

20 July 2020



Australian Competition & Consumer Commission  
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To Whom It May Concern

**Re: ACCC Consultation draft CDR Rules for ‘Intermediaries’, published 22 June 2020.**

Data Action (DA) is a technology company that provides banking products and services directly to financial institutions. Concerns have been identified by DA clients and internally at DA relating to the publishing of the DA name as an accredited person (provider) to banking consumers within online banking environments, specifically on consumer dashboards in interfaces. From DA’s perspective, the following rules from the Consultation draft CDR Rules published 22 June 2020, are of concern:

- Data holders are required to publish the DA name on their consumer dashboards when obtaining authorisation to share their consumer data with DA (sections 4.5 and 7.9 (d)).
- DA are required to publish their name and accreditation number with a link and statement regarding their CDR policy when seeking consent from consumers to collect and use their CDR data (section 4.11 (3)(i)).
- DA are required to publish their name and accreditation number on their client’s consumer dashboards for consents they have obtained (sections 1.14 (3)(i) and 7.4 (d)).

**Explanation of DA’s concerns**

- 1) Consumer experience: Banking consumers who are customers of DA’s clients (financial institutions) are generally unaware that DA exists, or the arrangement DA have in place. This is because the relationship DA have with their clients is more like an outsourcing arrangement, i.e. DA provide products and services directly to financial institutions, not banking consumers. The branding shown to consumers within DA’s online banking platforms is that of DA’s clients, the financial institutions. DA believe it would be a confusing experience for consumers to see the DA name published along with the name of the financial institution, due to a CAP arrangement, when being asked to share their data. This has the potential to erode trust in Open Banking and discourage consumers from sharing their data.
- 2) Technology services provider: DA would also like the ACCC to consider whether it is appropriate for DA to be classified as an accredited person (provider) for the purpose of collecting data on behalf of their client. DA’s products are more akin to *Software as a Service*, i.e. DA managed and hosted Core Banking System with a DA managed and hosted client-branded Internet Banking platform. Alternatively, DA encourage the ACCC to consider an outsourced service provider agreement to support their clients as Accredited Data Recipients. The current rules requiring DA to become an accredited data recipient, along with their clients, could be a large imposition in the process to deliver innovative products and services to consumers via financial institutions and thus delay the uptake of the Open Banking regime.

DA welcome the opportunity for individual discussions on this proposal or to continue within the ACCC conducted group workshops.

Kind Regards

**DA Open Banking Team**

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