



Australian Government



Consumer
Data Right

Accreditation guidelines

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Version

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November 2020	Version 2	Updated references to CDR Rules and Standards, and additional clarifications regarding application of accreditation criteria
February 2022	Version 3	Updated references to CDR Rules and Standards, including information about the energy sector and new accreditation pathways
December 2022	Version 4	Updates to improve readability of guidelines
August 2024	Version 5	Updated references to CDR Rules and Standards, including to reflect version 5 of the CDR Rules.

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1. Introduction

1.1. Consumer Data Right

The Consumer Data Right (CDR) gives consumers the right to require a service provider that holds their personal data (**data holder**) to share that data with another service provider (**accredited data recipient**). With the consumer's consent, the accredited data recipient may use the data to provide goods or services to the consumer or may disclose the data to another person so they can supply goods or services.

CDR aims to give consumers greater control over their data. Being able to share data easily, efficiently and securely between service providers will make it easier for consumers to compare and switch between products and services, as well as derive new benefits and efficiencies from their data. This will encourage competition between service providers, drive the development of innovative products and services, and create the potential for lower prices.

CDR is being implemented sector by sector and has commenced in the banking and energy sectors.

CDR operates under Part IVD of the *Competition and Consumer Act 2010* (Cth) (**the CCA**). The CCA sets out the CDR framework, including the privacy safeguards and the subject matter that the [Competition and Consumer \(Consumer Data Right\) Rules 2020](#) (CDR Rules) may cover. The CDR Rules set out the obligations that data holders, accredited data recipients and other participating entities must meet.

A glossary of common terms is published on the [CDR website](#).

1.2. Accreditation

To participate fully in CDR, a service provider must be an **accredited person** under the CDR Rules. Data holders can provide CDR data only to an accredited person and only at the request and with the consent of the consumer.¹ The data must be used to provide the consumer with goods or services.

To receive CDR data, a provider must be accredited by the Data Recipient Accreditor (the **Accreditor**). Currently the Accreditor is the Australian Competition and Consumer Commission (ACCC).

Where persons (companies or individuals) seek to be accredited, they must apply for accreditation. The Accreditor will grant accreditation if it is satisfied that the applicant meets the criteria specified in the CDR Rules.²

There are 2 levels of accreditation:

- unrestricted accreditation (see Table 1 and section 2.1)
- sponsored accreditation (see Table 1 and section 2.2).

To maintain their accreditation, an accredited person must:

- comply with the accreditation obligations³

¹ CDR Rules, rule 4.3.

² *Competition and Consumer Act 2010* (Cth), section 56CA(1).

³ CDR Rules, rule 5.12.

- comply with any conditions on their accreditation, including the default conditions set out in Schedule 1 to the CDR Rules.

For more information about ongoing obligations, please refer to the CDR Rules.

1.3. Other pathways to participation

It is possible to participate in some aspects of CDR without accreditation. There are 2 pathways to this:

- the **CDR representative model**, which allows an unaccredited person to enter into a CDR representative arrangement⁴ with an unrestricted accredited person to provide goods and services using CDR data (see Table 1 and section 9.1)
- the **outsourced service provider model**, which allows an unaccredited person to collect CDR data on behalf of an unrestricted accredited person and/or to use or disclose CDR data to provide goods and services to an accredited person or CDR representative (see Table 1 and section 9.2).

1.4. These guidelines

These guidelines contain:

- information on accreditation and other pathways to participation in CDR
- guidance on lodging a valid application to become an accredited person.

They may be updated from time to time.

These guidelines are published for general guidance only. They do not constitute legal or other professional advice, and should not be relied on as a statement of the law in any jurisdiction. Because these guidelines are intended only as a general guide, they may contain generalisations. These guidelines are not intended to cover all aspects of accreditation. You should refer to the precise terms of the CDR Rules to assess their application to particular circumstances and obtain legal advice if necessary. These guidelines should also be read together with the 2 supplementary accreditation guidelines on [insurance](#) and on [information security](#).

The ACCC has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

1.5. More information

You will find fact sheets and other information about accreditation on the [CDR website](#).

See section 10 for links to other resources.

You can also find answers to [frequently asked questions](#) (FAQs) about accreditation and applications for accreditation on the CDR Support Portal. If the applicant has a query that is not addressed in the FAQs, they can log a ticket on the [CDR Support Portal](#) or email ACCC-CDR@acc.gov.au.

⁴ CDR Rules, see definition at rule 1.10AA.

Table 1: CDR participation pathways

Pathway	Description	Accreditation required?	Data collection allowed?	When participation can start
Unrestricted accreditation	<p>Highest level of accreditation.</p> <p>Persons with unrestricted accreditation can:</p> <ul style="list-style-type: none"> • sponsor accreditation of an affiliate • engage a CDR representative(s) • engage an outsourced service provider(s). 	Yes	Yes From both data holders and other accredited data recipients	After accreditation and completion of on-boarding
Sponsored accreditation	<p>Persons with sponsored accreditation:</p> <ul style="list-style-type: none"> • must have a sponsor (a person with unrestricted accreditation) • can only collect CDR data through their sponsor, their sponsor’s outsourced service provider, or another accredited person • cannot engage a CDR representative • cannot engage an outsourced service provider to collect CDR data. 	Yes However, evidentiary burden is lighter	<p>Limited</p> <p>Not directly from data holders</p> <p>May ask sponsor to collect data and pass it on</p> <p>May collect data from an accredited person other than the sponsor</p>	After accreditation and completion of on-boarding
CDR representative model	<p>Limited participation in CDR without accreditation.</p> <p>An unaccredited person (the CDR representative) may enter into a CDR representative arrangement with an unrestricted accredited person (the CDR representative principal) to collect data (via its CDR representative principal) and use or disclose the data to provide goods and services to a CDR consumer.</p> <p>A CDR representative may only have one CDR representative principal.</p>	No	No Data collection is via its CDR representative principal	When CDR representative arrangement is included on the Register of Accredited Persons.

Pathway	Description	Accreditation required?	Data collection allowed?	When participation can start
Outsourced service provider model	<p>Limited participation in CDR without accreditation.</p> <p>Outsourced service providers may:</p> <ul style="list-style-type: none"> • collect CDR data on behalf of an unrestricted accredited person • use or disclose CDR data to provide goods and services to an accredited person or CDR representative. 	No	Only on behalf of an unrestricted accredited person	When CDR outsourcing arrangement is in place

2. Levels of accreditation

Both levels of accreditation – unrestricted and sponsored – apply across all sectors. Currently, this means they apply to banking and energy. In the future they will apply to other sectors that will be added to CDR.

They allow access to all data sets specified in the CDR Rules (subject to consumer request and consent).

2.1. Unrestricted accreditation

Unrestricted accreditation is the highest level of accreditation and enables full participation in CDR.

At the request of a CDR consumer, participants with unrestricted accreditation may collect CDR data from data holders to provide goods or services to the consumer. They may collect the data directly or by using an outsourced service provider.

Participants with unrestricted accreditation may also:

- sponsor another person’s participation in CDR
- enter into one or more CDR representative arrangements.

The criteria for unrestricted accreditation are set out in section 4.

2.2. Sponsored accreditation

Sponsored accreditation is the lower level of accreditation and enables partial participation in CDR. This accreditation level reduces the barriers to entry for entities that want to participate in CDR but are either unable to meet the requirements for unrestricted accreditation, or sponsored accreditation meets their operational needs.

Persons with a sponsored level of accreditation can participate in CDR if they have an arrangement with an unrestricted accredited person who is willing to act as their sponsor. A person with sponsored accreditation is known as an ‘affiliate’ of their sponsor.

The criteria for sponsored accreditation are the same as for unrestricted accreditation (see section 4). However, the evidence that the applicant must provide is different. An applicant for sponsored accreditation can self-assess and attest to their compliance with the information security obligations, whereas applicants for unrestricted accreditation are required to provide a third-party assurance report.⁵

2.2.1. Restrictions on an affiliate

An affiliate (a person with sponsored accreditation) may not:

- collect data directly from a data holder
- enter into their own arrangement to collect CDR data through an outsourced service provider, although they can use their sponsor’s outsourced service provider to collect CDR data
- enter into a CDR representative arrangement (see section 9.1).

⁵ For details of the evidence required, see the [Supplementary accreditation guidelines: information security](#).

They may:

- request their sponsor to collect data for them
- collect data from another accredited person who is not their sponsor⁶
- use their sponsor's outsourced service provider to collect CDR data
- disclose data to an outsourced service provider under a CDR outsourcing arrangement.

Before an affiliate can access CDR data or provide goods or services to a CDR consumer, the affiliate must have both sponsored accreditation and a sponsorship arrangement in place. Their accreditation will be taken to have been surrendered after they have not been in a sponsorship arrangement for 120 days.⁷

2.2.2. Sponsor's obligations

The sponsor must comply with specific obligations set out in the CDR Rules.⁸ These include:

- providing appropriate training and assistance to the affiliate on technical and compliance matters
- taking reasonable steps to ensure the affiliate as an accredited person, complies with its obligations under Schedule 2.

The sponsor must inform the Accreditor when:

- they become a sponsor
- there is any change in their sponsorship arrangements.

Details on how to do this are in section 9.3 of the [CDR Participant Portal User Guide](#).

2.3. Setting up an account

To apply for accreditation at either level, the applicant for accreditation must first set up an account on the [CDR Participant Portal](#).

The person who sets up the account for the applicant must be listed on the applicant's Australian Securities and Investments Commission (ASIC) business record, or the equivalent foreign business record if the applicant is a foreign entity. This provides assurance that they have the authority to act on behalf of the applicant. For example, they may be listed as the director, company secretary or authorised contact.

Detailed information about creating an account is in the [CDR Participant Portal User Guide](#) on the CDR website.

Once the account creation form is completed, the person will receive an activation code to confirm the account. This allows them to log into the CDR Participant Portal. This person will be the applicant's initial primary business contact. They may then invite additional users to the CDR Participant Portal as required.

⁶ See definition of 'AP disclosure consent' in rule 1.10A of the CDR Rules.

⁷ CDR Rules, rule 5.1B(7).

⁸ CDR Rules, Schedule 1, clause 2.2.

2.3.1. Address for service

Creating an account also creates a business record in the CDR Participant Portal for the applicant. This requires certain information to be provided, including the applicant's addresses for service (both physical and electronic).⁹ If the applicant is a foreign entity this information must include the name of the applicant's local agent and the local agent's addresses for service (both physical and electronic).¹⁰

For applicants that are corporations, the physical address for service will be the registered office. For other business types, the physical address for services could be the principal place of business or the place where business is carried on. The physical address for service cannot be a post office box and must be in Australia. Generally the electronic address for service is an email address to receive official communication and notices.

2.4. Completing an application

The application process is all done electronically through the CDR Participant Portal.

Sample application forms with all the questions and required documentation that will be in the electronic application forms are available on the [CDR website](#). Note that these sample forms are for information only; applications must use the electronic forms in the CDR Participant Portal.

2.4.1. Which form to use

Currently there are 3 approved application forms:

- **Full form for unrestricted accreditation:** This form is for all applicants seeking unrestricted accreditation, except those that are Authorised Deposit-taking Institutions (ADIs) eligible for streamlined accreditation.
- **Form for sponsored accreditation:** This form is for all applicants seeking sponsored accreditation.
- **Streamlined form for unrestricted accreditation:** This form is only for applicants that are ADIs eligible for streamlined accreditation.

2.4.2. Authorised Deposit-taking Institutions

Banking sector applicants that are ADIs (but not restricted ADIs) meet the criteria for streamlined accreditation and may complete the streamlined accreditation form.¹¹

The streamlined form asks the ADI to provide:

- its policy on how it will manage CDR data
- details of its membership of the Australian Financial Complaints Authority (AFCA).

If the ADI has more than one AFCA membership (because it has multiple brands), it should provide membership details for the legal entity seeking accreditation. Details for additional brands can be provided as relevant further information.

⁹ CDR Rules, rule 5.2(2)(c)(i).

¹⁰ CDR Rules, rule 5.2(2)(c)(ii).

¹¹ CDR Rules, rule 5.5 and Schedule 3, clause 7.3.

2.4.3. Application process

There is no fee to apply for accreditation.

1. Log into the [CDR Participant Portal](#).
2. Select 'New Application' and choose the relevant form.
3. Answer all sections of the form fully.

The information you provide will be used to assess the application, populate the Register of Accredited Persons or otherwise administer the CDR system.

You can save your responses and return to the form later to complete it.

4. Upload all the requested documents.

For documents that are not in English, you must provide both the original foreign language document and a translation by a National Accreditation Authority for Translators and Interpreters (NAATI) accredited translator.

5. Check that you have completed all mandatory fields and uploaded all required documents.

You must provide full responses and all documents as required by the CDR Rules.¹² An incomplete application may be returned to you.

6. Submit the application.

2.5. Related applications

An applicant may wish to have 2 or more related applications (for example, applications by related bodies corporate) considered by the Accreditor at the same time.

Related entities interested in applying for accreditation may wish to consider whether alternative participation pathways would be more suitable for them (see section 9).

When an applicant wishes to have multiple applications assessed simultaneously, the Accreditor may be able to consider certain information in support of more than one application. For example, 2 related entities in a corporate group may both use the same insurance held by their holding company on behalf of its subsidiaries. There may also be scope for applicants to demonstrate that their internal dispute resolution (IDR) processes and information security obligations are satisfied across a corporate group. The available options may be different for related entities of an ADI applicant seeking accreditation through the streamlined accreditation process.

We encourage applicants to discuss the types of information they can use to support related applications with us before submitting their application.

2.6. Amending an application

Once an applicant has submitted their application, they cannot directly amend it. However, they may log into the CDR Participant Portal and request a change to submit additional information. The Accreditor will consider the additional information alongside the original information in the application.

For example, the applicant will need to submit additional information if a person named as a fit and proper person in the original application is no longer fit and proper or is no longer associated with the applicant.

¹² CDR Rules, rule 5.2(2)(b)).

2.7. Withdrawing an application

An applicant can withdraw their application at any stage of the application process.

To withdraw an application after it has been submitted, the applicant must log into the CDR Participant Portal and request a change to withdraw the application.

2.8. False or misleading information

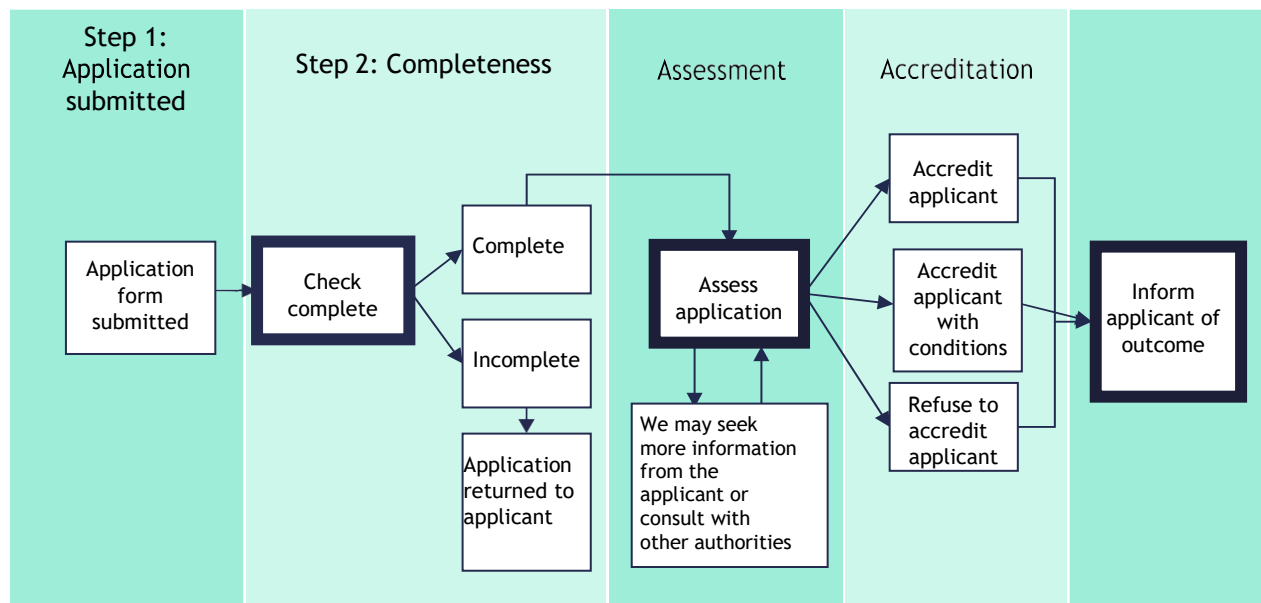
It is a serious criminal offence under the Commonwealth Criminal Code to provide false or misleading information to the ACCC as the Accreditor. False or misleading information in an application (including a material omission) may also be grounds to revoke any accreditation granted based on that information.¹³

¹³ CDR Rules, rule 5.17(1), item 2.

3. Accreditation process

This section outlines the steps the Accreditor will take in assessing applications for accreditation. These steps (shown in Figure 1) apply to both levels of accreditation.

Figure 1: Accreditation process



3.1. How long it takes

We aim to complete Step 2 (completeness check) within 1–2 weeks.

Steps 3 and 4 (assessment and decision) may take approximately 4 months. This estimate assumes the applicant provides complete and accurate information in the application, and responds to any follow up questions promptly. Actual timing can vary depending on whether further information or documentation is required, and the complexity of any issues that arise during assessment.

We will engage with the applicant during the assessment period. This may include meeting with them or seeking further information if needed.

3.2. Completeness check

Before assessing an application, we check whether it is complete. An application is incomplete when required fields on the form have not been answered or required documents are missing.

We cannot assess incomplete applications. If the application is incomplete, we will return it to the applicant in the CDR Participant Portal and notify them, indicating where missing information is required.

The applicant can then complete the relevant section of the application and resubmit it.

3.3. Further information and consultation

If the application is complete but the Accreditor needs further information before deciding whether to grant accreditation, the Accreditor may:

- request additional information from the applicant¹⁴ either:
 - in writing
 - in an interview with the Accreditor
 - by phone, email, videoconferencing or any other form of electronic communication.
- consult with Australian Government authorities such as the Australian Information Commissioner, the Australian Prudential Regulation Authority and ASIC, or similar authorities overseas.¹⁵

3.4. Accreditation decision

If the Accreditor decides to grant accreditation, they will notify the applicant of this in writing.

If the Accreditor decides not to grant accreditation, they will advise the applicant in writing and provide information about the applicant's rights to have the decision reviewed.¹⁶ See section 8 for details on review of decisions.

3.5. Commencement of accreditation

Accreditation takes effect when the Accreditor's decision to accredit the applicant is recorded in the Register of Accredited Persons.¹⁷ The Accreditor will inform the Accreditation Registrar (**the Registrar**) in writing after an accreditation is granted and provide other details to the Registrar including the accredited person's name and any conditions of the accreditation.¹⁸

However, the accredited person will need to complete the on-boarding process (see section 3.6) before they can start actively participating in CDR.

3.6. On-boarding

Newly accredited persons must go through the CDR on-boarding process before they can actively participate in CDR. As part of this process, they will need to successfully complete testing and meet other requirements.

The ACCC will contact newly accredited persons to initiate the on-boarding process. See the [CDR on-boarding guide](#) and [On-boarding fact sheet](#) for details.

¹⁴ CDR Rules, rule 5.3.

¹⁵ CDR Rules, rule 5.4.

¹⁶ CDR Rules, rule 5.7(3)(b).

¹⁷ CDR Rules, rule 5.8.

¹⁸ CDR Rules, rule 5.15.

4. Accreditation criteria

The criteria for accreditation are that the applicant:

- would, if accredited, be able to comply with the obligations of a person who is accredited at that level.¹⁹ These obligations relate to:
 - fit and proper person requirements
 - information security
 - dispute resolution
 - insurance

or

- meets the criteria for streamlined accreditation as set out in the CDR Rules for the relevant designated sector.²⁰

For the banking sector, the criterion for streamlined accreditation is that the applicant is an ADI (but not a restricted ADI). Note that ADIs have the same ongoing obligations as any other accredited person (excluding the insurance obligation).²¹

4.1. Fit and proper person

An applicant must be a fit and proper person²² to manage CDR data.

When assessing an application against this criterion, the Accreditor will consider whether the applicant (or any associated person of the applicant) has:

- within the previous 10 years, been convicted of a serious criminal offence or an offence of dishonesty against any law of the Commonwealth or of a State or a Territory, or a law of a foreign jurisdiction
- found to have contravened a law relevant to the management of CDR data²³ or a similar law of a foreign jurisdiction. The contravention does not need to be in respect of CDR data
- been the subject of a determination under sections 52(1)(b) or 52(1A)(a)-(d) of the *Privacy Act 1988* (Cth) which relates to the interference of the privacy of an individual, or a finding or determination of a similar nature under a similar law of a foreign jurisdiction
- a history of insolvency or bankruptcy
- been the subject of a determination made under an external dispute resolution (EDR) scheme that included a requirement to pay monetary compensation and was, at the time the determination was made, recognised under the *Privacy Act 1988* or a recognised EDR scheme.²⁴

¹⁹ CDR Rules, rule 5.5(a).

²⁰ CDR Rules, rule 5.5(b).

²¹ CDR Rules, rule 5.12 and Schedule 3, clauses 7.3 and 7.4.

²² CDR Rules, rules 5.12(2)(a) and 1.9.

²³ CDR Rules, rule 1.7(1) defines law relevant to the management of CDR data as meaning the *Competition and Consumer Act 2010* (Cth) and any regulation made for the purposes of the Act; the CDR Rules; the *Corporations Act 2001* and the *Corporations Regulations 2001*; the *Privacy Act 1988*; and specified laws for particular sectors. For the banking sector this includes the *Australian Securities and Investments Commission Act 2001* (specified in clause 7.1 of Schedule 3 to the CDR Rules). For the energy sector, this includes the National Electricity Law; the National Energy Retail Law and the Electricity Industry Act 2000 (Vic) (specified in clause 9.1 of Schedule 4 to the CDR Rules).

²⁴ A recognised EDR scheme. For the banking sector this is AFCA.

An associated person is anyone who, if the applicant were accredited, is or would be involved in decision-making by the applicant that affects the management of CDR data, or someone who has or would have the capacity to significantly affect the applicant's management of CDR data. If the applicant is a body corporate, its associated persons also include its associates or associated entities within the meaning of those terms in the *Corporations Act 2001* (Cth).²⁵ See section 4.1.1 below for further information on identifying associated persons.

The Accreditor will also consider any other relevant matters, including the objects of Part IVD of the CCA.²⁶ Broadly, the objects of Part IVD are to:

- enable consumers in certain sectors (currently banking and energy) to require information about them to be disclosed safely, efficiently and conveniently with:
 - themselves
 - accredited persons (subject to privacy safeguards)
- enable any person to efficiently and conveniently access information about goods and services that do not relate to any identifiable, or reasonably identifiable, consumers and, as a result, create more choice and competition or otherwise promote the public interest.

Other information that may be relevant to whether an applicant is a fit and proper person includes any:

- criminal investigation
- investigation or disciplinary action by a professional body
- inquiry or investigation by a government agency
- court proceedings initiated by a government agency.

For a body corporate, the Accreditor will also consider whether any of its directors or associated persons have been disqualified from managing corporations or subject to a banning order.²⁷

The Accreditor will undertake relevant checks to verify an applicant's answers relating to the fit and proper person criterion. This may include criminal background checks.

4.1.1. Identifying associated persons

When determining who their organisation's associated persons are, applicants should:

- consider which persons within their organisation and its associated entities make decisions that would affect the management of CDR data or have the capacity to significantly affect the management of CDR data. This may include:
 - office holders, for instance a director or company secretary
 - operations managers or data security managers
 - any other staff who have influence over work that that could affect or influence the management of CDR data.

²⁵ CDR Rules, rule 1.7(1).

²⁶ CDR Rules, rule 1.9(g).

²⁷ CDR Rules, rule 1.9(1)(d).

- if the applicant is a body corporate – also refer to the definitions of **associate**²⁸ and **associated entity**²⁹ in the *Corporations Act 2001*. These definitions encompass a wide group of individual and corporate persons associated with the applicant, including persons who belong to overseas entities. For example, an associated entity can include related bodies corporate such as a holding company or a subsidiary and an associate can include a director or company secretary of either of those entities.

Applicants must provide signed declarations addressing the fit and proper person criterion from each of the associated persons identified in their application. The declaration template is on the [CDR website](#). Applicants should include the signed declarations at the time they submit their accreditation application.

Applicants must also provide the following documents reflecting all associated persons identified in the application:

- if the applicant is a body corporate - a current corporate structure chart reflecting associated persons and their relationships with the applicant (for example, a holding company or subsidiary)
- a current organisational chart that identifies the full name and role of individuals who are associated persons of the applicant (for example, a director or data security manager). Individuals who are not associated persons of the applicant do not need to be reflected in the chart.

The following example is provided for illustration only.

Example: Beta Data Pty Ltd

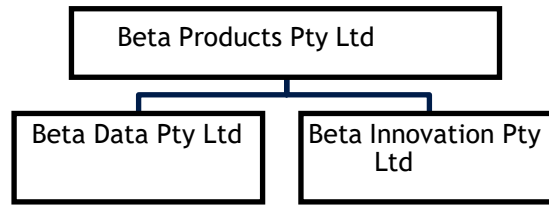
Beta Data Pty Ltd (Beta Data) is an Australian registered company in the Beta Products Pty Ltd (Beta Products) Group. Beta Data is 100% owned by Beta Products.

Beta Data's sole director is Amy Lin. Beta Products is an Australian registered company which has 2 directors, Amy Lin and Ali Hassan. Beta Innovation Pty Ltd (Beta Innovation), also 100% owned by Beta Products, is a company registered in Singapore and has one director, Veronica Chang.

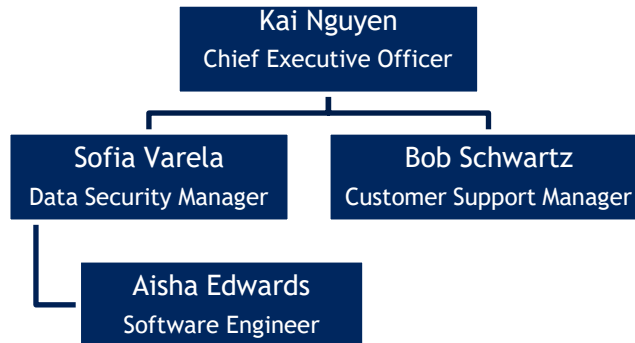
This is Beta Data's corporate structure chart:

²⁸ *Corporations Act 2001* (Cth), section 11.

²⁹ *Corporations Act 2001* (Cth), section 50AAA.



This is Beta Data’s organisational chart:



Who are Beta Data’s associated persons?

- Beta Products is Beta Data’s parent company and controls Beta Data’s operations. This means Beta Products is an associated person.
- Beta Innovation is a related entity to Beta Data. This means Beta Innovation is an associated person.
- Amy, as director of both Beta Data and Beta Products, is an associated person.
- Ali, as director of Beta Products, is an associated person.
- Veronica, as director of Beta Innovation, is an associated person.
- Kai, Beta Data’s CEO, provides senior management oversight and is responsible across the organisation for making decisions that affect the management of Beta Data’s CDR data. Kai is an associated person.
- Sofia, as Beta Data’s Data Security Manager, influences decisions that affect the management of Beta Data’s CDR data. Sofia is an associated person.
- As Beta Data’s Software Engineer, Aisha develops software solutions for Beta Data following Kai’s and Sofia’s direction but does not make or influence decisions affecting the management of Beta Data’s CDR data. Aisha also does not have the capacity to significantly affect the management of CDR data. This means Aisha is not an associated person.
- Bob works in an area that does not manage or handle CDR data. This means he is not an associated person.

4.2. Information security

The Privacy Act and the CDR Rules contain privacy safeguards to protect consumer data.

Applicants must take the steps set out in Schedule 2 of the CDR Rules for ‘Privacy Safeguard 12 to protect CDR data from misuse, interference, loss, unauthorised access, modification or disclosure’.³⁰

³⁰ CDR Rules, rule 5.12(1)(a) and Schedule 2.

When applying for accreditation, an applicant must provide evidence to show that it is able to take these steps. This evidence must be in the form set out in the [Supplementary accreditation guidelines: information security](#).

4.3. Dispute resolution process

4.3.1. Internal dispute resolution

Applicants must have IDR processes that meet the requirements set out in the CDR Rules for the relevant designated sector.

The CDR Rules generally require IDR processes that comply with the latest version of [ASIC Regulatory Guide 271: Internal dispute resolution](#).³¹

However, applicants who are retailers in the energy sector must have IDR processes that satisfy the applicable requirements for standard complaints and dispute resolution procedures under the National Energy Retail Law or the Energy Retail Code (Victoria).³²

Table 2: Relevant provisions of ASIC Regulatory Guide 271 (September 2021)

Matters to be dealt with	Relevant paragraphs of RG 271	Further guidance
Standards the applicant's IDR procedures must meet	271.127 – 271.197	RG 271 sets out IDR standards for: <ul style="list-style-type: none"> • top-level commitment to effective, fair and timely complaint management • enabling complaints • resourcing • responsiveness • objectivity and fairness • complaint management policies and procedures, including: <ul style="list-style-type: none"> ○ acknowledging complaints ○ investigating complaints ○ responding to complaints within appropriate time limits ○ referring unresolved complaints to AFCA ○ recording information about complaints ○ identifying and recording systemic issues ○ internal structures and reporting requirements for complaint handling ○ the types of remedies available for resolving complaints ○ internal structures and reporting requirements for complaint handling • data collection, analysis and internal

³¹ CDR Rules, Schedule 3, Part 5 and Schedule 4, Part 5.

³² CDR Rules, Schedule 4, clause 5.1(2).

Matters to be dealt with	Relevant paragraphs of RG 271	Further guidance
		<p>reporting</p> <ul style="list-style-type: none"> continuous improvement of the IDR process. <p>The IDR standards can be adapted to suit the nature, scale and complexity of the applicant's business.</p>
Outsourcing IDR procedures	271.45 – 271.48	An applicant that outsources its IDR procedures to a third-party service provider remains responsible for ensuring that its IDR procedures comply with the requirements of Regulatory Guide 271.
Acknowledgement of complaint	271.51 – 271.52	An applicant's IDR procedures should set out how and when a complaint is acknowledged.
What an IDR response must contain	271.53 – 271.55	Information that minimally must be contained in an IDR response.
Maximum timeframes for an IDR response	271.56 – 271.75	An applicant's IDR procedures should set out time periods associated with various stages in the CDR consumer complaint process, including delays and complaints closed within 5 business days of receipt.
Multi-tiered IDR procedures	271.102 – 271.106	An applicant's own internal appeals or escalation mechanisms for resolving complaints.
Role of customer advocates	271.109 – 271.110	The appointment of customer advocates could potentially assist with the resolution of disputes.
Establishing links between IDR procedures and external dispute resolution	271.111 - 271.112, 271.115	IDR procedures must require applicant to inform the complainant that they have a right to pursue their complaint with AFCA and provide details about how to access AFCA.
Systemic issues	271.118 – 271.121	An applicant should have robust systems in place to ensure that possible systemic issues are investigated, followed up and reported on.

CDR policy

An applicant's IDR processes will also be relevant to their obligation as an accredited person to have and maintain a standalone CDR policy³³ about how it will manage CDR data. The CDR policy must include the following information about the applicant's IDR processes³⁴ for complaints relating to the management of CDR data:

- when, where and how a CDR consumer can lodge a complaint
- the information a CDR consumer must provide in a complaint

³³ CDR Rules, rule 7.2.

³⁴ See section 56ED(3) of the *Competition and Consumer Act 2010* (Cth) and CDR Rules, rule 7.2(6).

- when a CDR consumer can expect their complaint will be acknowledged
- the applicant's process for handling CDR consumer complaints
- time periods associated with various stages in the CDR consumer complaint process
- options for redress
- options for review, both internally (if available) and externally.³⁵

The applicant's CDR policy must be readily available to consumers through each online service by means of which the applicant ordinarily deals with CDR consumers, such as the applicant's website or a mobile app.³⁶ If a consumer requests it, the applicant must also provide an electronic or hard copy of the policy, depending on the consumer's preference.³⁷

4.3.2. External dispute resolution

Applicants, other than streamlined applicants, must belong to a recognised EDR scheme dealing with CDR consumer complaints.³⁸ As evidence of their membership, applicants must provide their membership details, including membership number and date of commencement.

General requirements

Generally applicants (including those that are not financial services providers) must belong to AFCA.

Applicants that are not financial services providers and not already AFCA members should:

- apply for membership using the [AFCA Licensee membership form](#). When this form is completed, it will generate a unique 'application pending' number
- on the accreditation application, provide this number and the date on which the applicant sought membership
- advise AFCA by email (to membership@afca.org.au) that the application relates to CDR, and provide the AFCA 'application pending' number.

The applicant's AFCA membership will be pending until CDR accreditation is confirmed. The accredited person must then email AFCA, providing their CDR accreditation number, to activate its membership.

Applicants that would not normally be required to hold AFCA membership will only be subject to AFCA's rules to the extent to which they relate to the CDR regulatory framework.

Requirements for energy retailers

In order for an energy retailer to be accredited, it must be an Energy and Water Ombudsman (EWO) member which means either:

- belonging to the relevant EWO in their state or territory, if there is one³⁹, or

³⁵ CDR Rules, rule 7.2(6).

³⁶ CDR Rules, rule 7.2(8).

³⁷ CDR Rules, rule 7.2(9).

³⁸ CDR Rules, rule 5.12(1)(c).

³⁹ The Ombudsman schemes are Energy and Water Ombudsman (NSW) Limited, Energy and Water Ombudsman (Victoria) Limited, Office of the Energy and Water Ombudsman (Queensland) and Energy and Water Ombudsman (SA) Limited.

- if there is no recognised EWO in their state or territory, a retailer has taken the necessary steps to participate in the dispute resolution process appropriate to CDR consumer complaints in their jurisdiction.⁴⁰

If an applicant seeking accreditation is an energy retailer, but not a ‘limited retailer’, it must be both an ‘AFCA member’ and a EWO member.⁴¹

An energy retailer is a ‘limited retailer’ if it will only use energy sector CDR data that it collects to provide goods or services in the energy sector and will not use non-energy sector CDR data that it collects to provide goods or services outside the energy sector.

4.4. Insurance

Applicants must have adequate insurance, or a comparable guarantee, relevant to the nature and extent of their management of CDR data.⁴² This requirement reduces the risk of CDR consumers not being properly compensated due to an accredited person’s lack of financial resources.

The level of insurance that meets the standard of adequate insurance or a comparable guarantee is not prescribed. This is because what is adequate will depend on a range of factors that may be unique to the insured.

The applicant must provide a written statement, signed by an authorised representative, explaining the basis on which it has determined that the insurance policies or comparable guarantees it holds are adequate to cover risks it may be exposed to in connection with the management of CDR data.

The [Supplementary accreditation guidelines: insurance](#) lists factors to consider in determining whether your insurance arrangements are adequate.

⁴⁰ CDR Rules, Schedule 4, clause 5.2.

⁴¹ CDR Rules, Schedule 4, clause 5.2. See definition for ‘AFCA member’ in clause 5.2(2).

⁴² CDR Rules, rule 5.12(2)(b).

5. Conditions on accreditation

The Accreditor may impose any conditions on accreditation at the time of accreditation or at any time afterwards.⁴³

Conditions on accreditation could:

- make the accreditation conditional on meeting testing requirements
- limit the accreditation to the operation of particular websites or software products
- mandate that certain websites or software products cannot be used.

For example, there may be a condition to suspend the use or operation of an app. Any use of that app by the accredited person, including any attempt to seek to collect CDR data through it, would be a breach of the condition of accreditation.

5.1. Life span, removal and variation of conditions

The Accreditor will set a date and time at which a condition takes effect,⁴⁴ and for how long the condition will apply. This could be until a specified date or indefinitely.

The Accreditor may remove a condition at any time if it is no longer necessary. It may also vary any condition.⁴⁵

5.2. Notification of conditions

The Accreditor must write to the applicant or accredited person to advise that it proposes to impose, vary or remove a condition. The Accreditor will give the applicant or accredited person a reasonable opportunity to present its views on the proposal.⁴⁶

Before making a final decision, Accreditor will consider any additional evidence the applicant or accredited person provides as to whether the condition should remain, be modified or be removed.

The Accreditor must also write to the applicant or accredited person as soon as practicable after imposing, varying or removing a condition.⁴⁷

The Accreditor will notify the Accreditation Registrar after imposing, varying or removing a condition.⁴⁸ Conditions on accreditation must be published on the Register of Accredited Persons. The Accreditor may also issue a public notice.⁴⁹

5.2.1. Exceptions

There are exceptions to the requirement for the Accreditor to give the applicant or accredited person notice before imposing or varying a condition. The Accreditor does not need to provide notice if doing so would create a real risk of:

- harm or abuse to an individual

⁴³ CDR Rules, rule 5.10(1)(a).

⁴⁴ CDR Rules, rule 5.10(4).

⁴⁵ CDR Rules, rule 5.10(1)(b).

⁴⁶ CDR Rules, rule 5.10(2)(b).

⁴⁷ CDR Rules, rule 5.11(1).

⁴⁸ CDR Rules, rule 5.15(a)(ii).

⁴⁹ CDR Rules, rule 5.10(5).

- adversely impacting the security, integrity or stability of the Register of Accredited Persons or information and communication technology systems that are used by CDR participants to disclose or collect CDR data.

However, the Accreditor must still, as soon as practicable, give the person a reasonable opportunity to be heard in relation to the imposition or variation.⁵⁰

⁵⁰ CDR Rules, rule 5.10(3).

6. Reciprocal data holder obligations

An accredited person may be considered a data holder with reciprocal obligations in respect of CDR data that it holds that was not disclosed to it under the CDR Rules (section 56AJ(3) of the CCA). An accredited entity that is not an ADI but is a data holder of CDR data (an accredited non-ADI) may be required to comply with CDR obligations to share that data 12 months after it becomes a reciprocal data holder as a result of section 56AJ(3) of the CCA.⁵¹

For the banking sector, an accredited person will have reciprocal obligations as a data holder in respect of CDR data that is:

- generated and held by or on behalf of an accredited person
- generated in respect of a product that is publicly offered by the accredited person to consumers
- generally known as one of the types of products in Phase 1, Phase 2 or Phase 3 products (clause 1.4 of Schedule 3).

For example, a non-bank lender that is accredited may become a reciprocal data holder in respect of data they generate for their personal loan products. By contrast, an accredited person that provides a budgeting app, but does not offer any of the banking like products listed in Phase 1, Phase 2 or Phase 3, will not be a reciprocal data holder.

It is not expected that an accredited person in the energy sector will meet the requirements for reciprocal data holder obligations unless they are already a retailer. However, if a non-retailer accredited person is considered a reciprocal data holder for energy sector CDR data, the CDR Rules exempt them from consumer data sharing obligations.⁵²

Small retailers⁵³ in the energy sector will have data sharing obligations if they are accredited.⁵⁴ These obligations will commence 12 months after they are accredited.⁵⁵

We encourage applicants who have questions or want to discuss how the reciprocal data holder obligations may apply to them to contact the ACCC at ACCC-CDR@accc.gov.au.

⁵¹ See CDR Rules, Schedule 3, item 5 in clause 6.2. In accordance with section 56AJ(3) of the CCA, a person may be a reciprocal data holder if neither the CDR data, nor any other CDR data from which it was directly or indirectly derived, was disclosed to the person under the consumer data rules; and the person is an accredited data recipient of other CDR data.

⁵² CDR Rules, Schedule 4, clause 3.2(5).

⁵³ Retailers with fewer than 10,000 small customers.

⁵⁴ CDR Rules, Schedule 4, clauses 8.6(7) and 8.6(8).

⁵⁵ Except in relation to complex requests, where the obligations will commence an additional 6 months later.

7. Transfer, suspension, surrender and revocation

7.1. Transfer

Accreditation cannot be transferred, even between related bodies corporate.⁵⁶

Changes in control (for example, a change in ownership) of an accredited person in and of themselves will not affect accredited status. However, accredited persons must notify the Accreditor of any material changes that might affect their ability to comply with their obligations, or of any matter that could be relevant to the Accreditor's decision on whether a person is a fit and proper person.⁵⁷

7.2. Surrender

If an accredited person no longer wishes to be accredited, they may apply to the Accreditor to surrender accreditation. Applications to surrender accreditation must be in writing.⁵⁸ An accredited person can do this by submitting a request through the CDR Participant Portal (see section 7.4.1 of the [CDR Participant Portal user guide](#)).

The Accreditor will advise the person in writing that their application to surrender accreditation has been accepted.⁵⁹

7.3. Suspension and revocation of accreditation

The Accreditor may suspend or revoke accreditation in certain circumstances, including if:

- it is satisfied that accreditation was granted based on false or misleading information
- it is satisfied that the accredited person or an associated person of the accredited person has been found to have contravened a law relevant to the management of CDR data
- it reasonably believes that the suspension or revocation is necessary to protect consumers or to protect the security, integrity and stability of the:
 - Register of Accredited Persons or associated database
 - information and communication technology systems used by CDR participants to disclose or collect CDR data
- the accredited person no longer satisfies a relevant condition that it satisfied at the time of accreditation
- the Accreditor reasonably believes the accredited person has or may have contravened an offence of the CCA, a civil penalty provision under the CCA or the CDR Rules, or a data standard, or any condition of its accreditation
- the accredited person has been found to have contravened an offence provision of the CCA or a civil penalty provision of the CCA or CDR Rules, or a data standard
- it is no longer satisfied the accredited person is a fit and proper person to manage CDR data.⁶⁰

⁵⁶ CDR Rules, rule 5.16.

⁵⁷ CDR Rules, rule 5.14.

⁵⁸ CDR Rules, rule 5.17(1).

⁵⁹ CDR Rules, rule 5.17(1).

⁶⁰ CDR Rules, rule 5.17(1).

Before suspending or revoking accreditation, the Accreditor will inform the accredited person of:

- the proposed suspension or revocation
- when it will commence
- for a suspension, its duration.⁶¹

The Accreditor will then provide a reasonable opportunity for the accredited person to present its views on the proposed suspension or revocation before making a decision.⁶²

However, the Accreditor may suspend accreditation without notice if there is a need for urgency.⁶³ In these circumstances the Accreditor will inform the accredited person as soon as practicable.⁶⁴

Accreditation may be suspended for a specific period or until a specified event. Suspension may also be extended. The Accreditor will inform the accredited person if it decides to extend the suspension.⁶⁵

⁶¹ CDR Rules, rule 5.18, 5.19.

⁶² CDR Rules, rules 5.18(1)(b), 5.20(2)(b).

⁶³ CDR Rules, rule 5.21.

⁶⁴ CDR Rules, rule 5.21(3)(a).

⁶⁵ CDR Rules, rule 5.20(4).

8. Review of decisions

Applicants or accredited persons may apply for review or legal appeal of the Accreditor's decisions. If they wish to do this, they should seek legal advice.

8.1. Administrative Appeals Tribunal

Applicants or accredited persons may apply to the Administrative Appeals Tribunal (the Tribunal) for review of decisions by the Accreditor. The Tribunal can affirm, vary or set aside the original decision and may substitute its own decision for that of the Accreditor.⁶⁶ Tribunal proceedings are conducted with as little formality and technicality, and with as little delay, as possible.

The Tribunal is not bound by the rules of evidence. However, it may inform itself on any matter in any way it thinks appropriate.⁶⁷

8.1.1. Decisions the Tribunal can review

Applicants or accredited persons may apply to the Tribunal for review of decisions by the Accreditor to:

- refuse to accredit them⁶⁸
- impose or vary conditions on their accreditation⁶⁹
- revoke, suspend or extend a suspension of their accreditation.⁷⁰

8.1.2. How to apply

Information on applying to the Tribunal for review of a decision is on the [Administrative Appeals Tribunal website](#).

8.2. Federal Court

Applicants or accredited persons may apply to the Federal Court for judicial review of Accreditor decisions.

8.2.1. Scope of judicial review

Judicial review is concerned only with the legality of the decision. It is limited to questions of law, such as:

- whether the Accreditor had the power to make the decision
- whether it has taken an irrelevant consideration into account or failed to take a relevant consideration into account
- whether the decision was so unreasonable that no reasonable decision-maker could have made it.

Unlike the Tribunal, the Federal Court cannot determine the merits (the facts) of the case. In other words, it can only rule on whether the Accreditor's decision was legal, not on whether it was correct.

⁶⁶ *Administrative Appeals Tribunal Act 1975* (Cth), section 43(1).

⁶⁷ *Administrative Appeals Tribunal Act 1975* (Cth), section 33(1).

⁶⁸ *Competition and Consumer Act 2010* (Cth), section 56CB.

⁶⁹ CDR Rules, rule 9.2(a).

⁷⁰ CDR Rules, rules 5.18, 5.20, 9.2(b).

8.2.2. Appealing decisions of the Tribunal

Applicants or accredited persons may appeal to the Federal Court for judicial review of any decision of the Tribunal. Again, the Federal Court can rule only on questions of law, not on the merits of the decision.

8.2.3. How to apply

Information on the process to apply to the Federal Court for judicial review of a decision is on the [Federal Court of Australia website](#).

9. Other CDR participation pathways and data sharing options

There are 2 pathways for participation in CDR without going through accreditation:

- The **CDR representative model** allows an unaccredited person to enter into a CDR representative arrangement with an unrestricted accredited person to provide goods and services using CDR data (see Table 1 and section 9.1)
- The **outsourced service provider model** allows an unaccredited person to collect CDR data on behalf of an accredited person and/or to use or disclose CDR data to provide goods and services to an accredited person or CDR representative (see Table 1 and section 9.2).

9.1. CDR representative model

Persons who wish to use CDR data to provide goods or services to consumers but do not wish to seek accreditation (the CDR representative) may enter a CDR representative arrangement with a person accredited at the unrestricted level (the CDR representative principal).

For example, an accredited financial technology (fintech) organisation's packaged CDR services can be sold by CDR representatives as long as the CDR data will remain within the fintech's CDR data environment.

The CDR representative principal will collect CDR data on behalf of the CDR representative. The relationship is governed by the terms of a written contract known as the **CDR representative arrangement**.

A CDR representative can only have one CDR representative principal.

The CDR representative principal is fully liable under the CDR Rules for the CDR representative's use and disclosure of the CDR data.

The CDR representative principal must comply with specific obligations set out in the CDR Rules. In particular, they must notify the Accreditor of a new or proposed representative arrangement within 5 business days of the commencement of the arrangement. They can do this in the CDR Participant Portal using a CDR Representative Arrangement Notification form (under the Organisations tab – see Figure 2). Further details on how to do this are in section 9.2 of the [CDR Participant Portal User Guide](#).

For more information about the CDR representative model, see:

- [CDR representatives fact sheet](#)
- [Guidance for CDR representative principals on ensuring compliance of their CDR representatives](#)

9.2. Outsourced service provider model

An accredited person may:

- use an outsourced service provider (OSP) to collect or facilitate the collection of CDR data on its behalf (if the person is accredited at the unrestricted level), and/or
- disclose CDR data to an OSP so that the OSP can provide goods or services to the accredited person.

Where an accredited person uses an OSP for either of these purposes:

- the accredited person would be the ‘OSP principal’
- the OSP may engage another OSP in a further CDR outsourcing arrangement
- where the OSP engages another OSP, the accredited person would become the ‘OSP chain principal’ in relation to both OSPs.⁷¹

These CDR outsourcing arrangements can apply repeatedly and other OSPs can be engaged further down the chain.⁷²

An OSP does not need to be accredited.

The goods or services from the OSP must be provided in accordance with a CDR outsourcing arrangement (as outlined in rule 1.10 of the CDR Rules).

The CDR outsourcing arrangement must include certain restrictions on how the OSP can deal with the CDR data.

The accredited person (the OSP principal or OSP chain principal) is fully liable under the CDR Rules for the use or disclosure of CDR data by its OSPs.⁷³ Further information is available in the [CDR outsourcing arrangements fact sheet](#).

9.3. Other data sharing options

The CDR Rules provide 3 other ways for an accredited person to share CDR data, with a consumer’s consent, with an unaccredited person:

- The **trusted adviser model** allows disclosure of CDR data to approved professionals such as accountants, lawyers, financial advisers, financial counsellors and mortgage brokers.⁷⁴ Further information about trusted advisers is available [on the OAIC website](#).
- The **CDR business consumer model** allows a CDR business consumer to consent to disclosure of CDR data to any specified person for a business purpose when certain conditions are met. For more information about the CDR business consumer model, see the [CDR business consumers fact sheet](#).
- The **CDR insights model** allows disclosure of certain limited CDR data, known as ‘insights’, to any person if the disclosure is for one of the purposes specified in the CDR Rules. Further information about CDR insights is available [on the OAIC website](#).

Currently consumers cannot receive their own data through an application programming interface without becoming accredited. Consumers who want to access their own CDR data need to get it from a provider who is accredited or from another channel, such as directly from their bank.

⁷¹ CDR Rules, see rules 1.10(1) and 1.10(3).

⁷² CDR Rules, see note to rule 1.10(1)(c).

⁷³ CDR Rules, rule 7.6(2).

⁷⁴ Rule 1.10C of the CDR Rules provides the full list of approved professionals.

10. Other resources

For more information on accreditation, see:

- [CDR accreditation fact sheet](#)
- [CDR supplementary accreditation guidelines: insurance](#)
- [CDR supplementary accreditation guidelines: information security](#)
- [Competition and Consumer \(Consumer Data Right\) Rules 2020 and Explanatory Statement](#)
- [OAIC CDR Privacy Safeguard Guidelines](#)
- [Consumer Data Standards](#)
- [CDR Participant Portal User Guide](#)
- [CDR representatives fact sheet](#)
- [Guidance for CDR representative principals on ensuring compliance of their CDR representatives](#)
- [CDR outsourcing arrangements fact sheet](#)
- [CDR business consumers fact sheet](#)