

25 January 2018

Timothy Pilgrim PSM
Office of the Australian Information Commissioner
Care of: Sophie Higgins sophie.higgins@oaic.gov.au

Dear Commissioner,

We write in relation to the recent review of the Privacy (Credit Reporting) Code 2014 (the CR Code). Consumer advocates are very disappointed in the final report submitted by PricewaterhouseCoopers (PwC) and we do not believe it addresses any of the important consumer concerns that were raised during the consultation process.

We respectfully request an opportunity to meet with the OAIC to discuss our concerns before the OAIC finalises any new version of the CR Code.

Our main concern about the recent PwC report is that while consumers were consulted at each stage of the review process, none of our major concerns or recommendations seem to have been properly understood by the reviewer and were each invariably dismissed in the final report. None of the recommended changes to the CR Code reflect consumer problems that were presented to PwC. This means that the OAIC can not say that the final report is reflective of stakeholder views or that the next iteration of the Code will “*address specific industry issues and consumer problems not covered by legislation*” or “*elaborate on legislation or deliver additional benefits to consumers*” (which is the standard ASIC sets for other industry Codes of Practice in RG 183). Almost all of the Recommendations that PwC makes are to fix technical issues with the CR Code that industry has asked for. None of these Recommendations would have any concrete benefit for consumers or even much consequence for how consumers interact with the credit reporting regime if implemented.

With the impending commencement of mandatory comprehensive credit reporting (CCR) we believe the next iteration of the CR Code is a crucial opportunity to enshrine consumer protections and give industry guidance on how the new elements of CCR should be handled. We especially emphasise the need for the next version of the CR Code to set out how RHI should be reported, particularly when a person has requested a hardship variation or is already operating under a hardship variation. PwC states in its final report that “*It is expected that this issue would be better addressed alongside the broader consideration of RHI following operation in a CCR environment*”(pg17)). However, we strongly oppose delaying consideration of this important issue, which could cause

significant consumer detriment if left unresolved. We urge the OAIC to address the uncertainty relating to RHI before the commencement of the CCR. Industry, consumers, the OAIC and the EDR schemes would all benefit from resolving this issue, which will otherwise need to be resolved in the courtroom after CCR begins and consumers start noticing incorrect RHI on their reports.

We will be in touch to arrange a meeting with the OAIC to discuss the above matters.

Kind Regards,



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This letter has also been endorsed by the following consumer representative organisations:

- Consumer Action Law Centre
- Australian Privacy Foundation
- Australian Communications Consumer Action Network
- Financial Counselling Australia
- Consumer Credit Legal Service (WA) Inc