



**BIZA·IO**

**DP 333: Business Consumer Provisions**  
**Proposal Response**

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# Business Consumer Statements

## Method

Biza supports explicitly separating the collection of the Business Consumer Statement experience steps from the other consents currently collected by Data Recipients. There are several compelling reasons for this approach notably:

1. Minimises the chance of incorrectly sharing Business data in a non-business context and vice versa.
2. Some ADR consent flows will need to collect the statement *before* displaying the possible disclosure consents and durations. As a subset of consents are only applicable to Business Consumers and the maximum duration of these consents is extended implementations will need to consider this differential.
3. Opportunity to clearly prescribe wording related to the implications of providing the statement.

## Content

Biza supports standardising copy content in simple and concise language for Business Consumer Statements but we note that the proposed Standards place significant responsibility on the end-user to complete the Data Holder workflow correctly. Specifically, the lack of a technical authorisation mechanism that would allow an ADR to request disclosure authorisation for a constrained set of profile types, i.e. Non-Individual Consumers.

The current Rules and Standards lack binding requirements regarding behaviour of Holders regarding the proposed Business Consumers Statements and this is unlikely to be resolved prior to the current December 2023 obligation date. This puts a significant and unrealistic burden on the CX Guidance to steer the ecosystem towards consistent and clear implementations.

In summary we ponder the following questions from an end-user context:

1. What are the implications of giving, or not giving, the statement that this is for business purposes? Especially for Sole Traders that might have a mix of personal and business Consumer data intermingled.
2. What can/should a Consumer be expected to do if they accidentally provide access to Individual data while agreeing to a Business Consumer Consent? Would this trigger Privacy Safeguards? Who would hold responsibility for this potential liability?
3. Should the CDR *prevent* end-users from completing this incorrect workflow? Put another way should a Data Recipient verify in some way that the entity disclosed is aligned with a Business Consumer Statement?
4. If a Business Consumer Statement is made by an end-user on behalf of a Non-Individual Consumer should other representatives (in Data Holder language “Nominated Representatives”) be able to view or modify this statement? What happens if the end-user authoriser leaves the Non-Individual Consumer?

With these questions broadly unspecified by the Rules or Standards, Biza feels that there is a significant risk of the ecosystem implementing this in vastly different ways that will impact consumer understanding with respect to informed consent.



## Business Consumer Disclosure Consents

### Non-Accredited Person Disclosure Notification

Biza supports the addition of Business Consumer Disclosure Consents to this list of non-accredited person disclosure consents.

### CDR protections

Biza supports the proposed standardisation in order to ensure that content related to warning consumers about their data leaving the CDR is not hidden behind dark patterns and unnecessary interactions to find it.

We have seen this with some ADR consent flows hiding the data deletion / de-identification consent behind dark patterns and are happy to see these new standards strengthen against this behaviour. We note again previous comments regarding the need to ensure wording utilised by the DSB is not twisted to the point of being meaningless with respect to the intent of the Standard defined.



## Implementation Considerations

Implementing Nominated Representatives within the Holder space was a significant investment in resources and specialist CDR knowledge. Biza cautions the DSB and ADR implementors that these new concepts might be more intricate than they initially appear.

In the situation where the intent of the Business Consumer Statement is that the Recipient consents are owned by the Business Consumer rather than the user that gave the consent on behalf of the Business Consumer the impacts are significant. There are nuances and cascading effects on the delivery of authentication, consent storage and Consumer consent dashboards. We have been unable to find sufficient information within the Rules and Standards that definitively answer whether this is necessary, permitted or explicitly prohibited. In contrast, the Rules for Nominated Representatives, notably that a Holder sharing arrangement is owned by a Non-Individual Consumer, were much clearer while retaining implementor optionality.

This apparent gap is the key driver for our questions in prior sections because, while they could be seen purely in the realm of CX Guidance, the implications along with potentially challenging rework in future, gives us pause. Biza acknowledges that Standards alone cannot unilaterally resolve these questions and we wonder if we are the first to ask them. We encourage clarification is given, at least of intent, as soon as possible prior to Recipient solutions being developed.



## About Biza.io

Biza.io (Biza) are the market leaders in Data Holder solutions to the Consumer Data Right and are the only pure-play CDR vendor in Australia providing these solutions. Biza.io has been involved in the Data Standards setting process since the very beginning and its personnel remain the largest non-government contributors to consultations. In addition to its participation within the CDR, Biza.io is also a contributing member of the Financial-grade API (FAPI) Working Group, contributors to the FAPI 1.0 information security profile and co-authors of the Grant Management for OAuth 2.0 specification.

## About Our Customers

Biza is responsible for providing the Data Holder infrastructure for more than 50% of the mandated Energy Retailers as recently published by the ACCC<sup>1</sup> accounting for more than 75% of the entire Australian Consumer market within the Energy sector. In addition, Biza delivers the Data Holder obligations for approximately 20% of the Data Holders within the Banking sector.

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<sup>1</sup> <https://cdr-support.zendesk.com/hc/en-us/articles/7975868764431-Energy-Data-Holders-with-Consumer-Data-Sharing-Obligations-Commencing-1-November>

