



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

20 November 2019

Office of the Australian Information Commissioner  
Information and Privacy Commissioner – Angelene Falk

*via email:* [consultation@oaic.gov.au](mailto:consultation@oaic.gov.au)

Dear Ms Falk

### **Draft CDR Privacy Safeguard Guidelines**

It is important that the Draft Consumer Data Right (CDR) Privacy Safeguard Guidelines (the Guidelines) seamlessly integrates with the Privacy Act 1988 and the Australian Privacy Principles to limit any additional red tape for small business and family enterprise. Small businesses have limited resources and any simplification of the Guidelines that will reduce administrative burdens placed on them when implementing practices, procedures and systems to meet these requirements is welcomed.

### **Specific recommendations**

1. We agree that the initial CDR requests should not attract fees. Any variations out of scope to the application of the Guidelines involving authorised third parties, must not attract additional charges without the consent of the consumer. With the initial Guidelines being rolled out in the banking sector, competition between the banks and second tier lenders and fintechs can be increased by ensuring fees and charges are low. Particular care should be taken to ensure larger finance providers do not pass on such costs through high charges and fees that disproportionately impact smaller providers and limit their potential access to this information.
2. The impacts on small business as an accredited data recipient and a CDR consumer require clear separation of roles in administration and operation of the Guidelines. There must be clear consent from the consumer to the use of their data from an accredited data recipient to an outsourced provider. Upon the completion of the consented action the consumer data must be immediately destroyed other than requirements to retain the data under an Australian law or court / tribunal order.
3. The Guidelines should ensure ICT small businesses can remain competitive in data storage and not be structurally excluded from operating in an industry dominated by larger organisations with greater resources. To ensure access by small business the detail of the Guidelines must be easily accessed and clear in determination so that time poor small business operators are able to efficiently operate under the privacy safeguards this Guideline aims to address. Achieving privacy provisions where consent is voluntary, informed, specific to purpose, time limited and can be easily withdrawn will enable small business consumers and operators confidence in engaging in this practice.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Bryan Smith on [REDACTED] or at [REDACTED]

Yours sincerely

[REDACTED]

**Kate Carnell AO**

Australian Small Business and Family Enterprise Ombudsman

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