



CHARTERED ACCOUNTANTS
AUSTRALIA • NEW ZEALAND

23 January 2017

Data Availability and Use
Productivity Commission
GPO Box 1428
Canberra
ACT
2601

Via email: Data.Access@pc.gov.au

Dear Sir/Madam,

Submission on Data Availability and Use Draft Report

Chartered Accountants Australia and New Zealand welcomes the opportunity to provide comment on the Productivity Commission's Draft Report on Data Availability and Use. Appendix A provides our detailed responses to the information requests in the Draft Report. Appendix B includes more information about Chartered Accountants Australia and New Zealand

Should you have any queries concerning the matters discussed above or wish to discuss them in further detail, please contact Karen McWilliams

Yours sincerely

Rob Ward AM FCA
Head of Leadership and Advocacy

Chartered Accountants Australia and New Zealand
33 Erskine Street, Sydney NSW 2000.
GPO Box 9985, Sydney NSW 2001, Australia
T +61 2 9290 1344 F +61 2 9262 4841
charteredaccountantsanz.com



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Appendix A – Responses to Information Requests

FUNDAMENTAL REFORM is needed - INFORMATION REQUEST

Further views are sought on the effects of providing access to consumer data, as defined. In particular, views are sought on the potential creation of incentives for deliberate de-identification of data holdings to avoid providing access, and whether effective and low cost remedies to such behaviour could be introduced.

Our response

We don't have a specific view on the potential creation of incentives. However in our previous submission we noted that, in many circumstances, no responsibility is taken for the accuracy or completeness of the data provided by public and private sector organisations. This limits its usefulness and undermines the purpose of releasing the data.

INFORMATION REQUEST

The Commission seeks views on what methods of disclosure would be most likely to result in consumers making a meaningful choice about how their personal information is being used, and how these disclosure requirements might best be implemented.

Our response

We agree that the majority of those granting consent neither read nor understand the terms and conditions. This is often because of the length of terms and conditions, the difficulty of legal terms used, the obscurity of the parties with whom the information may be shared, and the time constraints faced when such terms and conditions are provided for reading and acceptance. Additionally, in most circumstances, there is no option to amend or negotiate the terms and conditions. The consumer can only choose to accept them all and proceed or not accept them and stop the process or transaction.

In general, the more simple the method of disclosure, the more specific the reference as to what information is going to be shared and with whom, and the more options that are provided in simple terms, the more meaningfully consumers will respond.

For example, option boxes may be requesting express consent next to each required data input field or group of information in cases where there is a high risk of not obtaining meaningful choices with regard to sharing personal information, as illustrated in Figure 8.2 on p. 312. This figure also depicts a situation where a consumer is provided with options to opt out later at any time. The consumer's choices are also easy to find later and control.

"Trusted parties" should be specified. Terms and conditions may be summarised or stated in easy language. Clear examples of information being shared could also be provided to simplify choices of sharing personal information. Helplines should be available to assist with questions consumers might have. Terms and convictions should be sent (e.g. emailed) to the consumer with the option to opt out of the consent provided. Options may be provided for sharing de-identified information instead of refusing altogether.

INFORMATION REQUEST

The Commission seeks further views on the establishment of a Parliamentary Committee to take community input on possible National Interest Datasets, to review nominations made, and make proposals for future designations. Views are also sought on practical alternatives.

Our response

We support the establishment of a Parliamentary Committee to ensure appropriate governance of the proposed new framework and to review nominations for National Interest Datasets.

Appendix B – Chartered Accountants Australia and New Zealand

Chartered Accountants Australia and New Zealand is a professional body comprised of over 120,000 diverse, talented and financially astute members who utilise their skills every day to make a difference for businesses the world over.

Members are known for their professional integrity, principled judgment, financial discipline and a forward-looking approach to business which contributes to the prosperity of our nations.

We focus on the education and lifelong learning of our members, and engage in advocacy and thought leadership in areas of public interest that impact the economy and domestic and international markets.

We are a member of the International Federation of Accountants, and are connected globally through the 800,000-strong Global Accounting Alliance and Chartered Accountants Worldwide which brings together leading Institutes in Australia, England and Wales, Ireland, New Zealand, Scotland and South Africa to support and promote over 320,000 Chartered Accountants in more than 180 countries.

We also have a strategic alliance with the Association of Chartered Certified Accountants. The alliance represents 788,000 current and next generation accounting professionals across 181 countries and is one of the largest accounting alliances in the world providing the full range of accounting qualifications to students and business