Australian Banking Association

15 March 2021

Jessica Robinson
Assistant Secretary
Consumer Data Right Division, Markets Group
Treasury
By email: Jessica.Robinson@treasury.gov.au

Dear Jessica,

The ABA thanks the Department of Treasury (**Treasury**) for the opportunity to put forward a list of matters requiring resolution in relation to the Consumer Data Right (CDR) Rules 1.0[1] and Rules 2.0[2] (see Annexure). Many of the items noted in the Annexure were raised by the ABA with Treasury via email on 16 February ahead of the 17 February workshop which Treasury hosted with the ABA and the four major banks. Whilst the Annexure contains additional items, we note that this is not a complete list as members continue undertake business analysis.

Additional to the issues raised in the Annexure and given Treasury's recent assumption of the responsibility for the Rules and the Data Standards Body (DSB), the ABA will take this opportunity to make suggestions for continuous improvement, building on the good start made by the ACCC.

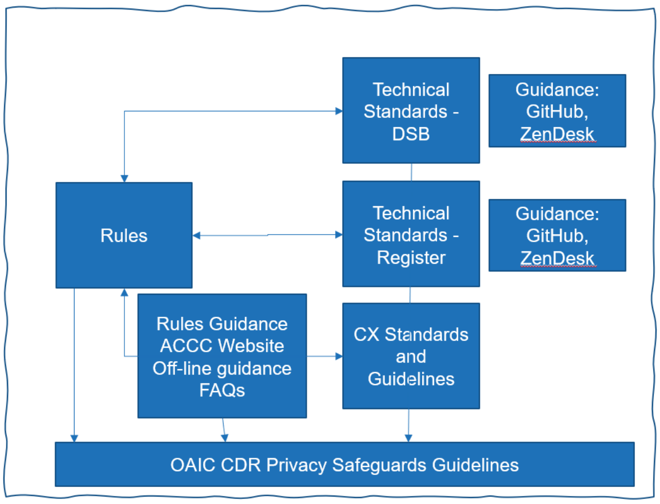
Multiple information sources. There are multiple and varied sources of information beyond the Rules and Standards which relate to the requirements of the CDR. This makes it challenging to develop a clear and comprehensive knowledge of what is to be built. Additionally, many of the advices are updated or enhanced 'along the journey' and there is no clear tracking system for how to ensure that one has the latest guidance in full. For example, in respect to the Rules some guidance has been issued onto the general ACCC CDR website, other guidance is issued in the CDR Support Portal Guides and there is now a 'Conventions' mechanism. Further there appears some confusion over the role of Zendesk (the CDR Support Portal) and GitHub (the mechanism to obtain feedback on decision proposals and noting papers) as mechanisms for issues clarification.

An example of the challenge posed by the multiplicity of sources to functional delivery of the CDR is the Rules for non-individual accounts which have been released without Customer Experience (CX) guidelines. To meet the compliance date for 1 November the build for CDR data sharing for non-individuals, secondary users and joint account is so significant[3], initial data holders have commenced building the accounts new functionality by making assumptions for the CX requirements. This means that it is possible that customers and accredited data recipients will experience different implementations of the business account functionality.

The ABA requests the implementation of a 'single source of truth' for CDR Requirements (i.e. Rules, Standards, and Guidelines). Releasing a package of requirements is a better way to ensure consistent delivery.

[1] Competition and Consumer (Consumer Data Right) Rules 2020 Dated 4 February 2020 https://www.accc.gov.au/system/files/CDR%20Rules%20-%20Final%20-%206%20February%202020.pdf
[2] Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020, which commenced on 23 December 2020
[3] The ABA noted in its submission to Rules 2.0 that this was a significant build requiring circa 9 months from when requirements are finalised

The collective ‘universe’ of CDR requirements



The collection of requirements spans many tens of documents in disparate locations across multiple modes at the ACCC and the DSB.

There is no systemic way to gather all the requirements.

Figure 1: Disparate sources of requirements

Standards development methodology: It is the view of the ABA that the Standards development methodology across the DSB, Registry and CX standards appears unaligned to the implementation schedules for the CDR. The standards contain obligations which are undated as well as future dated. Understandably, the DSB is keen to ‘get ahead’ of the curve and be prepared for future CDR enhancements by pre-specifying the standards for future deliveries. Whilst it is helpful to know what is ahead, the process also causes a significant analysis effort each time the standards are updated to form a view that the requirements for the immediate delivery have not been inadvertently altered. This approach to developing the standards, combined with the multiplicity of information sources (per point 1 above) risks builds that are suboptimal from the consumer’s perspective.

Figure 2 shows an example of the type of analysis that data holders and data recipients would need to undertake each time the standards iterate. The full spreadsheet runs to 100 lines of an excel spreadsheet and was undertaken by a non-major bank which has outsourced some of the CDR Phase 1 build to a developer. Outsourcing arrangements with developers will stipulate the complete set of fixed requirements with which the development is to comply. As the development pathway for the CDR is long, contracts are agreed and locked away up to eight months in advance of the delivery date. That contract will typically specify the version of the standards which are required for delivery. Some non-majors entered contracts for version 1.3 others 1.5 of the Standards. The ABA notes that the DSB is up to version 1.7. This standards development methodology means that banks cannot build to a fixed version of the standards for a given delivery.

Australian Banking Association

	Source	Impacts	Versi	Detail (1)	Detail (2)	Link	Classification	Required to be complian	Required to operate in r	Date of version	Mandatory Delivery Date	Deprecation Date	Component/s
1	Source	Impacts	Versi	Detail (1)	Detail (2)	Link	Classification	Required to be complian	Required to operate in r	Date of version	Mandatory Delivery Date	Deprecation Date	Component/s
2	Standards	InfoSec Profile	1.3.1				Baseline	N/A	N/A	22/05/2020	1/11/2020	N/A	N/A
3	Standards	Get Products V1		Data holders may obsolete version 1 of this end point from August 29th 2020. Data recipients must upgrade their implementations to use version			Versions	N/A	N/A			29/08/2020	
4	Standards	Get Products V2		Version 2 of this end point must be made available by affected data holders by the end of July 2020			Versions	Yes	Yes		31/07/2020		
5	Standards	Get Products V3		Version 3 of this end point must be made available by affected data holders by the end of February 2021			Versions	Yes	Yes		28/02/2021		
6	Standards	Get Product Detail V1		Data holders may obsolete version 1 of this end point from August 29th 2020. Data recipients must upgrade their implementations to use version			Versions	N/A	N/A			29/08/2020	
7	Standards	Get Product Detail V2		Version 2 of this end point must be made available by affected data holders by the end of July 2020			Versions	Yes	Yes		31/07/2020		
8	Standards	Get Product Detail V3		Version 3 of this end point must be made available by affected data holders by the end of February 2021			Versions	Yes	Yes		28/02/2021		
9	Standards	High Level Standards	1.4.0	Non-normative examples fix in extensibility section	Updated example text	Extensibility	Documentation only	N/A	N/A	12/08/2020	N/A	N/A	N/A
10	Standards	High Level Standards	1.4.0	Syntax error in non-normative example	Added missing comma's	Payloads	Documentation only	N/A	N/A	12/08/2020	N/A	N/A	N/A
11	Standards	High Level Standards	1.4.0	Content-Type header	Added Content-Type header non-normative example	HTTP Headers	Documentation only	N/A	N/A	12/08/2020	N/A	N/A	N/A
12	Standards	High Level Standards	1.4.0	Accept header	Added Accept header non-normative example	HTTP Headers	Documentation only	N/A	N/A	12/08/2020	N/A	N/A	N/A
13	Standards	API End Points	1.4.0	Add new fee type to support at-cost fees	Update Product Fee Type enumeration feeType to include this additional enumerated	BankingProductFee	Functional	No	No	12/08/2020		N/A	N/A
14	Standards	API End Points	1.4.0	Update to field descriptions in BankingProductFee	Descriptions updates to amount, balanceRate, accruedRate and transactionRate	BankingProductFee	Functional	No	No	12/08/2020			DD and APIs
15	Standards	API End Points	1.4.0	Fix description of sorting order for Get Products	The documentation incorrectly referenced updated-since which is the filter attribute. Its been updated to lastUpdated which is a product	Get Products	Functional	Yes	No	12/08/2020		N/A	N/A
16	Standards	API End Points	1.4.0	Missing schema markdown for getProducts & getProductDetail V2	Included missing schema markdown	Get Product Detail V2	Documentation only	N/A	N/A	12/08/2020		N/A	N/A
17	Standards	API End Points	1.4.0	Increment BankingProductLendingRate to V2	BankingProductLendingRate was not versioned in its last update	BankingProductLendingRateV2	Documentation only	N/A	N/A	12/08/2020		N/A	N/A
18	Standards	API End Points	1.4.0	Incorrect Get Product Detail V3 implementation date	Updated to February 2021	Get Product Detail	Documentation only	N/A	N/A	12/08/2020		N/A	N/A
19	Standards	Infosec Profile	1.4.0	Fix broken TDIF links	Updated to latest TDIF links	Levels of Assurance	Documentation only	TBA	TBA	12/08/2020		N/A	N/A
20	Standards	Infosec Profile	1.4.0	Informative References	Add RFC7231 to the Informative References section	Informative References	Documentation only	N/A	N/A	12/08/2020		N/A	N/A
21	Standards	Infosec Profile	1.4.0	Update OpenID Connect Metadata description	Update to description for id_token_encryption_alg_values_supp	End Points	Documentation only	Yes	TBA	12/08/2020		Not specified	Not specified
22	Standards	Infosec Profile	1.4.0	Update the OpenID Connect Metadata non-normative example	Updated values of id_token_encryption_alg_values_suppo	End Points	Documentation only	Yes	TBA	12/08/2020		Not specified	Not specified
23	Standards	Infosec Profile	1.4.0	Corrected "aud" claim in client authentication to Data Holder	Changed description to the Token Endpoint URL	End Points		Yes	Yes	12/08/2020	31/03/2021	Not specified	Not specified
24	Standards	Infosec Profile	1.4.0	Introspection Endpoint	Updated Token Introspection documentation to include CDR Arrangement ID claim and non-normative example	End Points	Functional	Yes	Yes	12/08/2020		Not specified	Not specified
25	Standards	Infosec Profile	1.4.0	Error in statement on CDR Arrangement ID	CDR Arrangement ID statement incorrectly mentions the ID Token	Identifiers and subject Types		Yes	Yes	12/08/2020		Not specified	Not specified
26	Standards	Infosec Profile	1.4.0	Update to PAR non-normative example	Corrected client_id	Identifiers and subject Types	Functional	Yes	Yes	12/08/2020		Not specified	Not specified
				Add authorisation to PAR non-normative example	Updated example to include	Identifiers and							

Figure 2: Analysis of Standards changes

The ABA considers this to be a significant risk for the quality and security of the CDR. It will be the consumer who will have a less-than-optimal experience, which in turn will affect consumer perceptions of the CDR and therefore uptake rates. With the DSB now housed within Treasury, the ABA considers this a good time to implement best practice project management governance with a PMO which is staffed with experts with significant IT delivery experience.

Additionally, the ABA suggests that a review of the current process for standards issuance and iteration could be undertaken. It would be helpful to understand the standards development methodology employed for CDR standards development and iteration. For a reference site, Treasury may wish to peruse the ISO methodology statements in their website[4]. At a minimum it would be helpful for the standards which are obligated for specific CDR builds to be specified in advance of the 6-month period so that data holders know that they can build to a fixed set of requirements. For example, for future developments (such as action initiation), the Rules, Standards (the technical and register standards), Privacy Guidelines and the CX would be finalised at least six months before the obligation date[5]. All requirements relating to that delivery would be 'bounded and fixed' and accessible in the one location.

Final requirements before build commence: The ABA reiterates the importance of all requirements being finalised before build can commence. The diagram below shows a generic development path once requirements are set. Any changes to the requirements (including updated DSB Standards, Registry Standards, CX Standards, CDR Support Portal Guides and Conventions, and Privacy guidelines) will necessitate the development cycle commencing anew for the change (and potentially for related changes). The evolving requirements have been challenging for all data holders and particularly for the non-major banks, some of whom commenced their 1 July 2021 builds in 2020 with standards 1.3 are now needing to accommodate standards 1.7.

Additionally, in respect CDR privacy guidelines, the OAIC has yet to update guidelines on the CDR Privacy Safeguards for the Rules 2.0[6] as well as the earlier amendments to the Rules[7] and the changes to the CDR legislation[8].

[4] https://www.iso.org/stages-and-resources-for-standards-development.html
[5] Some builds may be more complex and may require more than six months.
[6] Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020, which commenced on 23 December 2020
[7] Competition and Consumer (Consumer Data Right) Amendment Rules (No. 2) 2020, which commenced on 2 October 2020
[8] Treasury Laws Amendment (2020 Measures No. 6) Act 2020, which commenced on 18 December 2020.

Australian Banking Association

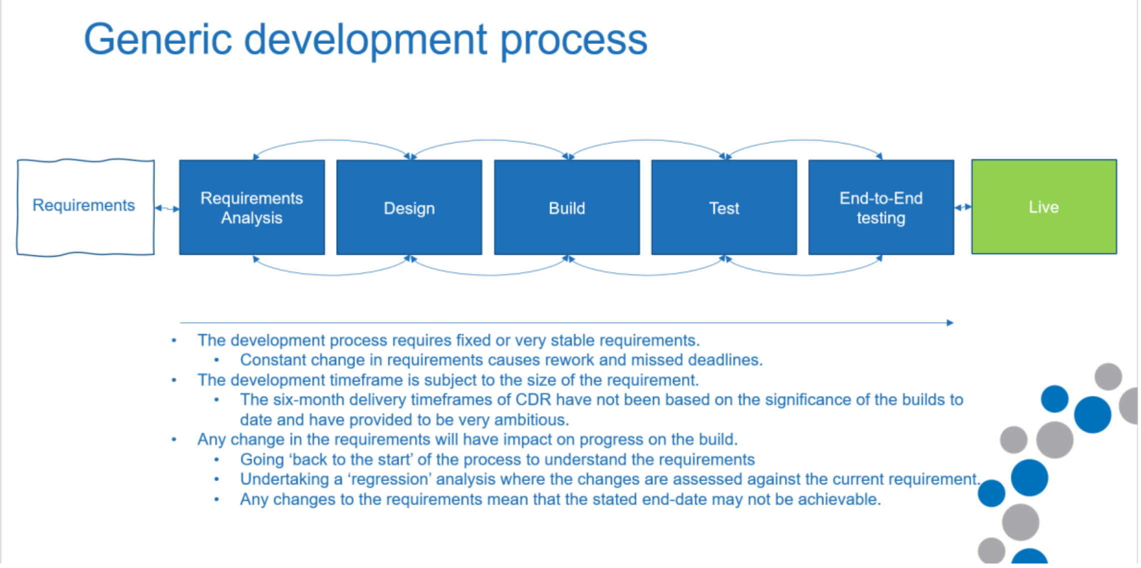


Figure 3: Development process

A key issue has been the limited opportunity for workshopped *concept development* with participants, particularly data holders whose complex systems require deep analysis. At times, the first that participants hear of new developments is in the draft Rules consultation (such as the Trusted Adviser model). At other times, Rules are written in such a way as to not impact the existing Standards, which results in Rules being more complex than needed. In both cases, the outcomes are Rules which do not relate to the business context to which they are to apply, thus causing the need for further guidance[9]. Then, as new advices are issued (because of data holder business analysis and questions seeking clarification) the requirements for the build continue to iterate well into the final stages of the build effort.

This process cannot be sustained if the end outcome is to be a vibrant data ecosystem. The ABA strongly encourages a collaborative multi-staged approach following standard IT Development and Project Management Methodologies be adopted for all future developments of the CDR.

Accredited person to accredited person data transfers: The ABA is aware that there are no standards for the transfer of data from one Accredited Person to another Accredited Person (AP). AP's can transfer data outside of the CDR ecosystem. This means that the CDR data does not 'swim between the flags'. The process also does not adhere to the Farrell concept of the CDR as a secure 'highway', where data travels from one 'town' to the next wrapped in the security of the CDR infosec standards. For the time that the data is outside of the CDR (as it transits from one AP to the next AP), it is unclear what security requirements are place to protect that bank data from interference. The ABA urges Treasury to implement standards to protect the data at these junctures.

Data quality: There has been some confusion over the term '*data quality*' which is exemplified in Noting Paper 142[10]. Of the items listed in Noting Paper 142, there are some that do relate to questions of data quality e.g.: missing fields. However, others relate to '*data consistency'* which is a different issue. Data consistency is the situation where the implementation by data holders is compliant but non-standard.

The ABA's view is that these two concepts have been conflated and some of the views placed under the banner of '*data quality*' relate to '*data consistency*'. The ABA firmly disagrees with the

[9] Requested by both Data holders and prospective data recipients.
[10] https://github.com/ConsumerDataStandardsAustralia/standards/issues/142

characterising of '*data consistency*' as a '*data quality*' issue. For example, data holders have met the PRD standards, but product data structures are not consistent by virtue of the fact that products are not standard and cannot be developed or specified in a standardised manner.

To rectify the '*data quality*' issue, the DSB has issued Noting Paper 142 the purpose of which is to standardise product structures[11]. To the extent that matters raised in Noting Paper 142 relate to '*data consistency*', the ABA does not support efforts to further structure product parameters within APIs. Such structuring represents a *significant stifling* of product development and evolution and it will curtail banks' individual ability to respond to consumer needs in a competitive market. This is an example of standards driving product design, which is beyond the intent of CDR reforms. API standards should be flexible enough to allow a broad range (and evolution) of products rather than what it is seeking to do through Noting Paper 142 which is to drive a standardisation for the product features so that products are shaped to meet an API structure. The ABA believes that it is within the ability and skill set of comparison sites to structure the information contained in the existing data holder PRD APIs for their display purposes, which they already do from sourcing that information through the banks' websites directly.

The ABA strongly recommends that the PRD standards are not subject to changes beyond genuine *data quality* matters as implementation of the standards have been left to the competitive space. Moves to further define product structures in standards will stifle product innovation and competition. Further, as *data quality* issues are significant and can result in enforcement action being undertaken against data holders, it is the ABA's view that there is conflation of terms (where '*data consistency*' is labelled '*data quality*') that needs to be addressed immediately.

The ABA looks forward to working proactively and constructively with Treasury over the course of the future developments of the CDR and we welcome the opportunity to provide further information on matters contained in this letter.

Kind regards,

Emma Penzo

Policy Director

[11] Further, to rectify the 'data quality' issue, the DSB has introduced a new type of instrument, a 'noting paper' which seeks to standardise product specifications across the industry (see issue 1). However, noting papers are not compulsory and their status as an instrument is unclear

Australian Banking Association

Annexure: Issues Rules 1.0 and 2.0

Topic	Detail	Clarification required/ issue raised
Secondary users	(a) It is unclear how secondary users differ from nominated representatives (b) Clarification required if secondary users must have an open account that is online to be eligible to authorise data sharing.	(a) Further guidance is required as to what data is to be passed through the APIs. (b) Part 2 Eligible CDR consumers 2.1 (2b): Is it a drafting issue or is the intention that a secondary user also need to hold an open account that is online with the Data Holder (in order to be eligible to authorise consent on behalf of another account holder). If the latter is the intention, should the consent continue to be active if the secondary user no longer becomes 'eligible' (because the secondary user no longer has an open account that is online with the Data Holder).
White Labels	---	Refer to ABA emailed letter on 26 February 2021. The ABA put forward concerns with the current Guidance and requested clarification on several elements of White Label arrangements.
JAMs	DSB has a placeholder for CX standards around JAMs and Business & Corporate accounts	Is the place holder indicative of whether design of builds will be left to the competitive space?
Changes to rules about consents	Amending Consents: authorisation flow	Members requested Standards be finalised by February 2021 to provide sufficient time for delivery by the compliance date of 1 July 2021, as per the amended CDR Rules (refer CDR Phasing, December 2020, pg 2).
Changes to rules about consents	Separate Consents (DH)	ABA seeks confirmation that Data Holders will continue to be provided with details of the collection consent only from the ADR.
Authorising transfers of CDR data between accredited persons	Disclosure consents: AP Disclosure	ABA requests the compliance date be amended so that the final version of the CX Standards are published at least 6 months ahead of the compliance date.

Topic	Detail	Clarification required/ issue raised
	AP Disclosure: withdrawal	In addition, ABA recommends that the CX Standards, as with ADR consents, ensure a simple and clear revocation process for AP consents, to help consumers stay in control of their data.
Authorising transfers of CDR data between accredited persons	AP to AP data sharing	ABA notes the DSB's view (in response to members' views on Decision Proposal 153) that no additional standards are required to guide secure data transfer between APs. However, the ecosystem is only as secure as its weakest link. ABA seeks updated standards to help guide the way in which data transfers between APs take place and ensure these are done in a secure manner. ABA also recommends another independent E2E security review of the ecosystem be conducted.
Data holder dashboards and authorisation processes	CX of DH dashboards and authorisation	ABA seeks clarity of the compliance date (1 November 2021) in the CX and CDR Registry Standards, as this is not specified in the amended CDR Rules or supporting CDR Phasing documentation.
Changes to who may share CDR data	non-individual consumers, business partnerships and secondary users	ABA requests that a final version of the CX Standards be published more than 6 months ahead of the compliance date of 1 November 2021. This is due to the significant complexity of delivering non-individual consumers, business partnerships and secondary users. ABA notes members have previously made requests that CX Standards be provided in February 2021 to provide Data Holders with sufficient time to plan, solution and build.
Changes to who may share CDR data	non-individual consumers, business partnerships and secondary users	ABA seeks guidance on new scenarios and behaviours regarding edge cases and 'non-happy paths', relating to Joint Accounts (including in-flow election edge cases) and non-individual and secondary users.
Changes to who may share CDR data	Secondary users: authorisation flow, instruction, withdrawal	ABA is supportive of the development of CX Guidelines for secondary users. These guidelines should reflect how the

Topic	Detail	Clarification required/ issue raised
		secondary user experience should be implemented with joint accounts.
Direct-to-consumer data sharing	Compliance, 1/11/21, was set in Rules 2.0. However standards have not been issued. The current commencement table has all three phases of products going live on the one date. This is in contrast with ‘Direct to ADRs’ which had a phased/staggered approach. For non-major banks, this means that they will need to start sharing customer data in relation to phase 3 products ‘direct to consumer’ before they have gone live with phase 3 products ‘Direct to ADRs.’ Such a scenario is extremely challenging and brings forward a sizeable project workload. The ABA does not believe that this was the intention of the ACCC when the obligation date was specified The Rules currently require data holders to allow consumers to access any of their CDR data in human readable form and in accordance with the data standards. Presently there is no content in the data standards specifying the scope or format of this requirement (sources: Consumer Data Standards, GitHub, and CDR ZenDesk). It is unclear whether the proposed consultation for an API model for ‘direct to consumer’ is in place of the requirement to share via human	ABA requests that Technical & CX Standards and/or Guidelines be provided in their final form for direct-to-consumer data sharing. ABA notes the ACCC have advised participants that direct-to-consumer data sharing (including the compliance date) would be subject to additional consultation during early 2021. At the OB IAC meeting on 18 January the ACCC stated that agreement was required on the new approach (solution) to direct-to-consumer and therefore times could move out (beyond 1 November). Given that there has been no consultation at this stage and feasibility for delivery by 1 November is not likely, the ABA strongly recommends that the proposed compliance date for direct-to-consumer is revised to a later date or that a broad exemption is granted to data holders. It is important for any future compliance dates to reflect the complexity of the build. Subject to discussions during the consultation process, the ABA considers that ‘direct-to-consumer’ will need to be phased for Products 1, 2 and 3.

Topic	Detail	Clarification required/ issue raised
	readable form, or in addition to the requirement to share via human readable form.	
Trusted Adviser and tiered accreditation	Platforms are available which can provide entities access to CDR data, in the even that those entities lack the resources to ensure the security requirements of banking data.	Will there be more consultation and when will that consultation take place? The ABA suggests this would require another end-to-end security review before occurring, at a minimum. Banking and financial data is highly sensitive and subject to other regulatory obligations, it is important that consumer and financial system protections are not weakened.

Requested response format from Treasury

The ABA requests the responses to the raised issues to be presented in tabulated form as per the template below.

Topic	Impl date per Dec Phasing table	Will CX be published? (outcome from DP 157)	Will Standards be published? (Outcome from DP153)	Will updated registry standards be published?	If yes, when will CX / Standards be anticipated to be finalised
Joint Accounts	1 Nov				
Secondary user	1 Nov				
Etc					
Etc					