

The Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Attention: Ms Melanie Drayton
Assistant Commissioner
Regulation and Strategy

By email: enquiries@oaic.gov.au

23 July 2019

**APPLICATION TO VARY THE PRIVACY (CREDIT REPORTING) CODE 2014 (CR CODE) –
PROPOSED VARIATION TO PARAGRAPH 17 OF THE CR CODE**

On behalf of three credit reporting bodies (**CRBs**), Equifax, Experian and Illion, we write to request an extension to the commencement of proposed changes to paragraph 17 of the CR Code, as submitted by the Australian Retail Credit Association (**ARCA**) on 18 April 2019. We understand the OAIC is reviewing the proposed changes and that they could be accepted and require implementation as early as August 2019.

The CRBs accept and support the proposed wording of the variation to paragraph 17 and are committed to delivering changes to meet its objectives. We want to create a service that supports people who believe they have been the victim of fraud, protecting their credit reporting information with all CRBs through a single ban period request. To this end, the three CRBs have agreed to work together to implement appropriate processes that will ensure individuals are provided with a positive experience that meets the intention of the variation.

To achieve this, we request that the OAIC provide flexibility on a start date, allowing a transition period whereby CRB's would have to meet requirements in the first half of 2020.

This request follows industry discussions that have revealed gaps between CRBs as a consequence of our differing processes and requirements. The impact of a 2019 start would result in CRB compliance using minimalist solutions to ensure quick implementation. For a consumer, the experience, while improved, would be less than optimal e.g. *one CRB will notify the other CRBs of a ban request; the receiving CRBs will each then contact the individual making the ban request, ascertaining further information (including critical matching information) to properly apply the ban with that CRB according to their policies and procedures.*

This is neither simple for the individual nor expedient. Time taken to contact the individual, receive further information, confirm the identity and apply the ban, will delay the process, and potentially confuse and frustrate the individual. We believe that with an appropriate transition period, we can minimise consumer impact, providing a positively received change to the current position.

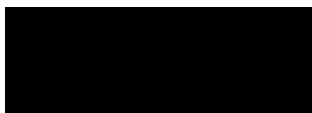
The three CRBs have agreed to pursue a streamlined technical solution to realise the spirit of the proposed changes, through one of the three following options:

1. Leverage existing technology owned and operated by Experian.
2. Collaborate with IDCARE on their proposal to manage ban requests.
3. Developing an independent solution, funded and owned by the three CRBs.

Each of these three options has its own set of implications, legal, financial, commercial, and operational, that require consideration by each CRB as businesses in their own right. Each is mindful of the need to ensure implementation in the first half of 2020.

If it assists in the consideration of this request, Equifax, Experian and Illion would be happy to meet with the OAIC.

Please direct any return correspondence to [REDACTED]



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