

Submission on discussion document: *Unlocking value from our customer data*

Your name and organisation

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Organisation (if applicable)	Global Compare Group – t/a NZ Compare
Contact details	Privacy of natural persons

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Responses to discussion document questions

How will the draft law interact with protections under the Privacy Act?

- 1 *Does the proposed approach for the interaction between the draft law and the Privacy Act achieve our objective of relying on Privacy Act protections where possible? Have we disapplied the right parts of the Privacy Act?*

Consent settings: respecting and protecting customers' authority over their data

- 2 *Should there be a maximum duration for customer consent? What conditions should apply?*

12 month customer consent.

- 3 *What settings for managing ongoing consent best align with data governance tikanga?*

Consent can be withdrawn at any time.

- 4 *Do you agree with the proposed conditions for authorisation ending? If not, what would you change and why?*

Agreed

- 5 *How well do the proposed requirements in the draft law and regulations align with data governance tikanga relating to control, consent and accountability?*

Believe that the proposed requirements align well

- 6 *What are your views on the proposed obligations on data holders and accredited requestors in relation to consent, control, and accountability? Should any of them be changed? Is there anything missing?*

Agree with the proposed views

Care during exchange: standards

- 7 *Do you think the procedural requirements for making standards are appropriate? What else should be considered?*

- 8 *Do you think the draft law is clear enough about how its storage and security requirements interact with the Privacy Act?*

9	<i>From the perspective of other data holding sectors: which elements of the Payments NZ API Centre Standards¹ are suitable for use in other sectors, and which could require significant modification?</i>
10	<i>What risks or issues should the government be aware of, when starting with banking for standard setting? For example, could the high security standards of banking API's create barriers to entry?</i>
Trust: accreditation of requestors	
11	<i>Should there be a class of accreditation for intermediaries? If so, what conditions should apply?</i>
	<i>We agree with the proposal of 2 classes – Action and Initiation. In the case of NZ Compare a use of the information could be us processing a consumer's Power Bill, reviewing their usage and the amount they have paid for that power. We would then be able to recommend a new provider and/or sign the consumer up to the new provider without having to pass the data directly, although we would be using information gathered through the process. We believe this would classify us as an outsourced provider meaning we would need to hold the accreditation which would be more secure and trustworthy for the consumer. The two classes should cover all requirements.</i>
12	<i>Should accredited requestors have to hold insurance? If so, what kind of insurance should an accredited requestor have to hold?</i>
	<i>Yes. Indemnity and compensation for incorrect actions. We agree that the insurance would need to vary based on the type of transactions that were being undertaken. If all providers were required to have the same levels of insurance this may prove prohibitive for some potential businesses. This could reduce the entrepreneurial new entrants, as noted, due to a financial barrier to entry.</i>
13	<i>What accreditation criteria are most important to support the participation of Māori in the regime?</i>
14	<i>Do you have any other feedback on accreditation or other requirements on accredited requestors?</i>
	<i>Accreditation in other verticals – e.g., Financial Advisor – should allow fast track to approval.</i>
Unlocking value for all	
15	<i>Please provide feedback on:</i>

¹ New Zealand API standards to initiate payments and access bank account information. They are based on the UK's Open Banking Implementation Entity standards but tailored for the New Zealand market. Market demand has driven development and led to the creation of bespoke functionality for New Zealand.

	<ul style="list-style-type: none"> the potential relationships between the Bill safeguards and tikanga, and Te Tiriti/the Treaty the types of use-cases for customer data or action initiation which are of particular interest to iwi/Māori any specific aspirations for use and handling of customer and product data within iwi/hapū/Māori organisations, Te Whata etc, which could benefit from the draft law.
16	<p>What are specific use cases which should be designed for, or encouraged for, business (including small businesses)?</p> <p>Sharing of information relating to business expenses. Utility and insurance companies making usage and coverage data available through this process to empower business to share their expenditure and costs encouraging competition and reducing prices.</p>
17	<p>What settings in the draft law or regulations should be included to support accessibility and inclusion?</p>
18	<p>In what ways could regulated entities and other data-driven product and service providers be supported to be accessible and inclusive?</p>
Ethical use of data and action initiation	
19	<p>What are your views on the proposed options for ethical requirements for accreditation? Do you agree about requirements to get express consent for de-identification of designated customer data?</p>
20	<p>Are there other ways that ethical use of data and action initiation could be guided or required?</p>
Preliminary provisions	
21	<p>What is your feedback on the purpose statement?</p>
22	<p>Do you agree with the territorial application? If not, what would you change and why?</p>
Regulated data services	
23	<p>Do you think it is appropriate that the draft law does not allow a data holder to decline a valid request?</p>

24 *How do automated data services currently address considerations for refusing access to data, such as on grounds in sections 49 and 57(b) of the Privacy Act?*

Protections

25 *Are the proposed record keeping requirements in the draft law well targeted to enabling monitoring and enforcement? Are there more efficient or effective record keeping requirements to this end?*

26 *What are your views on the potential data policy requirements? Is there anything you would add or remove?*

Regulatory and enforcement matters

27 *Are there any additional information gathering powers that MBIE will require to investigate and prosecute a breach?*

Administrative matters

28 *Are the matters listed in clause 60 of the draft law the right balance of matters for the Minister to consider before recommending designation?*

29 *What is your feedback on the proposed approach to meeting Te Tiriti o Waitangi/Treaty of Waitangi obligations in relation to decision-making by Ministers and officials?*

30 *What should the closed register for data holders and accredited requestors contain to be of most use to participants?*

31 *Which additional information in the closed register should be machine-readable?*

32 *Is a yearly reporting date of 31 October for the period ending 30 June suitable? What alternative annual reporting period could be more practical?*

33	<i>Should there be a requirement for data holders to provide real-time reporting on the performance of their CDR APIs? Why or why not?</i>
34	<i>What is your feedback on the proposal to cap customer redress which could be made available under the regulations, in case of breach?</i>
Complaints and disputes	
35	<i>In cases where a data holder or requestor is not already required to be member of a dispute resolution scheme, do you agree that disputes between customers and data holders and/or accredited requestors should be dealt with through existing industry dispute resolution schemes, with the Disputes Tribunal as a backstop? Why or why not?</i>
	<i>Agreed. Again, this will minimise costs and barriers to entry for business. Telecom related businesses have the TDR, finance related businesses have options like FSCL. There is no need for a new specific dispute scheme as this may further confuse consumers.</i>

Other comments

As a business, NZ Compare believe that open and transparent data will empower consumers to make fully informed choices with minimum effort. We believe that the recommendations within the law will meet requirements to have an immediate impact for good for New Zealand consumers.