

Independent review of
compliance with Part IIIA of
the Privacy Act 1988 and the
Privacy (Credit Reporting)
Code 2014 (Version 2.1)
Public Report

illion Australia Pty Ltd

August 2021
kpmg.com.au

Inherent Limitations

As set out in our Engagement Letter dated 06 May 2021 (**Engagement Letter**), KPMG has undertaken an independent review of illion Australia Pty Ltd's (**illion**) compliance with Part IIIA of the Privacy Act 1988 (**Privacy Act**) and the Privacy (Credit Reporting) Code 2014 (Version 2.1) (**CR Code**) (the **Engagement**).

The services provided in connection with the Engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standards Board, and consequently, no opinions or conclusions intended to convey such assurance have been expressed.

This Public Report ("**this Report**") provides a summary of KPMG's findings in connection with the Engagement during the course of the work undertaken for illion. As this report has been requested to provide a high-level view of our key findings in connection with the Engagement (as defined), you may not place any reliance on the information, findings, or conclusions in the absence of a written confirmation from us, as our conclusive findings are only contained in our final detailed report dated 10 August 2021.

No warranty of completeness, accuracy, or liability is given in relation to the statements and representations made by, and the information and documentation provided by illion or illion management and personnel consulted as part of the process.

KPMG has indicated within this Report the sources of the information provided. We have not sought to independently verify those sources unless otherwise noted within the Report. KPMG has not and is not obliged to undertake any procedures in relation to or update this Report for events occurring subsequent to 10 August 2021 that may be relevant to this Report.

Due to the inherent limitations of any internal control structure, it is possible that fraud, error, or non-compliance with laws and regulations may occur and not be detected.

Further, the internal control structure within which the control procedures that have been subject to the procedures we have performed, has not been reviewed in its entirety, and therefore, no opinion or view is expressed as to the effectiveness of the greater internal control structure. The procedures performed were not designed to detect all weaknesses in control procedures as they were not performed continuously throughout the period, and the tests performed on the control procedures were performed on a sample basis. Any projection of the evaluation of control procedures to future periods are subject to the risk that the procedures may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

The findings of this Report have been formed on the above basis.

Third Party Reliance

This Report has been prepared solely for the purpose set out in Section 1 and for illion and the OAIC's information. This Report has been prepared at the request of illion in accordance with the terms of KPMG's Engagement Letter dated 06 May 2021 and is not to be used for any other purpose. We consent to this report being released to the OAIC on the basis set out in our Engagement Letter and, whilst it is recognised that a copy of this report will also be available on illion's website, other than our responsibility to illion, neither KPMG nor any member or employee of KPMG undertakes responsibility arising in any way from reliance placed by a third party on this Report. Any reliance placed is that party's sole responsibility.

We disclaim any assumption of responsibility by KPMG to any person other than illion, or for any use of this Report for any purpose other than that for which it was prepared.

The definitive version of this Report is the one bearing our original signature and illion management is responsible for any errors or inaccuracies appearing in any reproduction in any form or medium.

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1 Executive summary

1.1 Introduction

illion Australia Pty. Ltd (**illion**) is a Credit Reporting Body (**CRB**) under the Privacy Act 1988 (**Privacy Act**) and accordingly collects, uses, and discloses personal information in the conduct of its credit reporting business. As a result, the information that illion collects, uses, and discloses is regulated under the Privacy Act and the Privacy (Credit Reporting) Code 2014 (Version 2.1) (**CR Code**). This report considers those obligations only and not the Australian Privacy Principles.

As set out in our Engagement Letter dated 06 May 2021, KPMG has undertaken an independent review of illion's compliance with the Privacy Act, the Regulations and the CR Code and produced a report including a summary of compliance status.

1.2 Background

In accordance with paragraph 24.2 of the CR Code, every three years (or more frequently, if the Commissioner requests), a CRB must commission an independent review of its operations and processes to assess compliance by the CRB with its obligations under the Privacy Act, the Regulations and the CR Code. In addition, the CRB must consult with the Commissioner as to the choice of reviewer and scope of the review. The review report and the CRB's response to the review report must be provided to the Commissioner and made publicly available.

illion engaged KPMG to undertake the independent review of its Privacy Framework's design and operating effectiveness for compliance with the Privacy Requirements. This review is necessarily a point in time review focusing on the Privacy Framework of the illion credit reporting business entity.

1.3 Scope

The scope of the Engagement is agreed as follows:

- A current state assessment of governance, policies, and processes to manage the credit information lifecycle (e.g. collect, use, disclose, store, etc.);
- Testing over the process and controls that illion has implemented to ensure compliance under the Privacy Act, the Regulations and the CR Code; and
- Reporting the findings and observations in addition to an action plan (if required) in accordance with the obligations under the Privacy Act, the Regulations, and the CR Code (collectively, **Scope**).

1.4 Limitations

This report and the opinions expressed in this report are subject to the following limitations:




- 1 The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance and other standards issued by the Australian Auditing and Assurance Standards Board and, consequently, no opinions or conclusions intended to convey assurance have been expressed. Had we performed additional procedures or had we performed an audit in accordance with Australian Auditing Standards or a review in accordance with Australian Auditing Standards applicable to review engagements, other matters might have come to our attention that would have been reported to you. Observations made are founded on our interpretation of the Privacy Act and the CR Code, and other guidelines, which may differ from the subsequent interpretation of those laws, regulations and guidelines by OAIC.
- 2 KPMG does not warrant the accuracy or reliability of any of the information supplied to it in the course of this engagement.
- 3 Any redistribution of this report requires written approval of KPMG and in any event is to be a complete and unaltered version of the report and accompanied only by such other materials as KPMG may agree.
- 4 Review of the Information Security Management System (**ISMS**) and Business Continuity Management System (**BCMS**) framework is not part of the scope.
- 5 Responsibility for the security of any electronic distribution of this report remains the responsibility of illion.
- 6 Due to COVID-19, KPMG did not perform any physical walkthrough of the illion premises to assess the physical security and related data handling controls.
- 7 KPMG accepts no liability if the report is or has been altered in any way by any person.
- 8 KPMG's role does not include any explicit or implicit approval functions or responsibilities.

2 Overall Conclusion








Overall, the design of illion’s operations and control processes is compliant with its obligations under the Privacy Act, the Regulations, and the CR Code. It was evident during our review that there is strong awareness and knowledge within illion’s employees of the business’ obligations under the Privacy Act, the Regulations, and the CR Code, which is consistent with the overarching policies and procedures at illion and reiterate its compliance obligations. illion has robust processes and systems to ensure that the credit information it uses and discloses is in line with the requirements of the Privacy Act, the Regulations, and the CR Code. illion also has adequate controls to address its obligations to provide access, correct information, and handle complaints as per the obligations under the Privacy Act, the Regulations, and the CR Code. Our review identified two minor improvement opportunities in relation to illion’s practices relating to the use and destruction of credit information. These have been discussed with illion management who are committed to addressing these.

2.1 Compliance Status

The following table outlines the compliance status indicator used throughout this report, compliance status, and corresponding descriptions.

Compliance Status Indicator	Compliance Status	Description
	Compliant	No exception noted or minor improvement opportunity noted.
	Minor Non - Compliant	A minor exception to the Privacy Act, the Regulations, and/or the CR Code requirements noted.
	Non - Compliant	An exception to the Privacy Act, the Regulations, and/or the CR Code requirements noted.

The below table summarises illion's compliance against the relevant sections/paragraphs of the Privacy Act, the Regulations and the CR Code.

Report Ref.	Part IIIA Ref.	CR Code Ref.	Subdivision	Compliance Status
4.1	Section 20 B	Para 2, 3	Subdivision B – Consideration of information privacy	
4.2	Sections 20C, D & L	Para 5, 6, 7, 8, 9, 10, 11 and 12	Subdivision C – Collection of credit information	
4.3	Sections 20 E, F, G, H, J & M, P, 20K	Para 7, 8, 9, 12, 14, 16, 17 and 22	Subdivision D – Dealing with credit reporting information	
4.4	Sections 20 N & Q	Para 2, 5, 15 and 23	Subdivision E – Integrity of credit reporting information	
4.5	Sections 20 R, S, T, U & Div 5 S23	Para 19, 20 & 21	Subdivision F – Access to and correction of information	
4.6	Sections 20 B, J, V, W, X, Y, Z & ZA	Para 1.2 and 22	Subdivision G – Dealing with credit reporting information after the retention period ends	
4.7	N/A	Para 24	Additional requirement: Independent review of compliance	


3 Findings




The following table sets out:

- The relevant obligations of the Privacy Act and the CR Code;
- A description of the testing performed; and
- Our assessment of the compliance status for each relevant obligation.

3.1 Subdivision B – Consideration of information privacy


20B: Open and transparent management of credit reporting information



Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
B.20B.0.1	Div 2, Sec 20B (3) & (4)	Para 3	<p>illion must have a clearly expressed and up-to-date policy about the management of its credit reporting information, which must contain information as required by the Privacy Act, including the following:</p> <ul style="list-style-type: none"> • the kinds of credit information collected and methods of collection; • the kinds of credit reporting information held and how information is held; • how personal information is derived from credit information illion holds; • the purposes for which illion collects, holds, uses and discloses credit reporting information; • information about the effect of the use or disclosure of credit reporting information for the purposes of direct marketing, and how an individual can request to not use their information for pre-screening purposes; • how an individual may access credit reporting information about themselves and seek correction of such information; and • how an individual may complain about a failure of illion to comply with Division 2 or the registered CR Code and how illion will deal with the complaint. 	


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
B.20B.0.2	Div 2, Sec 20B (2)	Para 3	illion must take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to its credit reporting business that will ensure that illion complies with its credit reporting obligations under the Privacy Act and the CR Code.	
B.20B.0.3	Div 2, Sec 20B (5)	Para 3 & 3.1	illion must make its Credit Reporting Policy available for free and publish the policy on its website.	
B.20B.0.4	N/A	Para 2.2(a), (b)	illion must take reasonable steps to: <ul style="list-style-type: none"> inform employees who handle credit reporting information of the requirements of Part IIIA, the Regulations and the CR code; and train employees who handle credit reporting information in the practices, procedures, and systems that are designed to achieve compliance with those requirements. 	

3.2 Subdivision C – Collection of credit information


20C: Dealing with solicited credit information

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
C.20C.0.1	Div 2, Sect 20C	Para 5.1(a), 5.2, 5.4(a), (b) & (c), 6, 7, 8, 9, 10 and 12	Unless required or authorised by or under an Australian law or a court / tribunal order, as a CRB, illion can only collect solicited credit information about an individual by lawful and fair means in the course of carrying on a credit reporting business from a CP who is permitted under section 21D of the Act to disclose the information to illion. illion may also collect credit information from an entity other than a CP, in accordance with section 20C (4). Where the information collected from a CP is:	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<ul style="list-style-type: none"> • identification information – illion also collects from the provider, or already holds, credit information of another kind about the individual; or • consumer credit liability information – illion must not agree or implement procedures with CPs to standardise CP's numbering conventions for consumer credit, however illion must develop and maintain in conjunction with CPs common descriptors of the types of consumer credit provided to individuals. <p>illion must have reasonable practices, procedures and systems that are designed to cover the obligations under Part IIIA, the Regulations and the CR code and in particular enable illion to:</p> <ul style="list-style-type: none"> • use the information disclosed by CPs in relation to individuals' dates of birth to identify any information disclosed by a CP that: <ul style="list-style-type: none"> – relates to an act, omission, matter or thing that occurred or existed before the relevant individual turned 18; and – that is prohibited by Part IIIA, the Regulations or this CR code from being disclosed by the CP to illion. • as soon as practicable identify whether collected information includes information that illion is prohibited by Part IIIA, the Regulations or this CR code from collecting and, if so, to destroy the prohibited information; and • as soon as practicable, notify the relevant CP where illion destroys information on the basis that Part IIIA, the Regulations or this CR code prohibits illion from collecting that information. 	
C.20C.0.2	Div 2, Sec 20C (4)(e)	Para 8	<p>illion is permitted to collect RHI from the CP, if the CP is a licensee or is prescribed by the Regulations.</p> <p>Where illion collects information from an entity (other than a CP), if the information is repayment history information (RHI) about an individual, illion collects the information from another CRB that has an Australian link.</p>	
C.20C.0.3	Div 2, Sec 20L	N/A	<p>If illion holds credit reporting information about an individual and the information is a government related identifier of the individual, illion must not adopt the government related identifier as its own identifier of the individual unless the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order.</p>	




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
C.20C.0.4	N/A	Para 11 & 11.1	<p>illion must only collect publicly available information about an individual:</p> <ul style="list-style-type: none"> from an agency or a state or territory authority; and if the content of the information that is collected is generally available to members of the public (whether in the form provided to illion or another form and whether or not a fee must be paid to obtain that information); and if the other requirements of Section 6N(k) are met, i.e: <ul style="list-style-type: none"> it relates to the individual's activities in Australia or the external Territories and the individual's credit worthiness; and it is not court proceedings information about the individual or information about the individual that is entered or recorded on the National Personal Insolvency Index (AFSA data). <p><i>Note: At the time of our testing, the CR Policy provided stated that illion collects publicly available information that is entered or recorded on the National Personal Insolvency Index (AFSA data). It was noted, however, that this did not occur in practice. The CR Policy has now been updated to reflect that illion does not collect information about the individual that is entered or recorded on the National Personal Insolvency Index (AFSA data).</i></p>	


20D: Dealing with unsolicited credit information




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
D.20D.0.1	Div 2, Sec 20D	N/A	<p>If illion receives unsolicited credit information about an individual, illion must, within a reasonable period after receiving the information, determine whether it could have collected the information under section 20C if illion had solicited the information. If it is determined to be unsolicited information, illion must destroy the information.</p> <p>If illion determines that it could have collected the credit information, illion may deal with that information as though it had collected the information. If illion determines that it could not have collected the credit information, illion must, as soon as practicable, destroy the information.</p>	


3.3 Subdivision D – Dealing with credit reporting information

20E: Use and disclosure of credit information


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
D.20E.0.1	Div 2, Sec 20E (1) & (2)	N/A	<p>illion is permitted to use credit reporting information in the following ways:</p> <ul style="list-style-type: none"> in the course of carrying on its credit reporting business if the use is required or authorised by or under an Australian law or a court/tribunal order if the use is a use prescribed by the regulations. 	
D.20E.0.2	Div 2, Sec 20E (5)	Para 22 (c)	<p>illion must have a process to ensure that a written note is made of all disclosures of credit-related information. Including:</p> <ul style="list-style-type: none"> (i) The date of the disclosure; (ii) A brief description of the type of information disclosed; (iii) The credit provider, affected information recipient, or other person to whom the disclosure was made; and (iv) Evidence that the disclosure was permitted under Part IIIA of the Act. 	
D.20E.0.3	Div 2, Sec 20E, 20F and 20P	Para 7, 8, 9, 12,14 and 16	<p>illion is permitted to disclose credit reporting information about an individual if:</p> <ul style="list-style-type: none"> in relation to the individual the disclosure is a permitted CRB disclosure under section 20F. the disclosure is to another CRB that has an Australian link. the disclosure is for the purposes of a recognized external dispute resolution (EDR) scheme and illion (or the CP) is a member of the scheme. the disclosure is to an enforcement body and illion is satisfied that the body, or another enforcement body, believes on reasonable grounds that the individual has committed a serious credit infringement. in relation to RHI the recipient is a CP who is a licensee or is prescribed by the regulations or a mortgage insurer. 	




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<p>The CR Code also provides the conditions under which illion can disclose certain credit information, i.e:</p> <ul style="list-style-type: none"> • Para 7 – Where a CP makes an information request to illion in connection with an application for consumer credit and the amount of credit is unknown or incapable of being specified, the credit information that illion may collect and disclose may include that an unspecified amount of consumer credit is being sought from the CP. • Para 8 – illion is only permitted to disclose RHI to a CP that is a licensee or is prescribed by the Regulations. • Para 9 – illion is only permitted to collect and disclose default information if certain preconditions are met, including the consumer credit payment must be overdue by at least 60 days, the overdue amount must not be less than \$150 (or if a higher amount is prescribed by the Regulations, that amount) and the CP must have met the notice obligations specified in Part IIIA, the Regulations and the CR Code. • Para 14 – Before illion discloses credit reporting information to a CP, mortgage insurer or trade insurer, illion must have taken reasonable steps to ensure that the CP, mortgage insurer or trade insurer has been notified of the requirements of the Privacy Act, the Regulations and the CR code governing limitations on use and disclosure of credit reporting information. • Para 16 – illion must only disclose credit reporting information to a CP, for the purposes of enabling the CP to assist the individual to avoid defaulting on his or her obligations in relation to consumer credit provided by the CP to the individual where either: <ul style="list-style-type: none"> – the CP confirms to illion that it is aware of circumstances that reasonably indicate that the individual may be at significant risk of defaulting in relation to those obligations; or – illion is aware that an event has occurred in relation to the individual that is an event of the kind that the CP has identified could, if it were to occur, reasonably indicate that the individual may be at significant risk of defaulting in relation to those obligations. 	
D.20E.0.4	Div 2, Sec 20P	N/A	<p>illion must not use or disclose credit reporting information that is materially false or misleading, unless:</p> <ul style="list-style-type: none"> • it is to determine whether unsolicited credit information received could have been collected if illion had solicited the information. 	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<ul style="list-style-type: none"> it is in consultation for the correction of credit information. 	
D.20E.0.5	Div 2, Sec 20M (1) & (2)	N/A	<p>illion may use or disclose de-identified credit reporting information in the following circumstances:</p> <ul style="list-style-type: none"> the use or disclosure is for the purposes of conducting research in relation to credit; and illion complies with the rules made by the Commissioner which 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. 	
D.20E.0.6	Div 2, Sec 20G (5), (6) and (7)	N/A	<ul style="list-style-type: none"> illion must have policies and processes to ensure that any use or disclosure of credit-related information for the purposes of direct marketing is in accordance with the Privacy Act and the CR Code. illion must have processes and procedures in place to handle requests from individuals asking the CRB not to use their credit reporting information for direct marketing purposes, and such requests are free to the individual. illion must have a process to ensure that a written note is made of all uses and disclosures of credit-related information for direct marketing. illion should have policies and processes to ensure that a register is kept of individuals who have made a request not to receive direct marketing. 	
D.20E.0.7	Div 2, Sec 20H, 20J	N/A	<ul style="list-style-type: none"> illion must have policies and processes to ensure that pre-screening assessments are only used and disclosed in accordance with the Privacy Act and the CR Code. illion must have policies and processes to ensure that pre-screening assessments in its control are destroyed once no longer required. 	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
D.20E.0.8	Div 2, Sec 20K	N/A	<ul style="list-style-type: none"> illion must have policies and processes for receiving and assessing ban requests from individuals. illion must have policies and procedures to ensure that credit-related information you hold about an individual is not used or disclosed during a ban period. illion must have policies and processes to ensure that individuals are notified of the end of the ban period, not less than five days before it ends. 	


20K: Protections for victims of fraud

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
D.20K.0.1	Div 2, Sec 20K (1), (2) & (3)	Para 17.1 and 17.3	<p>If illion holds credit reporting information about an individual, it must not use or disclose that information about the individual during the ban period if the individual believes on reasonable grounds that the individual has been, or is likely to be, a victim of fraud (including identity fraud) and the individual requests illion not to use or disclose credit reporting information about them, unless:</p> <ul style="list-style-type: none"> the individual expressly consents, in writing, to the use or disclosure of the credit reporting information; or the use or disclosure of the credit reporting information is required by or under an Australian law or a court/tribunal order. The ban period is the period that starts when the individual makes the ban request and ends either 21 days after the day on which the request is made or on the day after any extension period ends. In relation to an individual ban request illion must immediately: <ul style="list-style-type: none"> include on the credit reporting information held in relation to the individual a notation about the individual's request and retain this for the duration of the ban period; and explain to the individual the effect and duration of the ban period, including that the individual may not be able to access credit during the ban period. Where illion has established a ban period in relation to credit reporting information about an individual, illion must notify the individual not less than 5 business days before the end of the ban period 	




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<ul style="list-style-type: none"> of the date the ban period is due to finish; about the individual's rights under Part IIIA, the Regulations and this CR Code to extend the ban period; and what, if any, information illion requires to support the individual's allegation of fraud. 	
D.20K.0.2	N/A	Para 17.2	Where illion receives a request from a CP, mortgage insurer or trade insurer for credit reporting information about an individual in relation to whose credit reporting information a ban period is in effect, illion must inform the CP, mortgage insurer or trade insurer of the ban period and its effect.	
D.20K.0.3	Div 2, Sec 20K (4) & (5)	N/A	<p>If the individual requests an extension to the ban period (of 21 days) before the period ends, and illion believes on reasonable grounds that the individual has been, or is likely to be, a victim of fraud (including identity fraud) illion must:</p> <ul style="list-style-type: none"> extend the ban period by such period as illion considers is reasonable in the circumstances (a ban period for credit reporting information may be extended more than once); and give the individual written notification of the extension. 	
D.20K.0.4	Div 2, Sec 20K (6)	N/A	illion must not charge the individual for the making of the request or for giving effect to the request for a ban and/or an extension of a ban period.	


3.4 Subdivision E – Integrity of credit reporting information


20N: Quality of credit reporting information



Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
E.20N.0.1	Div 2, Sec 20N	Para 5.4(d), (e) & (f)	illion must take reasonable steps in the circumstances to ensure that the credit information it collects, uses and discloses is aligned to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.	

20Q: Security of credit reporting information

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
E.20Q.0.1	Div 2, Sec 20Q (1)	Para 15.1	illion must take such steps as are reasonable in the circumstances to protect the credit reporting information it holds from misuse, interference and loss and unauthorised access, modification or disclosure. illion must maintain reasonable practices, procedures and systems to ensure the security of electronic transmission and storage of credit reporting information.	
E.20Q.0.2	Div 2, Sec 20Q (3)	N/A	illion must store the credit reporting information it holds: a) either: (i) in Australia or an external Territory; or (ii) in accordance with any security requirements prescribed by the regulations for storing the information outside of Australia and the external Territories; and b) in accordance with any security requirements prescribed by the regulations.	
Credit Provider contracts, audit and breaches				
E.20Q.0.3	Div 2, Sec 20N (3)	Para 2.1 and 15	illion must enter into written agreements with CPs that require the providers to:	




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
	and 20Q (2)		<ul style="list-style-type: none"> ensure that credit information that they disclose to illion is accurate, up-to-date and complete protect credit reporting information that is disclosed to them from: <ul style="list-style-type: none"> misuse, interference and loss unauthorised access, modification or disclosure. <p>The agreement illion enters into with a CP must also oblige both parties to comply, to the extent applicable from time to time, with Part IIIA, the Regulations and the CR Code.</p>	
E.20Q.0.4	N/A	Para 23.1 & 23.2	<p>To ensure illion is able to tailor the frequency and extent of any audit requirements under Part IIIA to the CPs that present the greatest risk of non-compliance, it must establish a documented, risk based program to monitor CP's compliance with their obligations under Part IIIA incorporated in their agreements with illion which must:</p> <ul style="list-style-type: none"> identify and evaluate indications of risk of non-compliance by CPs with their obligations to: <ul style="list-style-type: none"> disclose credit information that is accurate, up-to-date and complete to illion; protect the credit reporting information that illion discloses to the CP from misuse, interference and loss and from unauthorised access, modification or disclosure; and take the steps in relation to correct credit-related personal information required by Part IIIA, the Regulations and the CR code assess the risk posed by CPs of significant non-compliance with those obligations utilising those risk indicators and the range of information available to illion including correction requests and complaints utilise a reasonable range of monitoring techniques to validate and update those risk assessments from time to time include an audit program for CPs to assess compliance with their obligations referred to in paragraph 23.1 of the CR code. 	


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
E.20Q.0.5	Div 2, Sec 20N (3)(b) & (c) and 20Q (2)(b) & (c)	Para 23.1, 23.3, 23.4, 23.5 & 23.6	<p>illion must:</p> <ul style="list-style-type: none"> ensure that regular audits are conducted by an independent person to determine whether agreements entered into with CPs are being complied with; and, identify and deal with suspected breaches of those agreements. <p>illion's risk based program must include a CP audit program for CPs to assess compliance with their obligations to ensure that:</p> <ul style="list-style-type: none"> credit information the CP discloses to illion is accurate, up-to-date and complete credit reporting information illion discloses to the CP is protected from misuse, interference, loss, and from unauthorised access, modification or disclosure the CP takes steps in relation to requests to correct credit-related personal information required by Part IIIA of the Act, the CR Code and the Regulations. <p>To be independent to conduct an audit of a CP as part of illion's auditing program, an auditor:</p> <ul style="list-style-type: none"> must not be a director or employee of the CP, have a significant financial interest in the CP or, at any time during the previous 12 months, had any such relationship or interest; must achieve functional independence of illion's organisational structure and supervision arrangements if the auditor is an employee of illion or functional independence of an organisation's governance and supervision arrangements if an employee of an industry funded organisation must not have any other association that would impair the perception of the auditor's independence, nor had any such association at any time during the previous 12 months. <p>illion must take reasonable steps to ensure that a person who conducts an audit of a CP as part of its auditing program has sufficient expertise for the role including knowledge of Part IIIA of the Act, the CR Code and the Regulations, audit methodology and previous experience in conducting audits and credit reporting system experience.</p> <p>illion must take reasonable steps to ensure that its audit oversight, including reporting arrangements, is sufficient to enable it to form a view as to whether the CP is complying with its obligations.</p>	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
E.20Q.0.6	N/A	Para 5.4(g)	<p>Where illion identifies credit information that is not accurate, up-to-date and complete, raise this, where reasonable, with the CP that disclosed the information and request the CP to:</p> <ul style="list-style-type: none"> take reasonable steps to review its credit information management practices, procedures and systems; rectify any issues that are identified; advise illion of the results of the review; and illion must have reasonable practices, procedures and systems that are designed to cover its legislative obligations and enable it to report about its testing (undertaken in accordance with paragraph 5.4(d) of the CR code), and any material findings or material changes to procedures, to CPs with which it has an agreement with in relation to the disclosure of credit information (by the CP) to illion and disclosure of credit reporting information (to the CP) by illion as referred to in section 20N(3) and section 20Q(2) respectively. 	
E.20Q.0.7	N/A	Para 23.11	<p>illion must publish on its website by 31 August each year a report for the financial year ending 30 June of the same year that includes information about the following:</p> <ul style="list-style-type: none"> Access Corrections Complaints Serious credit infringements illion's monitoring and auditing activity Disclosure of CCLI and RHI to illion Any other information requested by the Commissioner. 	




3.5 Subdivision F – Access to and correction of information




20R: Access to credit reporting information




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.20R.0.1	Div 2, Sec 20R (1), (2) & (3)	Para 19.1 & 19.2	<p>If illion holds credit reporting information about an individual, illion must, on request by an access seeker, grant that access seeker access to the information. illion must respond to a request for access within 10 days. However, it must not grant access without first obtaining reasonable evidence necessary to satisfy itself as to the identity of the person making the request and their entitlement to access under relevant privacy laws. These policies and procedures should ensure that access is provided free once every 3 months, or if an individual has been refused credit in the previous 90 days.</p> <p>illion should have prominent information advising individuals of their right to obtain credit-related information free of charge.</p>	
F.20R.0.2	Div 2, Sec 20R (4)	Para 19.4 & 19.6	<p>For access free of charge, illion must provide the access seeker with access to:</p> <ul style="list-style-type: none"> all credit information relating to the individual currently held in the databases that illion utilises for the purposes of making disclosures permitted under Part IIIA; and all current illion-derived information about the individual that is available, presented clearly and accessibly with reasonable explanation and summaries of the information to assist the access seeker to understand the impact of their credit worthiness. <p>if not provided in the manner requested by the access seeker, then illion must take reasonable steps to provide access in a way that meets the needs of illion and the individual.</p> <p>Where illion derived information about the individual is provided to an access seeker, illion may do so in a way that preserves the confidentiality of the methodology, data analysis methods, computer programs or other information that is used to produce the derived information.</p>	
F.20R.0.3	Div 2, Sec 20R (2) & (7)	N/A	<p>illion is not required to give an access seeker access to credit reporting information if:</p> <ul style="list-style-type: none"> giving the access would be unlawful; or 	


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<ul style="list-style-type: none"> denying access is required or authorised by or under an Australian law or a court / tribunal order; or giving access would be likely to prejudice one or more enforcement related activities conducted by or on behalf of an enforcement body. <p>Where illion refuses to give access to information based on one of the reasons above, illion must give a written notice to the assess seeker that:</p> <ul style="list-style-type: none"> sets out the reasons for the refusal unless it is unreasonable to do so; and states that if the access seeker is not satisfied with the response to the request, the access seeker may access the recognised EDR scheme which illion is a member of or make a complaint to the Commissioner under Part V of the Privacy Act. 	
F.20R.0.4	Div 2, Sec 20R (6)	Para 19.3	<p>If a request has been made within the previous 3 months, illion may charge the access seeker for giving access to the information, but not for making the request and the charge must not be excessive.</p> <p>Where illion has a fee-based service for providing an access seeker with credit reporting information:</p> <ul style="list-style-type: none"> the information it makes available about the fee-based service must prominently state that individuals have a right under Part IIIA to obtain their credit reporting information free of charge in the following circumstances: <ul style="list-style-type: none"> if the access request relates to a credit provider's decision to refuse the individual's consumer credit application if the access request relates to a decision by a credit reporting body or credit provider to correct credit reporting information or credit eligibility information about the individual; and once every 3 months illion must take reasonable steps to ensure that its service, whereby individuals may obtain their credit reporting information free of charge, is as available and easy to identify and access as its fee-based service. 	

20S: Correction of credit reporting information


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.20S.0.1	Div 2, Sec 20S (1), 20T (2), (3) & (4) and 20U	Para 20.4	<p>Upon request by an individual, and if illion is satisfied that the credit-related personal information it holds about that individual is inaccurate, out-of-date, incomplete, irrelevant or misleading, illion must, within 30 days from when the request to correct was made or a longer period which the individual has agreed to in writing, take reasonable steps (if any) in the circumstances to:</p> <ul style="list-style-type: none"> correct the information ensure that any future derived information is based on the corrected credit information ensure that any derived information that is based on the uncorrected credit information is not disclosed or used for the purpose of assessing the credit worthiness of the individual to whom the information relates. <p>If it considers that it cannot satisfy itself that the personal information is inaccurate, out-of-date, incomplete, irrelevant or misleading, illion must consult with another CRB and / or CP which has an Australian link and holds or held the information.</p>	
F.20S.0.2	N/A	Para 20.2 (a)	<p>If consulted by another CRB or CP about a correction request, illion must take reasonable steps to respond to the consultation request as soon as practicable.</p>	
F.20S.0.3	N/A	Para 20.3	<p>If illion forms the view that it will not be able to resolve an individual's correction request within the 30 day period, illion must as soon as practicable:</p> <ul style="list-style-type: none"> notify the individual of the delay, the reasons for this and the expected timeframe to resolve the matter seek the individual's agreement to an extension for a period that is reasonable in the circumstances advise that the individual may complain to a recognised EDR scheme which illion is a member of (and provide contact details for that scheme) or to the Commissioner. <p>If the individual has not agreed to the requested extension, illion must as soon as practicable provide a response to the correction request within the timeframe sought for extension.</p>	




Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.20S.0.4	N/A	Para 20.5 & 20.6	If, under paragraph 20.5(a), illion is satisfied that default information is inaccurate, out-of-date, incomplete, irrelevant or misleading, having regard to the purpose for which the information is held by illion then illion must correct the credit reporting information by destroying that default information.	
F.20S.0.5	Div 2, Sections 20S (2) & (3) and 20U (2), (4) & (5)	Para 20.7	<p>If, on request by an individual, illion makes a correction to credit-related personal information, illion must give the written notice of correction to the following within 5 business days of the decision:</p> <ul style="list-style-type: none"> The individual the correction relates to The interested party, i.e. the CP or CRB it consulted with (if applicable) regarding a correction request The recipient of the information if illion had previously disclosed the information (apart from disclosures made for the purposes of determining whether unsolicited credit information could have been collected by illion if it had solicited the information, or for purposes of consulting with another CRB or CP regarding a correction request) unless it is impracticable for illion or illion is required by or under an Australian law or a court / tribunal order not to give the notice. <p><i>Note: At the time of our testing, the correction notification timeframe to the individual was not aligned to obligations in the illion's process document. The process document has now been updated, and the correction notification timeframe to the individual is now aligned to obligations.</i></p>	
F.20S.0.6	Div 2, Section 20 S (2), 20U (2)	Para 20.7 & 20.9	<p>The notice to the individual must:</p> <ul style="list-style-type: none"> explain what CRBs, CPs and affected information recipients illion is intending to notify (only applicable if illion relies on paragraph 20.9 of the CR Code) ask the individual if there is any other CP or affected information recipients that the individual would like illion to notify (only applicable if illion relies on paragraph 20.9 of the CR Code) include all relevant credit reporting information held by illion so that the individual can check that the information has been appropriately corrected 	



Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<ul style="list-style-type: none"> explain that the individual has a right under the CR Code to obtain their credit reporting information from illion free of charge if the access request relates to the decision by a CRB or a CP to correct information about the individual, and how that right may be exercised. <p>Unless it is impracticable or illegal to do so, the notification obligation is met if within 7 business days of the correction illion gives notice of the correction to:</p> <ul style="list-style-type: none"> All CRBs to which it disclosed the pre-corrected information; All CPs and affected information recipients to which it disclosed the pre-corrected information within the previous 3 months; and Any other CP or AIR nominated by the individual and to which it disclosed the pre-corrected information more than 3 months previously. <p><i>Note: At the time of our testing, the correction notification timeframe to the CRBs, CPs or AIR was not aligned to obligations in the illion's process document. The process document has now been updated, and the correction notification timeframe to the CRBs, CPs, or AIR is now aligned to obligations.</i></p>	
F.20S.0.7	N/A	Para 20.9	Only applicable if illion relies on paragraph 20.9 of the CR Code: Unless it is impracticable or illegal to do so, if notice is given to a CP or AIR that previously received illion derived information that is no longer correct by reason of the correction, the notice must include revised illion derived information that has been derived using the correct information.	
F.20S.0.8	N/A	Para 20.8	Where illion corrects credit-related personal information by updating identification information about an individual, illion is not obliged to notify any previous recipient of the information about the updating of that information, unless requested by the individual.	
F.20S.0.9	Div 2, Sec 20T (5)	N/A	illion must not charge the individual for requesting the correction or for correcting the information and noted that the emails states why the correction was not made, sets out reasons for not correcting the information, and states that if the individual is not satisfied with the response there is a link to the complaints website at illion, and it is noted that complaints may also be made to AFCA or its relevant EDR scheme.	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.20S.0.10	Div 2, Sec 20U (3)	N/A	<p>If illion does not correct the personal information in response to an individual request, illion must give the individual written notice which covers the following within a reasonable period:</p> <ul style="list-style-type: none"> states that the correction has not been made sets out illion's reasons for not correcting the information, including evidence substantiating the correctness of the information states that if the individual is not satisfied with the response to the request, the individual may access the recognised EDR scheme which illion is a member of or make a complaint to the Commissioner. 	

23B: Dealing with complaints


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.23B.0.1	Div 5, Sec 23B (1) and 23C (2)	Para 21.3 & 21.5	<p>If a complaint is made to illion about its acts or practices that may be a breach of certain provisions of Part IIIA or the CR Code, illion must investigate the complaint and make a decision about the complaint. Specifically, illion must:</p> <ul style="list-style-type: none"> give the individual a written notice within 7 days after the complaint is made that acknowledges the making of the complaint and sets out how illion will deal with the complaint investigate the complaint give the individual a written notice that sets out the decision and states that if the individual is not satisfied with the decision, the individual may access a recognised external dispute resolution (EDR) scheme of which illion is a member of or make a complaint to the Commissioner within 30 days from the day the complaint was made or a longer period that the individual has agreed to in writing. <p>illion must consult a CRB or CP about the complaint if it considers it necessary, and the use or disclosure of personal information for this purpose is permitted under the Act. If illion is consulted by another CRB or CP about a complaint, illion must take reasonable steps to respond to the consultation request as soon as practicable. If the complaint relates to credit information or credit eligibility information that a CP holds, illion must notify the provider of the</p>	


Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
			<p>making of the complaint and the making of a decision about the complaint as soon as practicable after each are made unless it is impracticable to give the notification or illion is required by or under an Australian law, or a court / tribunal order, not to give the notification.</p> <p>Unless it is impracticable or illegal to give notice to a CP about a complaint relating to a CRB's act of practice that may breach Section 20S, this obligation is taken to be met if illion gives notice as soon as practicable to:</p> <ul style="list-style-type: none"> the CP if the complaint relates to credit information that was disclosed to illion by a CP any other CP to which illion disclosed the credit information to which the complaints relates in the previous 3 months any other CP that has been nominated by the individual for this purpose. 	
F.23B.0.2	N/A	Para 21.4	<p>If illion forms the view that it will not be able to resolve a complaint within the 30 day period required by Part IIIA, illion must:</p> <ul style="list-style-type: none"> inform the individual of this before the end of the 30 day period and provide the reason for the delay, the expected timeframe to resolve the complaint and seek their agreement to an extension for a period that is reasonable in the circumstances advise that the individual may complain to the recognised EDR scheme of which illion is a member, and provide the contact details for that scheme, or to the Commissioner. 	
F.23B.0.3	Div 5, Sec 23C (4)	N/A	<p>If illion discloses credit reporting information to which the complaint relates and a decision has not been made about the complaint at the time of the disclosure, illion must notify in writing the recipient of the information of the complaint at that time unless it is impracticable to give the notification or illion is required by or under an Australian law, or a court / tribunal order, not to give the notification.</p>	
F.23B.0.4	Div 5, Sec 23A (5)	N/A	<p>illion must not charge the individual for making of the complaint or for dealing with the complaint.</p>	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
F.23B.0.5	N/A	Para 21.2	illion must be a member of a recognised EDR scheme.	
F.23B.0.6	Div 2 Sec20B 2(b)	N/A	illion must have documented policies, processes and procedures in place for receiving and dealing with privacy inquiries or complaints from individuals. illion must have a complaints process comply with relevant industry codes and/or ISO 10002.	



3.6 Subdivision G – Dealing with credit reporting information after the retention period ends

20V: Destruction of credit reporting information after the retention period ends

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
G.20V.0.1	N/A	Para 22, 22.1, 22.2 (a) & (b)	illion must maintain adequate records to evidence their compliance with Part IIIA, the Regulations and the CR Code, in particular: <ul style="list-style-type: none"> where credit-related personal information is destroyed to meet legislative obligations (but only if possible) for credit reporting information disclosures by illion: the date of the disclosure, a brief description of the type of information disclosed, the credit provider, affected information recipient ('AIR') or other person to whom the disclosure was made and evidence that the disclosure was permitted under Part IIIA, the Regulations or the Code records of any consent provided by an individual for the purposes of Part IIIA, the Regulations or the CR Code. Records must be retained for a minimum period of 5 years from the date on which the record is made unless, the record includes information that illion is required by Part IIIA, the Regulations or the CR code to destroy at the end of the applicable retention period, in which case the record must be retained for the duration of that retention period only. 	

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
G.20V.0.2	Div 2, Sec 20B (3) & (4), 20V, 20W, 20X, 20Y, 20Z and 20ZA	Para 1.2(f)	<p>illion must destroy credit information and any related CRB-derived information or ensure that this information is de-identified within 1 month after the relevant retention period, unless:</p> <ul style="list-style-type: none"> immediately before the retention period ends there is a pending correction request in relation to the information; or immediately before the retention period ends there is a pending dispute in relation to the information; or if illion is required by Australian law or a court / tribunal order to retain the information. <p>The prescribed retention periods range from 2 to 7 years, depending on the nature of the information, as per sections 20W, 20X, 20Y and 20Z of the Act. There is no retention period for identification information or credit information that is publicly available information about the individual that relates to the individual's activities in Australia or the external Territories, and the individual's credit worthiness and that is not court proceedings information about the individual or information about the individual that is entered or recorded on the National Personal Insolvency Index.</p> <p>An obligation on illion to "destroy" credit information or credit reporting information requires illion to ensure it irretrievably destroys the information. Where it is not possible to irretrievably destroy credit-related personal information held in electronic format, illion should take steps to put the information 'beyond use.'</p> <p>In cases where illion holds credit reporting information that relates to consumer credit and it is satisfied that the individual has been a victim of fraud (including identity fraud) and consumer credit was provided as a result of that fraud, illion must destroy the credit reporting information, and within a reasonable period after the information is destroyed:</p> <ul style="list-style-type: none"> give the individual a written notice that states that the information has been destroyed and sets out the effect of the notification of destruction to prior recipients of the information give the CP a written notice that states that the information has been destroyed. <p>illion is not obliged to destroy the credit reporting information or notify prior recipients of the information of the destruction if illion is required by or under an Australian law, or a court / tribunal order, to retain the credit reporting information or not give such notification.</p>	

3.7 Additional requirement: Independent review of compliance

Ref #	Part IIIA Ref	CR Code Ref	Summary of Obligations	Compliance Status
IRC.0.1	N/A	Para 24.2	Every 3 years or more frequently if the Commissioner requests, illion must commission an independent review of its operations and processes to assess compliance by illion with its obligations under Part IIIA, the Regulations and the CR code.	
IRC.0.2	N/A	Para 24.2	illion must consult with the Commissioner as to the choice of reviewer and scope of the review.	
IRC.0.3	N/A	Para 24.2	The review report and illion's response to the review report must be provided to the Commissioner and made publicly available.	