

Data Standards Body

Consumer Experience Working Group

Decision Proposal 333: Business Consumer Provisions

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Publish Date: 24 October 2023

Feedback Conclusion Date: 21 November 2023

Context

This paper proposes data standards for the new business consumer provisions introduced in the July 2023 CDR Rules.

The specific topics covered in this paper are:

- Business consumer statements
- Business consumer disclosure consents (BCDC)

This consultation progresses from [DP276](#)¹ to outline which data standards are being proposed as binding. Responses to the DP276 consultation indicated support for the business consumer proposals. This paper reflects those proposals and, in response to feedback, incorporates minor wording changes in some instances for greater clarity.

Community views are now being sought before these standards are proposed to be made binding to support the 1 December 2023 obligation date for the new business consumer provisions.

Decision to be Made

Determine the data standards to be made to support the new business consumer provisions introduced by the July 2023 CDR Rules

Proposed Data Standards

Business consumer statement

Business consumer statement: Method

This standard would require business consumer statements to be given in a way that is independent of any other interactions. Allowing consumers to give this statement via active selection can mitigate the risk of individual consumers unintentionally providing a business consumer statement and sharing their data under a business consumer provision for non-business purposes.

¹ See the [DP276](#) issue for further background and analysis in relation to the new business consumer provisions

The below statement is proposed for inclusion in the [Consent Standards](#):

When seeking a business consumer statement, data recipients **MUST** invite the business consumer to give the business consumer statement in a manner that is explicit, express, and through an active selection or declaration.

The giving of a business consumer statement **MUST** be clearly separated from any other interaction or information provided to the consumer and **MUST NOT** be implied or bundled with any other permission.

Business consumer statement: Content

This standard would require data recipients to use plain and concise language when inviting the consumer to provide a business consumer statement. This would facilitate informed consent while allowing the data recipient to phrase the request in a way that is consistent with their brand's voice and tone.

The below statement is proposed for inclusion in the [Consent Standards](#):

Data recipients **MUST** use plain and concise language when inviting a consumer to give a business consumer statement.

Business consumer disclosure consents

Disclosure Consent: Non-Accredited Person Disclosure Notification

This section proposes an amended note in the standards to clarify that existing disclosure consent requirements will also apply to business consumer disclosure consents.

The yellow highlight below is proposed for inclusion in the [Disclosure Consent: Non-Accredited Person Disclosure Notification](#) note:

The standards in this section outline requirements that apply when a disclosure consent is being sought to disclose data to a non-accredited person, which includes insight disclosure consents, **business consumer disclosure consents**, and trusted adviser disclosure consents.

Disclosure consent: CDR protections

This standard proposes an amendment to the existing disclosure consent standards. This change proposes that this information be readily accessible to the consumer to mitigate the risk of the alert being obfuscated. This proposal could be presented using low friction alerts, such as callouts.²

As per the [RFC2119](#) use of **SHOULD**, this standard would require data recipients to display this information without further interaction by the consumer unless the data recipient has valid reason

² See [GOLD Design System: Callout](#) for more information.

to choose a different course, and the full implications of doing so have been understood and carefully weighed.

This change would also apply to insight disclosure consents and trusted adviser disclosure consents.

The yellow highlight below is proposed for inclusion in the [Disclosure Consent: Non-Accredited Person Disclosure Notification](#) standards:

Data recipients **MUST** state that data disclosed to a non-accredited person will not be regulated as part of the Consumer Data Right.

This information **SHOULD** be immediately viewable by the consumer without further interaction.

Data recipients **MAY** include a plain and concise explanation of what this means, which **MAY** include information on the Consumer Data Right, and **MAY** include a link to the [Office of the Australian Information Commissioner guidance on the Consumer Data Right](#).

Implementation Considerations

The standards outlined in this paper are proposed to take immediate effect in light of the 1 December 2023 obligation date for the new business consumer provisions. Accredited persons would only be required to comply with these standards if they chose to implement processes that contain business consumer statements and business consumer disclosure consents.

See [this Figma artefact](#) for examples of how and where these standards might be implemented. These examples are subject to change before they are released on the [CX Guidelines](#) website, including to reflect the intent of the rules and the final position of the data standards. The DSB invites the community to request new or amended CX Guidelines on the [DSB Standards Maintenance site](#).

Community views are sought in this final stage of the consultation on business consumer provisions before they are proposed to be made binding.