

Questions & Answers

This issue of the PRDE FAQs provides some further information about the Definitions section of the PRDE.

DOES THE DEFINITION OF SERVICES AGREEMENT MEAN EACH AGREEMENT MY ORGANISATION HAS WITH A CRB IS SUBJECT TO THE PRDE?

No. Only those services agreements which cover the exchange of consumer credit-related information between CPs and CRBs are captured. The purpose of these arrangements is to enable a CRB to assist a CP to assess and manage its consumer credit risk. This means that agreements for commercial credit exchange, or which are about the provision of other CRB services, such as identity verification services, are not captured.

This is an important distinction, because it should be borne in mind that a CP will be required to contribute the same Tier Level of information to all CRBs with which it has a services agreement.

HOW IS AN ACCESS REQUEST UNDER THE PRDE DIFFERENT TO ACCESSING A CREDIT FILE UNDER THE PRIVACY ACT?

Access requests under the PRDE, are different to access under the Privacy Act, which is why we included this definition in the PRDE to provide this clarification.

The PRDE 'access request' refers specifically to where a CP requests the supply of information from a CRB. However, under the Privacy Act, the concept of 'access' is used in the context of access seekers, such as individuals and their agents, getting access to their credit reporting file.

WHAT ARE THE KEY TERMS WHICH DESCRIBE THE INFORMATION EXCHANGE UNDER THE PRDE?

The words used to describe the information exchange under the PRDE are 'contribution' of credit information by CP to CRB, and 'supply' of credit reporting information by CRB to CP.

These are different terms to that used by the Privacy Act, which describes the 'collection' of information by CRB from a CP, the 'disclosure' of that information by a CRB to a CP, and the 'use' of that information by the CP which may include the CP then 'disclosing' that information to a third party.

WHAT IS MEANT BY 'ON-SUPPLY'?

'On-supply' in the PRDE refers to where a CP has obtained credit reporting information from a CRB and then supplies it to a third party (which could then also be a disclosure of that information under the Privacy Act).

'On-supply' has been specifically identified and defined in the PRDE because the way the PRDE exchange works is only signatories can be supplied other signatories' partial and comprehensive information – hence, there are restrictions on a CP's ability to 'on-supply'.

HOW CAN EVERYONE BE SUBJECT TO THE SAME OBLIGATIONS IF EVERYONE IS SIGNING A SEPARATE DEED POLL?

Even though each signatory will sign its Deed Poll as a separate physical document, it will still be bound to the same obligations as all other signatories.

This is because the Deed Poll is defined as being the same pro forma document for all signatories. Even if the Deed Poll is then changed, a signatory agrees to be bound by any amended version of it, so it doesn't mean each signatory has to sign it again.

WHAT IS THE PRDE ADMINISTRATOR ENTITY AND WHERE DOES IT GET ITS POWER TO ACT FROM?

The PRDE Administrator Entity is the administrator for the PRDE, and defined as the 'Reciprocity and Data Exchange Administrator Ltd' (the RDEA).

The RDEA will be registered as a subsidiary of ARCA and will be responsible for managing the PRDE, including the compliance process, budget and any changes to the PRDE and other governance documents such as the Terms of Reference documents.

WHY IS 'NON-COMPLIANT' CONDUCT DEFINED SO BROADLY?

'Non-compliant' conduct is defined as being conduct which breaches the PRDE. It is a broad but simple definition. The PRDE will provide a set of obligations for each signatory. If any of those obligations are breached, then that will provide ability for another signatory to raise an issue.

This means that signatories don't end up arguing about whether the conduct is 'enough of a breach' or a certain type of breach, to then enable intervention.

Instead, the focus is on fixing whatever conduct is identified as a possible breach. This should streamline any compliance process.

WHERE CAN I ACCESS A COPY OF THE STANDARD REPORTING REQUIREMENTS?

In consultation with signatories, the PRDE Administrator has developed a set of simple forms that enable signatories to comply with the PRDE. Examples of the forms include an administration form outlining the contact details of an organisation when they first sign the PRDE. Other forms enable signatories to change their data sharing tier level or initiate a compliance dispute. All of the PRDE forms are available on request through www.prde.com.au

THE EMINENT PERSON AND INDUSTRY DETERMINATION GROUP DEFINITIONS REFER TO 'TERMS OF REFERENCE'. WHAT DOES THIS MEAN AND WHY DO WE NEED ANOTHER LOT OF DOCUMENTS FOR THIS?

'Terms of Reference' are the rules by which a group, organisation or panel operates. The PRDE establishes both a separate group (the IDG) and panel (the Eminent Person panel), and each of these bodies need rules to clarify how they operate and what they can or cannot do, and how they do it.

Including the rules for both the IDG and EPP in the PRDE would have resulted in a really long document, and caused significant headaches when needing to amend the rules because any change to the rules for the IDG and EPP would then have been a variation to the PRDE.

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