience in facilitating switching in telecommunications markets, but see similar low risk advantages to designating that sector early in the implementation of a CDR regime. We also note the need for the introduction of some form of CDR was communicated to the sector by the Telecommunications Commissioner as early as March 2021.[20]

We strongly urge the Ministry to consider these changes as a matter of urgency.

Measuring consumer benefit

The draft law or regulations should establish mandatory metrics to measure success focused on consumer benefit. The metrics should be standardised and aimed at tracking and assessing the actual benefit the CDR provides to consumers. Without a way of measuring consumer benefit, the introduction of the CDR in Aotearoa risks becoming an ecosystem for businesses to take advantage of or misuse consumer data, such as through screen scraping methods and gathering unethical data insights. As the Australian Review Report states: "Without public visibility of success measures, uncertainty could erode the trust between CDR Agencies and participants in the CDR ecosystem."[21]

Consumer experience testing

Also, the draft law or regulations should ensure there is a requirement for comprehensive consumer experience (CX) testing to ensure the CDR framework is robust and fit-for-purpose. We encourage the Ministry to conduct CX research with a wide-range of consumer samples experiencing a range of vulnerabilities such as:[22]

- Older people
- People with a disability or disabilities
- People with experience of family violence
- People from culturally and linguistically diverse communities including tāngata Māori and Pasifika peoples
- People with low literacy levels
- People experiencing financial distress or hardship

[20] Commerce Commission, "Telcos step up to support consumer choice", 9 March 2021, https://comcom.govt.nz/news-and-media/media-releases/2021/telcos-step-up-to-support-consumer-choice
[21] The Australian Government the Treasury, "Statuory Review of the Consumer Data Right", 29 September 2022, page 28.
[22] Australian Financial Rights Legal Centre, "Statuory Review of the Consumer Data Right: Issues Paper", 12 May 2022, page 13, https://financialrights.org.au/wp-content/uploads/2022/05/220421_CDRIndependentStatRev_FINAL.pdf.

Carrying out CX testing will help provide valuable insight into how the CDR ecosystem can cater to a wide range of consumers' needs and facilitate greater accessibility and inclusion. The implementation of the CDR framework will undoubtedly create a threat in widening the gap for consumers who are already facing low levels of digital inclusion. We echo the sentiment by the Australian Consumer Policy Research Centre and Data Standards Chair who stated: "It is important that CDR does not inadvertently encourage amplifications of existing market inequality, whereby vulnerable or digitally excluded consumers would face higher prices or lower quality services."[23] CDR has the potential to "provide broader social and economic benefits while improving consumer outcomes" and good CX testing is integral to this.[24]

Thank you for the opportunity to provide comment.

ENDS

[23] Australian Financial Rights Legal Centre and Consumer Action Law Centre, "Consumer Data Right: Consultation on how best to facilitate participation of third party service providers", December 2019, page 14.
[24] Australian Financial Rights Legal Centre and Consumer Action Law Centre, "Consumer Data Right: Consultation on how best to facilitate participation of third party service providers", December 2019, page 14.