Joint account guidance scenarios

November 2020 implementation expectations

August 2020

1. Background

The scenarios and questions outlined in this document were prepared by the Australian Banking Association (ABA) and its members. The ACCC, in consultation with the Data Standards Body, has provided views on implementation expectations in the final column of table 3. This document is intended to assist as guidance material for implementation of the *Competition and Consumer (Consumer Data Right) Rules 2020* as in force at 5 August 2020 and the data standards, as in force from November 2020.

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2. Scenarios

Background (all over 18 years of age):

	John	Mary	Tom
Account 1 (individual)	Owner		
Account 2 (joint)	Owner	Owner	
Account 3 (joint)	Owner	Owner	
Account 4 (joint)	Owner		Owner

Account Election Settings ('sharing allowed' implies '1-to-authorise')

	John	Mary	Tom
Account 1 (individual)	None		
Account 2 (joint)	'Sharing allowed'	'Sharing allowed'	
Account 3 (joint)	'Sharing allowed'	'Sharing allowed'	
Account 4 (joint)	'Sharing allowed'		None

	Scenario Description	Expected Data Sharing Outcome (for discussion)	Expected Customer Dashboard outcome (for discussion)	Questions / clarifications	Implications	ACCC implementation expectations
1.	Its Nov – stage 2 is live. Tom decides that he would like to authorise data sharing on Account 4 – Tom logs onto the ADR and is re-directed to the DHs data sharing authorisation page….	Tom not allowed to enable data sharing authorisation on Account 4 (as he has not completed his election pre- requisite step). Assume this is the case unless In-flow election option is implemented.	**John's Dashboard:** Data sharing authorisation is not enabled for any of John's accounts (appropriate wording around the fact that the JAMS election step is not completed by Tom for Account 4) **Tom's Dashboard:** Data sharing authorisation is not enabled for Toms account (appropriate wording around the fact that JAMS election step is not completed by Tom for Account 4)	Q: Will Tom be able to view Account 4 in the data sharing authorisation UI (but not be able to select it)? Or does the account need to be hidden completely? CX Guidelines indicate Account 4 can't be shown in the authorisation flow: *Data holders are not permitted to show unavailable joint accounts as joint accounts need to be elected via a joint account management service before they are permitted to appear in the authorisation flow*	• Poor experience for Tom • Likely to confuse customer (e.g. Tom may wonder, why can't I see Account 4 in the election screen, but I can view it in my IB). • May result in questions to the DH's call centre. • DH's can provide a suitable text in the miniapp along the lines '*joint account holders have to both complete election step to appear in the auth flow*' to help clarify / minimise potential for confusion. Note: There is no technical	A DH will be able to show Tom that Account 4 exists in the data sharing authorisation UI (and that it is an unavailable account), but Tom will not be able to elect to make the account available for sharing 'in-flow'. Following the recent update to the CX Standards (1.3.0 update to item 14), we understand that DHs seek confirmation of the ACCC's position on whether it is permitted to show any unavailable account (including joint accounts) as part of the authorisation process. We have reconsidered the ACCC position and consider data holders <u>may</u> show joint accounts as 'unavailable' during the authorisation flow, regardless of whether a joint account election has been made or not. The ACCC and DSB support clarification of the CX standards to this effect. The ability to show unavailable joint accounts will be optional for November.

				impediment with any of the DH's in delivering either option (ie. hiding Tom's account completely or showing it as unavailable).	

2.	**July -> November Transition Scenario:**
	
	As part of the July release, John had authorised data sharing on his personal information (Get Customer) and also *Get Balances* for Account 1
	
	Now it is November and John wants to also authorise *Get Balances* data sharing on Account 2, Account 3, and Account 4
		Data sharing authorisation can be enabled by John for Account 2 and Account 3 but not for Account 4 (as Tom has not completed his election pre-requisite step).
		
		John's July data authorisation remains unaffected.
		
		Concurrent Consents by November timeframe.
			Johns Dashboard: Displays data sharing authorisation is enabled as follows:
			
			Get Customer (not account specific)
			
			Account 1 - Get Balance
			Account 2 - Get Balance
			Account 3 - Get Balance
			
			Account 4 - Data sharing **not** enabled (wording to the effect that Tom has not completed the mandatory JAMS election for Account 4)
			
			Marys Dashboard: Displays data sharing authorisation is enabled as follows:
			
			Account 2 - Get Balance
			Account 3 - Get Balance
			
			Tom's Dashboard: Data sharing authorisation is not enabled for Toms accounts (wording to the effect that JAMS election
				ADR could obtain the arrangement_id for Tom's July consent and supply it in the authorisation request object. Under this approach, a new consent would be established under that existing arrangement.
				
				For this to work under the November standards, all DH must support PAR and Arrangement ID.
					This scenario aims to highlight key questions with regards to the transition from July to November requirements.
					
					What if DH's don't **_all_** implement the full compliance obligations by November?
						Data holders unable to meet the November compliance obligations in relation to implementing PAR must apply to the ACCC for a formal exemption (refer to section 56GD of the *Competition and Consumer Act 2010*). Any exemptions granted will be published on the ACCC's Consumer Data Right Exemptions public register.
						
						If not all data holders implement PAR, ADRs will have to implement two solutions, which is possible but not preferred.
						
						To address how the scenarios are able to be implemented:
						1. John may add or remove Accounts 2-3 on the data holder side, where data holders provide this functionality.
						2. John could withdraw his original consent and create a new consent that encompasses Accounts 1-3.
						3. A) John could have two consents in place from November that service the one good or service (one software product):
						    • One for Account 1;
						    • One for Accounts 2 and 3.
						B) John could have three consents in place from November that

		was not completed by Tom for Account 4)			service the one good or service: • One for Account 1; • One for Account 2; • One for Account 3. ADRs may choose which option to implement, and data holders may choose whether they facilitate the functionality in item 1 (the ability to add or remove accounts). A future version of the rules and standards may also facilitate consumers adding and removing accounts through an ADR's consumer dashboard. Until amendment of an existing consent is authorised in the rules, consumers will be required to undertake the full consent and authorisation process to create a new consent. CDR data collected under an original consent that is replaced (withdrawn) may become redundant at that time for the purposes of Privacy Safeguard 12, and must be deleted or de-identified. However, a consumer can provide a new consent that allows for collection again of the data that was provided under the original consent. The ACCC intends to publish rules in the coming months for consultation that will allow amendments to consent, including through simplified processes and the carrying over of previously collected data into a new consent (which will avoid triggering potential redundancy under Privacy Safeguard 12). The ACCC and DSB are also actively

#	Scenario		Dashboards	Question		Response
						exploring how a consumer should be able to add or remove accounts from an ADR's consumer dashboard.
3.	**July -> Nov Transition Scenario:** As part of the July release, John had authorised data sharing on his personal information (Get Customer) and also *Get Balances* for Account 1 Now it is November and John wants to also authorise **Get Transactions** data sharing on Accounts 2, Account 3 and Account 4	Outcome as per scenario 2 However in scenario 3 the focus is on the actual implementation particularly around the Arrangement handling given the scope of the consent differs between Account 1 and the other accounts.	**Johns Dashboard:** Displays data sharing authorisation is enabled as follows: Get Customer (not account specific) Account 1 - Get Balance Account 2 – Get Transactions Account 3 - Get Transactions Account 4 - Data sharing **not** enabled (wording that Tom has not completed mandatory JAMS election step for Account 4) **Marys Dashboard:** Displays data sharing authorisation is enabled as follows: Account 2 - Get Transactions Account 3 - Get Transactions **Tom's Dashboard:** Data sharing authorisation is not enabled for Toms	Is this depiction an accurate scenario of what DHs are required to support for November?		The depiction is generally accurate. However, data holders are only <u>required</u> to provide account information on the consumer dashboard that relates to current or expired authorisations. I.e. John's dashboard is not <u>required</u> to provide any information relating to Account 4, as there is no election in place to allow data sharing on the account. Similarly, assuming Tom has no other CDR sharing arrangements in place, data holders are <u>not required</u> to provide Tom with a consumer dashboard. However, a data holder may choose to provide John and Tom with such information. The ACCC has always considered the implementation of consumer dashboards, where not directly regulated by the rules or considered in the CX guidelines or Privacy Safeguard guidelines, to be 'in the competitive space'. Provided data holders meet the requirements of rule 1.15, data holders are permitted to implement consumer dashboards in accordance with their own preferences and aesthetics.
				If yes, would like to understand how do ADRs intend to implement this scenario?		As John wants to authorise a new data type (scope) from November, he must have two or more active consents that service one good or service (one software product); one for Account 1 and one/two for Accounts 2-3.

		accounts (+ wording around the fact that JAMS election step is not completed by Tom for Account 4)			
4.	**Following from scenario 2 – At a later time, Mary decides to withdraw her election to Account 2.** **The scenario is as follows:** 1. John and Mary have a joint account – "Account A" with Bank_X. 2. Both John and Mary complete their election via the JAM as '1-to- authorise'. 3. John completes data sharing authorisation for an ADR to get transaction data relating to Account A 4. ADR invokes Bank_X's Get Transaction API and successfully obtains data 5. Then Mary decides to withdraw her election from	John's July data authorisation remains unaffected. John's November data authorisation for Account 3 remains unaffected.	**Johns Dashboard:** Displays data sharing authorisation is enabled as follows: Get Customer (not account specific) Account 1 – Get Balance Account 2 – Get Balance (*Question: Data sharing authority remains enabled but CDR data requests by ADRs will be declined by the DH??? Ability for John to revoke data sharing from here*). Account 3 – Get Balance Account 4 – Data sharing **not** enabled (wording to the effect that Tom has not completed mandatory JAMS election step for Account 4) **Marys Dashboard:** Displays data sharing authorisation is enabled as follows: Account 2 – Get Balance (*Question: Data sharing authority remains enabled but CDR data requests by ADRs will be declined by*	***What happens to the data sharing authorisation for Account 2?*** Assume this remains unaffected? However, CDR requests for Account 2 data will be declined by the DH based on ACCC clarification (15/5/20): *Where a joint account holder withdraws a JAMS election, the data holder must not disclose consumer data on that account in response to a consumer data request. However, all other authorisations remain in place.* Is the outcome envisaged the expected outcome based on the advice provided?	*Seeking clarification on the following scenario relating to Joint Account data sharing authorisations and the JAMS:* (a) Does Mary's action in step 5 require Bank X to treat the Data Sharing Authorisation as **active** or **revoked**? This will determine whether Bank_X needs to advise the ADR by calling the ADR's Revocation endpoint. (b) Should Bank_X disclose Account A transaction data in response to ADR's request	Whether a joint account election has been made will have a bearing on whether data on the joint account can be disclosed or not. On a joint account, CDR data may only be disclosed if: • the joint account holders have a JA election in place; • there is a current authorisation for the data holder to disclose the requested data to the ADR. I.e. disclosure is a two-step process for joint accounts, see clause 4.3(1)(b)(i) of schedule 3 of the CDR rules and correlating ES (at para 341). a) The authorisation should be treated as 'active', as it has not been revoked. The data holder should not call the ADR's revocation end point. Data on Account 1 should continue to be shared. In this scenario, where Mary has revoked her joint account election, the ACCC encourages data holders to clarify in the consumer dashboards that this is preventing sharing on the joint account. This is not a requirement of the rules or standards, but something the ACCC considers would be best practice. b) Bank_X must not disclose transaction data on Account A/2/3.

step 2 above. 6. Neither John nor Mary revoke the data sharing authorisation provided in step 3 above. 7. ADR invokes Bank_X's Get Transaction API		*the DH??? Ability for Mary to revoke data sharing from here*). Account 3 - Get Balance		in step 7? (c) What will be the impact to the data sharing authorisation if Mary decides to set her Account A election back to '1-to-authorise'? Would Bank_X automatically start disclosing data in response to ADR's requests? Or would data sharing authorisation need to be re-done? We understand that JAMS election determines whether a joint account is visible within the authorisation flow but has no bearing on	c) Bank_X should disclose data in response to a valid request, there is no need for further action (including re-authorisation). In its joint account management service, data holders are encouraged to provide transparency to consumers, including outlining: • what the effect of an election is; • that consumers can revoke an election at any time; • what the effect of revoking an election is; • that both joint account holders will receive a consumer dashboard that provides an overview of their sharing arrangement(s). However, data holders should not provide any information so as to reduce comprehensibility of the election process, or offer additional or alternative services as part of the process.

				whether data is disclosed by the DH. The implication to check both a valid election and a data sharing authorisation exists before disclosing data would have a significant impact to the DH's solution.	
5.	Following from scenario 2 – At a later time, Mary decides to revoke **data sharing authorisation** on Account 2 from: ADR dashboard DH dashboard	John's July data authorisation remains unaffected. Data sharing authorisation for Account 2 is revoked. John's Nov data authorisation for Account 3 remains unaffected.	**Johns Dashboard:** Displays data sharing authorisation is enabled as follows: Get Customer (not account specific) Account 1 - Get Balance Account 2 – Get Balance (data sharing revoked) Account 3 – Get Balance Account 4 – Data sharing **not** enabled (wording that Tom has not completed mandatory JAMS election step for Account 4) **Marys Dashboard:** Displays data sharing authorisation is enabled as	**Scenario a)** Mary performs revocation via ADR dashboard: ** is this a valid option?** **Scenario b)** Mary performs revocation via DH dashboard: There is no mechanism in the November release for a DH to explicitly advise an ADR that an 'account specific' revocation has occurred.	**Scenario (b) handling options**: *1. DH internally disables data sharing on Account 2 but does not explicitly make this known to the ADR.* **Implications**: ADR will not be able to de-identify / delete any Account 2 data they hold. This exposes ADR in meeting their obligations / data privacy	Scenario a) The ADR is only required to provide John with a consumer dashboard. Mary cannot revoke John's consent through the ADR. Scenario b) Data holders are not required to advise an ADR where an account is added or removed from a sharing arrangement. Revoking authorisation by JAH2 would only remove an account from sharing and would not have a broader impact on an authorisation in place. I.e. John will continue to get the good or service, however only data on 'Account 1' and 'Account 3' should be shared after Mary revokes data sharing authorisation on 'Account 2'. Adding or removing accounts does not trigger redundancy requirements under Privacy Safeguard 12, and previously collected data will not need to be deleted or de-identified.

			follows: Account 2 – Get Balance (data sharing revoked) Account 3 - Get Balance		implications. *2. Entire consent (comprising all accounts, inclusive of accounts owned by John as an individual) are revoked when Mary revokes data sharing auth on Account 2* **Implications**: Bad experience for John. Mary has no authority on John's Account 1 yet her actions to withdraw consent impact on John's individual account.	
6.	Following from scenario 2 At a later time, **John** decides to revoke data sharing authorisation on Account 2.	As per scenario 5 outcome	As per scenario 5 outcome			The outcome is as above for Scenario 5.
7.	Following from scenario 4	No changes(?)		Is this scenario one that DHs are expected to	Refer to Scenario 4 issue/implications.	If there is an election and an authorisation in place, Bank_X should

			support for November?		disclose data in response to a valid request.
	At a later time, Mary decides to set her election for Account 2 back to 'sharing allowed' (1-to-authorise)	Assume data sharing authorisation has to be explicitly re-done? This is the confusion that is created by inflight changes due to election changes.			