



Law Council
OF AUSTRALIA

Business Law Section

21 October 2022

Consumer Data and Digital Division
Markets Group
The Treasury
Level 29, 201 Kent Street
SYDNEY, 2000 NSW

By email: Data@TREASURY.GOV.AU

Dear Sir/Madam

Consumer Data Right rules—expansion to the telecommunications sector and other operational enhancements

Thank you for the opportunity to provide comments about the Consumer Data Right (CDR) rules—expansion to the telecommunications sector and other operational enhancements. The Law Council of Australia's Business Law Section, based on the contribution of its Privacy Law Committee (the **Committee**), is pleased to provide the following comments and observations.

1. Members of the Committee note that organisations generally welcome the more descriptive and comprehensive standards of compliance provided for under the legally binding consumer privacy rights and obligations in the 13 CDR Privacy Safeguards. There is no in-principle objection to the proposed extension of the CDR regime provided there is no diminution in the standards of compliance required.
2. The Committee also notes that many of the issues raised by the proposed changes tend to raise technical or operational issues, hence the legal issues tend to arise at implementation. The Committee understands that the uptake has been relatively low, hence the limited scope to test the variety of legal issues that may arise.
3. The key legal concern remains the fragmentation of the legal framework applicable to the protection of data, including personal data. The Committee is mindful that the pending reform to the *Privacy Act 1988* (Cth), amongst other things, presents an opportunity to harmonise the various regimes. This would be most welcome.

The Committee would be pleased to discuss any aspect of this letter. Please contact the Chair of the Committee, Olga Ganopolsky, at olga.ganopolsky@macquarie.com, if you would like to do so.

Yours faithfully

Philip Argy
Chairman
Business Law Section

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