



Min-it Software

**TREASURY Consultation –  
Treasury Laws Amendment (Consumer Data Right) Bill 2018**

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Table of Contents

**Background Information ..... 3**

**Consumer Data Right data ..... 4**

## **Background Information**

This submission is made on behalf of Min-IT Software.

Aside from the software produced in-house, specifically by or for franchised organisations, Min-IT Software is a leading loan management software supplier to the micro-lending sector of the Australian market.

## Consumer Data Right data

Although the draft bill is written for the banking sector rather than the whole financial sector, we envisage its provisions could easily be extended to any area and so wish to comment specifically on section 56AF.

The way the Bill is drafted, there is a clear presumption that the entities having access to Consumer Data Right (“CRR”) data have the right to use it as they please.

We would argue this may not be the case. Unless the software has been created in-house and the user has acquired all rights to use it as it pleases, software suppliers licence their clients to use systems that they, the software suppliers, have supplied under an End User Licence Agreement (“EULA”) or contract. Although the information uses data entered by the licensee, the licensee is **not** the owner of that information, regardless of whether it resides on the licensee’s hardware systems or not.

Whilst we ourselves do not purport to own the data our clients have entered, all reports created within the system are the Intellectual Property of the software provider and not the licensee. We licence the licensee to use it for their own use, not for any others. Dissemination to other entities is a breach of our licence agreement and would be the same for other suppliers.

Unless the terms of the software licence grant the licensee specific right to disseminate the information created to others, the information the software supplier owns is inalienable.

CDR data can only be specific data entered by the entity that entered it. CDR data directly or indirectly derived may not be the possessors to give away or use as it pleases.