

# Data Standards Body

## Consumer Experience Working Group

### v2 Decision Proposal [222](#): Insight and TA Disclosure Consents

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## Context

This decision proposal relates to Consumer Experience (CX) Standards for insight and trusted adviser (TA) disclosure consents.

This second version of decision proposal 222 (DP222) progresses from the [initial DP222 consultation](#), which concluded on 30 November 2021, plus 2 rounds of consumer experience research conducted in November that tested the proposed DP222 options. See the [first iteration of DP222](#) for more background and details.

This iteration of DP222 identifies and recommends a range of options for CX standards to support intuitive, informed, and trustworthy data sharing experiences relating to insight and trusted adviser disclosures.

Phasing DP222 consultation in two stages has allowed the options to be iterated on based on community feedback and the latest CX research findings. The initial DP222 feedback broadly supported the proposed options with minor suggestions. The CX research strongly validated the [hypotheses](#) that underpinned the DP222 options outlined and recommended in this paper, which have not changed substantially from the options consulted on previously.

The options in this paper cover:

- [Insight descriptions](#)
- [Disclosure notifications](#)

CDR participants would also need to ensure that they comply with the [existing CX standards](#) where they apply to insight and TA disclosure consents.

As per Rule 7.5A, insight and trusted adviser disclosure consents are not permitted until the earlier of 1 February 2022 or the day the Data Standards Chair makes the standards referred to in 8.11(1A) and 8.11(1)(c)(iv). Rule 7.5A also specifies that an insight disclosure consent is not permitted if the CDR insight includes or reveals sensitive information within the meaning of the Privacy Act 1988.

Rule 1.10A(3) notes that accredited data recipients ('ADRs') are authorised to use insight disclosure consents for one or more of the following purposes:

- verifying a consumer's identity;
- verify a consumer's account balance;

- verifying the details of credits to or debits from the consumer’s account;

However, where the CDR data relates to more than one transaction, the ADR must not disclose an amount or date in relation to any individual transaction.

Rule 1.10C outlines that ADRs may invite a CDR consumer to nominate one or more persons as trusted advisers of the CDR consumer. Trusted advisers must belong to one of the following classes:

- qualified accountants within the meaning of the Corporations Act 2001;
- persons who are admitted to the legal profession (however described) and hold a current practising certificate under a law of a State or Territory that regulates the legal profession;
- registered tax agents, BAS agents and tax (financial) advisers within the meaning of the Tax Agent Services Act 2009;
- financial counselling agencies within the meaning of the ASIC Corporations (Financial Counselling Agencies) Instrument 2017/792;
- relevant providers within the meaning of the Corporations Act 2001 other than:
- provisional relevant providers under section 910A of that Act; and (ii) limited-service time-sharing advisers under section 910A of that Act;
- mortgage brokers within the meaning of the National Consumer Credit Protection Act 2009

The proposals in this paper seek to help consumers remain informed about what information they are consenting to be disclosed and is guided by the Data Standards Body’s [principles](#).

This decision proposal has been informed by consultation and research conducted in 2020 and 2021, including the following:

1. [Initial DP222 consultation](#)
2. 2x rounds of CX Research in Q4 2021 (see [Miro](#) | [PDF](#))
3. [Noting Paper 207 consultation](#)
4. [Draft v2 Rules consultation](#) (see concepts [5.1: TA disclosures](#) and [5.2: Insight disclosures](#))
5. [Draft v3 Rules consultation](#)
6. CX research, Q4 2020 (see [research brief](#), [summary of preliminary research](#) on draft v2 rules)
7. Consumer Policy Research Centre (CPRC) report: [Vulnerability, capability, opportunity](#)

## Decision to be Made

1. Define requirements for data recipients to make clear what an insight would reveal or describe
2. Define requirements for data recipients to notify consumers when disclosing data from the CDR environment to non-accredited persons

## Identified Options

The DSB CX Working Group has completed a further two rounds of consumer research on insight and TA disclosure consent in addition to research conducted in 2020. This research has tested the options outlined in this paper and broadly validated the following hypotheses:

### Hypothesis 1

For insight descriptions, if data recipients articulate the below details in relation to insights and data clusters, and data handling statements, then consumers will have the necessary information to provide informed insight disclosure consents:

- **What** the insight will reveal or describe to the non-accredited person ('non-AP'), with a realistic and easy to understand example
- **When** the insight will be generated, and the period the insight will refer to
- **Why** the insight will be generated and disclosed, if known
- **How** the insight will be generated

### Hypothesis 2

For disclosure notifications, if data recipients provide the below details when consumers are about to provide an insight or TA disclosure consent, then consumers will be informed about disclosed data risks, controls, and recourse:

- **What** regulations and protections do or do not apply to disclosed data
- **Where** insights can be reviewed and accessed
- **Where** to go for help if there's a problem

For an overview of the research conducted by the CX working group on insight and TA disclosures, and a summary of the findings, see [Miro](#) | [PDF](#)

## Insight Descriptions

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This section outlines options for insight description requirements. These proposals seek to support data recipients in meeting the requirement to make clear what an insight would reveal or describe. The options listed in this section are not mutually exclusive. Any supported options will be articulated in the standards in a way that is specific to insight disclosure consents to be applied in the consent process. These options would also apply to insight descriptions in dashboards.

For design illustrations of how and where options 1 – 6 might apply, see [Miro](#) | [PDF](#) (p.7)

### Option 1: Insight Description

This option proposes that data recipients provide an easy-to-understand description and example that demonstrates what the insight will reveal or describe. This description and example could be used to demonstrate other options in this section.

This option can be articulated in the standards as follows:

Data recipients **MUST** provide the consumer with an easy-to-understand description of what the insight would reveal or describe. Data recipients **SHOULD** also include an example of the insight that demonstrates what they will reveal or describe to the non-accredited person using the insight. This example **SHOULD** be articulated conversationally and in a way that realistically portrays the specific insight being requested.

#### Option 2: Time of Insight Generation

This option proposes that data recipients explain the period the insight refers to and when the insight will be generated.

This option can be articulated in the standards as follows:

Data recipients **MUST** specify the period the insight will refer to and **SHOULD** note when the insight will be or is expected to be generated.

#### Option 3: Purpose of Insight

This option proposes that data recipients describe the purpose of generating the insight.

This option can be articulated in the standards as follows:

Data recipients **SHOULD** explain why the non-accredited person requires the insight.

#### Option 4: Insight Readability

This option proposes that data recipients use plain language and achieve a minimum readability level when describing insights. The insight description content in the CX artefacts is grade 5, see [Miro](#) | [PDF](#) (p.7).

This option can be articulated in the standards as follows:

Data recipients **MUST** describe insights using plain language. Descriptions **SHOULD** achieve a reading grade of at least 7, and no more than 10, using the Flesch-Kincaid formula or the Automated Readability Index.

#### Option 5: Actual Insights

This option proposes that data recipients display the actual insight to the consumer prior to disclosing the insight to the non-AP. This will not be practical for certain use cases, such as where insights are regularly disclosed on an ongoing basis, or prior to the data recipient being granted access to the data required to generate the insight.

This option can be articulated in the standards as follows:

Where possible and practical, data recipients **SHOULD** display the actual insight(s) to the consumer prior to disclosing the insight to a non-accredited person.

### Option 6: Insight Generation

The CX research suggested that providing more information on *how* insights would be generated would increase confidence in the disclosure consent process. This option proposes that data recipients provide information on how the insight will be generated, which may include the method used, the actor(s) involved in generating the insight, and the sources used to generate the insight (e.g. specific datasets). This proposal would apply in addition to the existing [Disclosure Consent: Collection Source](#) standard.

This option can be articulated in the standards as follows:

Using plain language, data recipients **SHOULD** explain how the insight will be generated, which **MAY** include:

- what method(s) would be used to generate the insight(s), such as machine learning or any specific tool
- who would be involved in generating the insight(s), such as the specific actor(s)
- what sources would be used to generate the insight, such as the specific dataset(s) or non-CDR information

## Disclosure Notifications

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This section outlines options for disclosure notification requirements. The options listed in this section are not mutually exclusive. Any supported options will be articulated in the standards in a way that is specific to the process of seeking consent to disclose data to a non-AP as part of an insight or TA disclosure consent.

For design illustrations of how and where options 1 – 3, and 6 – 8 might apply, see [Miro](#) | [PDF](#) (p.7)

### Option 1: CDR Protections

This option proposes that data recipients specify that non-APs, including TAs, will not be regulated as part of CDR.

This option can be articulated in the standards as follows:

Data recipients **MUST** state that data disclosed to non-accredited persons, including trusted advisers, will not be regulated as part of the Consumer Data Right. Data recipients **SHOULD** also include information on the Consumer Data Right. This **MAY** include a link to the [Office of the Australian Information Commissioner guidance on the Consumer Data Right](#).

### Option 2: Non-AP Handling

This option proposes that data recipients advise consumers to check how non-APs will handle their disclosed data.

This option can be articulated in the standards as follows:

Data recipients **MUST** advise the consumer to review how the non-accredited person will handle their data.

### Option 3: Non-AP – Known Regulations

This option proposes that data recipients explain what regulations and protections apply to the non-AP's handling of the disclosed data.

This option can be articulated in the standards as follows:

If known, data recipients **SHOULD** state what regulations and protections apply to the non-accredited person's handling of the disclosed data. Data recipients **SHOULD** also include a link to any relevant policies of the non-accredited person, such as their Privacy Policy.

### Option 4: Non-AP – Unknown Regulation

This option proposes that, if the ADR does not know how the non-AP will be regulated, the ADR state that the non-AP may not be subject to the Privacy Act.

This option can be articulated in the standards as follows:

If the data recipient does not know how a non-accredited person's handling of disclosed data will be regulated or handled, the data recipient **MUST** state that the non-accredited person may not be subject to regulations such as the Privacy Act.

### Option 5: Non-AP Data Handling Summary

Option 5 suggests that data recipients explain, in simple and summarised terms, how the non-AP will handle their data.

This option can be articulated in the standards as follows:

If known, data recipients **SHOULD** provide a simple summary of how the non-accredited person is expected to handle the disclosed data.

### Option 6: Complaint Handling

This option proposes that data recipients display information on or instructions for how to make a complaint or resolve a dispute.

This option can be articulated in the standards as follows:

Data recipients **MUST** provide information on making a complaint and dispute resolution. This **SHOULD** include a link to the section of the Accredited Data Recipient's CDR policy related to complaints. This information **MAY** include a summary of the complaint handling process.

### Option 7: Record Access

This option outlines a proposal for data recipients to explain how a consumer can request further records on insights as per Rules 1.14 and 9.5.

This option can be articulated in the standards as follows:

As part of the process of requesting an insight disclosure consent, data recipients **MUST** provide instructions for how the consumer can review insights and access further records pertaining to insights via their consumer dashboard (as per Rules 1.14 and 9.5).

### Option 8: Notification Record

This option proposes that data recipients provide information relating to the disclosure notification requirements otherwise than in the consent flow, such as in the consumer's CDR Receipt and dashboard. Providing this information elsewhere will help consumers retain and access this information after providing consent. The relevant information would depend on the supported and implemented options in this section.

This option can be articulated in the standards as follows:

Data recipients **MUST** provide the information contained in the disclosure notification otherwise than in the consent flow. This **SHOULD** be contained in the consumer's CDR Receipt. This **SHOULD** also be accessible in the consumer dashboard as part of the data sharing arrangement details.

## Current Recommendation

Due to the range of scenarios that these options seek to cover, the DSB recommends all the proposed options in this paper. The initial DP222 consultation and the 2x rounds of research highlight the importance of supporting a range of options, and the CX artefacts demonstrate tested ways that these options can be implemented with minimal friction and load.

For design illustrations of how and where **Insight Descriptions**: Options 1 – 6 might apply, see [Miro](#) | [PDF](#) (p.7)

For design illustrations of how and where **Disclosure Notifications**: Options 1 – 3, and 6 – 8 might apply, see [Miro](#) | [PDF](#) (p.7)

## Implementation Considerations

As insight and trusted adviser disclosure consents are not currently permitted in the rules, no existing implementations will be impacted.

**When reviewing this proposal and formulating feedback, please consider the following questions:**

1. What obligations are appropriate for the proposed options?
2. Which options outlined in this paper do you support?
3. What requirements should be considered to facilitate insight comprehension, such as readability level or details to be included?
4. What requirements should be considered to ensure consumers are informed about the disclosure of their data outside of the CDR environment?
5. What alternative requirements should be considered for insight descriptions and disclosure notifications?