

## Consumer data rights at a glance

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On 6 February, the Australian Competition & Consumer Commission's (ACCC) [Competition and Consumer \(Consumer Data Right\) Regulations](#) (the Rules) came into effect. The Rules set out details of how the ACCC's consumer data and product data rights will work. By way of recap, under the [Treasury Laws Amendment \(Consumer Data Right\) Act 2019](#), consumers have binding rights to request copies of their data (and including in some instances data derived from that data) from Australia's large four banks.

### What does this mean for us in New Zealand?

In late 2019, the Commerce and Consumer Affairs Minister (Kris Faafoi) stated that he has directed his officials to provide him with advice on a possible consumer data right in New Zealand. In that context, businesses here should keep a close eye on the development and implementation of consumer data rights in Australia as the Australian experience may provide a useful indication of how any data access rights in New Zealand may progress.

### What is a consumer data right?

Consumer data rights are rights for consumers to direct that certain designated organisations (at this stage, the large four Australian banks) share certain information held, or related to, that consumer with accredited third parties. 'Consumer' is defined broadly and can include individuals and businesses.

Consumers also have rights to access product data, which is data that is not specific to a certain consumer (eg data relating to products offered by the relevant organisation). This data may be used, for example, by product comparison site providers.

### Next steps

While the Rules are to be applied on a phased basis across the banking sector, the Australian government has also [proposed](#) that consumer data rights will subsequently be rolled out to the energy sector and then the telecommunications sectors. The proposed timing for broader application of the Rules to the energy and telecommunications sectors has yet to be finalised, but it will be interesting to observe how the Rules are applied and developed in the context of the potential for a similar approach to be taken here.

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