

29 August 2025

Consumer Policy Team
Ministry of Business, Employment & Innovation

By email: consumerdataright@mbie.govt.nz

CONSULTATION ON EXPOSURE DRAFTS OF OPEN BANKING REGULATIONS UNDER THE CUSTOMER AND PRODUCT DATA ACT

Thank you for the opportunity to provide a submission on the exposure drafts of the regulations to be made under the Customer and Product Data Act, being:

- the draft Customer and Product Data (General Requirements) Regulations 2025, and
- the draft Customer and Product Data (Banking and other Deposit Taking) Regulations 2025.

Te Kāhui Inihua o Aotearoa | The Insurance Council of New Zealand (ICNZ) represents general insurers. Our members accept the risks of over NZ\$2 trillion of New Zealand's assets and liabilities. ICNZ's members provide insurance products ranging from those usually purchased by individuals (such as home and contents insurance, travel insurance, and motor vehicle insurance) to those purchased by small businesses and larger organisations (such as product and public liability insurance, professional indemnity insurance, cyber insurance, forestry and horticulture insurance, livestock insurance, commercial property insurance, and directors' and officers' insurance).

We note the very short two-week consultation provided to stakeholders to provide comments on the draft regulations and question the opportunity for stakeholders to meaningfully respond within this tight timeframe.

Our comments are necessarily high level and limited to regulation 13 of the draft Conduct and Product Data (General Requirements) Regulations 2025, which deals with accreditation matters relating to reasonably adequate cover for liabilities.

Regulation 13 provides that the Chief Executive of MBIE must be satisfied that one or more of the following are reasonably adequate to cover the liability of the applicant:

- 1 or more contracts of insurance
- 1 or more contracts of guarantee
- arrangements maintained by the applicant to set aside financial resources to cover a potential liability (e.g. self-insurance).

We consider that this flexibility, allowing accredited requestors to rely on cover such as guarantees or other financial resources, is important as some entities may not be able to obtain insurance, while others may be in a position to self-insure, or choose to use guarantees instead.

We note that it is not clear that appropriate insurance cover will become available locally at the time the new regime comes into effect given the exposure, specialisation and limited market. We therefore support the flexibility provided in Regulation 13.

Ngā mihi,

A handwritten signature in black ink, appearing to read 'Susan Ivory'. The signature is fluid and cursive, with a prominent 'S' and 'I'.

Susan Ivory
Regulatory Affairs Manager
Insurance Council of New Zealand