

18 August 2021

Consumer Data Right Division
The Treasury
Langton Crescent
PARKES ACT 2600

By email to data@treasury.gov.au

Dear Consumer Data Right Division

Consumer Data Right Sectoral Assessment – Telecommunications

Thank you for the opportunity to comment on the Treasury’s Consumer Data Right (CDR) Sectoral Assessment on Telecommunications.

We look forward to further opportunities to comment if the CDR is extended to the telecommunications sector. We will be in a better position to do so when there is clarity on how the CDR rules will apply and whether they will affect the role of my office in resolving disputes between telecommunication providers and consumers.

We offer the following general comments on the Treasury’s Consultation Paper, based on our experience resolving telecommunications complaints.

The CDR should include strong privacy protections for consumers

We are pleased to see the proposed CDR model for telecommunications includes more stringent privacy safeguards for data held by Accredited Data Recipients (ADRs) than existing protections under the *Privacy Act 1988* and the Australian Privacy Principles.

It is important the CDR model contains strong consumer protections to ensure consumers have a high level of control over how their CDR data is shared. Safeguards to protect consumers’ data from misuse or exploitation should feature in a CDR model.

Strong protections are critical for sensitive dataset types, such as mobile location data and usage data.

Protections could also include the right to delete data if a consumer no longer wanted it to be available to an ADR.

The CDR model may also need to include protections for additional users of a telecommunications account who are not the account holder. For example, a parent and

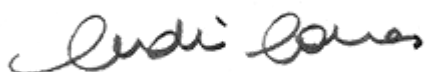
child of a family may each use separate mobile services connected under one parent's account. The Treasury may wish to consider the CDR privacy implications for these arrangements and to ensure appropriate protections are in place to protect other account users.

The CDR should leverage existing OAIC frameworks

As noted in previous submissions to CDR consultations, we encourage the Treasury to leverage the existing OAIC Guidelines for the recognition of complaint handling bodies and industry-based Ombudsman schemes.¹ To reduce delays and avoid the fragmentation of complaints across multiple complaint bodies, the implementation of the CDR in the telecommunications sector should maintain a focus on a 'no wrong door' approach to complaint handling.

My office has the ability to handle complaints about breaches of privacy by telco providers and we expect this would continue if the CDR is extended to the telecommunications sector.

Yours sincerely



Judi Jones
Telecommunications Industry Ombudsman

¹ OAIC, *Guidelines for recognising external dispute resolution schemes* (September 2013), 1.15-1.20