

# Privacy (Credit Related Research) Rule Submission

Experian  
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# Contents

- Executive summary ..... 3
- Responses to the Consultation Questions ..... 4
- Further discussion ..... 6
- About Experian ..... 6

# Executive summary

Experian values the opportunity to provide feedback on the remaking of the Privacy (Credit Related Research) Rule 2014 (**CRR Rule**), which is due to sunset on 1 October 2024.

Experian believes that the CRR Rule (or similar instrument) is fundamental to the operations of Credit Reporting Bodies (**CRBs**) in Australia. It is a necessary tool for Credit Providers to assess, manage and create new credit products, and an important enabler of competition for CRBs.

# Responses to the Consultation Questions

## Section 4 – Definitions

1. Does s4 operate effectively and/ or are amendments required?

Overall Experian is of the view that s4 operates effectively. However, if the below proposed amendments to s8(2)(c) are not accepted, then Experian would like to recommend amendments to the s4(2) definition of aggregated results as follows:

*Aggregated results mean the data and/or results of de-identified credit reporting information research analysis which does not include the individual elements of the de-identified credit reporting information and cannot readily be disaggregated to extract or reidentify that de-identified credit reporting information.*

## Section 5 – Conducting research in relation to credit

2. Does s5 operate effectively and/or are amendments required?

Experian believes that s5 operates effectively and no amendments are required.

## Section 6 – Permitted purposes of conducting research

3. Does s6 operate effectively?

Experian believes that s6 operates effectively and no amendments are required.

4. In subsection s6(c), is the phrase assisting responsible lending obligations and other consumer protections sufficiently clear for entities who employ the Rule?

Experian believes that s6(c) operates effectively and no amendments are required.

5. In subsection 6(d), is the phrase general benefit of the public sufficiently clear for entities who employ the Rule?

Experian believes that s6(d) operates effectively and no amendments are required.

## Section 7 – De identification of credit reporting information

6. Overall Experian is of the view that s7 operates effectively with the exception of s7(1)(c) for which we propose the following amendments:

*take such steps as are reasonable in the circumstances to ensure the deidentified information cannot readily be re-identified.*

## Section 8 – Disclosure of de-identified information

### 7. Does s8 operate effectively including specifically s8(2)(c)?

Experian is of the view that s8(1) and s8(2)(a) & (b) operate effectively, however s8(2)(c) should be removed. We note that, other than as set out in the CRR Rule, the Privacy Act 1988 (Cth) does not apply to de-identified personal information. It is our understanding that Australia is perhaps the only jurisdiction in the world that places any restrictions on the use of de-identified personal information.

Experian supports a legislative regime that foregoes restrictions on using de-identified information (with the obvious exception of prohibiting re-identification of, or attempts to re-identify, de-identified information). That being said, in the absence of such a regime, Experian is of the view that the CRR Rule (or similar instrument) is fundamental to the operations of Credit Reporting Bodies (CRB) in Australia. It is a necessary tool for Credit Providers (CPs) to assess, manage and create new credit products, and is an important enabler of competition for CRBs.

If Experian's proposed amendments are accepted s8(3) will not be required.

## General Feedback

### 8. Are there any amendments that could be made to the CRR Rule to better accommodate current modern data practices in a way that continues to protect privacy?

No further feedback by Experian.

### 9. Are there any parts of the CRR Rule that are no longer fit for purpose due to technological change or need adjustment?

No further feedback by Experian.

## Further discussion



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Experian appreciates the opportunity to provide inputs and recommendations on the Privacy (Credit Related Research) Rule Consultation. We welcome the opportunity to constructively participate in further consultations.

Please contact me if you would like to discuss this submission further.

## About Experian

Experian is the world's leading global information services company. During life's big moments – from buying a home or a car, to sending a child to college, to growing a business by connecting with new customers – we empower consumers and our clients to manage their data with confidence. We help individuals to take financial control and access financial services, businesses to make smarter decisions and thrive, lenders to lend more responsibly, and organisations to prevent identity fraud and crime.

We have 22,000 people operating across 32 countries and every day we're investing in new technologies, talented people, and innovation to help all our clients maximise every opportunity. We are listed on the London Stock Exchange (EXPN) and are a constituent of the FTSE 100 Index.

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