



Consultation paper: Remaking the Privacy (Credit Related Research) Rule

The Office of the Australian Information Commissioner (OAIC) is reviewing the Privacy (Credit Related Research) Rule 2014 (CRR Rule) to determine if it is fit for purpose. The Privacy (Credit Related Research) Rule 2014 is due to sunset on 1 October 2024.

The OAIC is seeking submissions from interested individuals, government agencies and organisations on remaking the Rule in the terms of the consultation draft, set out below.

The closing date for submissions is 5pm AEDT **Monday, 11 March 2024**

Background

The CRR Rule is a legislative instrument issued by the Information Commissioner under s 20M of the *Privacy Act 1988* (Privacy Act). The current instrument is available [here](#).

Section 20M prohibits a credit reporting body from using or disclosing credit reporting information that is de-identified, except for the purpose of conducting research in relation to credit. Section 20M of the Privacy Act provides:

Use or disclosure of credit reporting information that is de-identified

Use or disclosure

- (1) If:
 - a. a credit reporting body holds credit reporting information; and
 - b. the information (the **de-identified information**) is de-identified;the body must not use or disclose the de-identified information.
- (2) Subsection (1) does not apply to the use or disclosure of the de-identified information if:
 - a. the use or disclosure is for the purposes of conducting research in relation to credit; and
 - b. the credit reporting body complies with the rules made under subsection (3).

Commissioner may make rules

- (3) The Commissioner may, by legislative instrument, make rules relating to the use or disclosure by a credit reporting body of de-identified information for the purposes of conducting research in relation to credit.
- (4) Without limiting subsection (3), the rules may relate to the following matters:
 - a. the kinds of de-identified information that may or may not be used or disclosed for the purposes of conducting the research;
 - b. whether or not the research is research in relation to credit;
 - c. the purposes of conducting the research;
 - d. consultation about the research;
 - e. how the research is conducted.

Proposed approach

The OAIC proposes that the Commissioner remake the CRR Rule with minor changes and updates. A draft instrument has been prepared: Privacy (Credit Related Research) Rule 2024 (2024 CRR Rule), for public consultation in order to seek views.

Consultation questions

CRR Rule Reference	Questions
Section 4 – Definitions	1. Does s 4 operate effectively and/or are amendments required?
Section 5 – Conducting research in relation to credit	2. Does s 5 operate effectively and/or are amendments required?
Section 6 – Permitted purposes of conducting research	3. Does s 6 operate effectively? 4. In subsection 6(c), is the phrase assisting responsible lending obligations and other consumer protections sufficiently clear for entities who employ the Rule? 5. In subsection 6(d), is the phrase general benefit of the public sufficiently clear for entities who employ the Rule?
Section 7 – De-identification of credit reporting information	6. Does s 7 operate effectively and/or are amendments required?
Section 8 – Disclosure of de-identified information	7. Does s 8 operate effectively, including specifically s 8(2)(c)?
General feedback	8. Are there any amendments that could be made to the CRR Rule to better accommodate current modern data practices in a way that continues to protect privacy?

9. Are there any parts of the CRR Rule that are no longer fit for purpose due to technological change or need adjustment?

How to provide comments

Submissions can be made via email at consultation@oaic.gov.au

The closing date for submissions is 5pm AEDT **Monday, 11 March 2024.**

We intend to make all submissions publicly available. Please indicate when making your submission if it contains confidential information you don't want made public and why it should not be published.

Requests for access to confidential comments will be determined in accordance with the *Freedom of Information Act 1982*.

Privacy collection statement

The OAIC will only use the personal information it collects during this consultation for the purpose of considering the issues raised in the discussion paper.