September 2024

**To Economic Development Science and Innovation Committee**

Please find attached our submission on the Customer and Product Data Bill

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

**Rangatiratanga / Leadership**: reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu / Information and advice**: informing and advising on policies impacting on the lives of disabled people.

**Kōkiri / Advocacy**: supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki / Monitoring**: monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention.

The following UNCRPD articles are particularly relevant to this submission:

* **Article 22 – Respect for privacy**

# The Submission

DPA welcomes this opportunity to give feedback to the Economic Development Science and Innovation Select Committee on the Customer and Product Data Bill.

DPA is pleased that this legislation has been introduced as it will give all consumers, including disabled consumers, the right to access data held on them by companies and enable easier switching, especially between banks and power companies, which will help reduce banking and power charges, amongst others.

Statistics from Work and Income New Zealand (WINZ) show that 54% of all beneficiaries claiming a benefit either had a disability or health condition.[[2]](#footnote-3) Disabled people in work also tend to earn lower incomes than their non-disabled counterparts.[[3]](#footnote-4)

Enabling disabled people to have greater access to real time data around, for example, their mobile phone/internet and power usage will give disabled people the ability to easily and efficiently save money, especially if living on low and/or fixed incomes as many do.

DPA has some points it wishes to raise around this legislation so that it works more effectively while enabling people to remain protected at the same time.

This includes around the need for standards and regulations supporting the legislation to recognise the need for data to be in accessible formats, a duty to protect people from engaging in risky lending, the need for digital sovereignty for Māori and the impacts of the digital divide.

When it comes to protecting against risky lending and other unethical behaviours, the Bill should ensure that all consumers are protected against being considered as business products.

For this reason, we ask that the safeguards within the legislation are made as strong as possible and that disabled people are involved as key stakeholders in developing regulations and guidelines to prevent any online exploitation or abuse by businesses (see recommendations 1 and 2 below).

**DPA supports the passing of the Customer and Product Data Bill with amendments.**

DPA, in extending our support, would also like to flag the digital divide that exists between communities in this country, and this includes between disabled and non-disabled people.

According to an Internal Affairs Department report (2020) on digital access by disabled people, the disabled community continue to experience a reduced ability to engage with digital and online services compared to non-disabled people.[[4]](#footnote-5)

This factor must be borne in mind as the legislation progresses and we make recommendations around how to address this in the next section of this submission around making data available in accessible formats.

**Need for data to be available in accessible formats**

Any data/information needs to be made available in accessible formats so that it can be easily accessed and read by disabled people.

This includes the need for data to be available in electronic formats which support:

* Screen readers to enable easy access by blind and low vision people.
* Easy Read/Plain English which enables people with learning disabilities and/or who have English as a second language to do so.
* Large Print for low vision users.
* New Zealand Sign Language

**Recommendation 1:** that the need for data to be made available in accessible formats is laid out in any regulations/standards made under the Act.

**Recommendation 2:** that disabled people and disability organisations are involved as a key stakeholder in the development of any standards/regulations made under the Act.

## Ensure that safeguards against irresponsible lending are considered

## With consumers possessing digital data rights for the first time, there is a need to protect people against the possibility of irresponsible lending, particularly by some companies who could be unscrupulous in this respect.

This means that the legislation must have regard for the Responsible Lending Code 2015 which seeks to protect people, including disabled people, from being plunged into debt that they cannot repay.

Any regulations and standards made under the Act must recognise this risk and reference the Code as a means of ensuring that, for example, people with existing high debt levels cannot get into any further debt with other providers.

DPA also recognises that consumer data rights will give people more ready access to their credit score than is currently the case, something that could prevent more people from getting into high debt.

However, DPA is concerned that consumers with bad credit histories, with respect to power companies, shoud not prevent consumers in these circumstances from using their data to easily switch providers to take advantage of cheaper prices.

**Recommendation 3:** that regulations and standards made under the Act reference the Responsible Lending Code and related legislation.

## Supporting digital sovereignty for Māori

DPA asks that Māori data sovereignty be recognised with respect to Te Tiriti o Waitangi.

We support this on the basis that Māori organisations wanting access to Māori data have met resistance when making these types of requests.

This would benefit tāngata whaikaha Māori disabled Māori who are dually disadvantaged as both disabled people and being Māori from accessing relevant digital information about themselves and their whānau.

**Recommendation 4:** that digital sovereignty for Māori is recognised under the legislation.

1. <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-articles> [↑](#footnote-ref-2)
2. Kia Piki Ake Welfare Expert Advisory Group. (2019). Welfare system: statistics. Retrieved from [https://www.weag.govt.nz/background/welfare-system-statistics](https://www.weag.govt.nz/background/welfare-system-statistics/#:~:text=Recipients%20with%20a%20health%20condition,Working%20For%20Families%20tax%20credits) [↑](#footnote-ref-3)
3. <https://www.stats.govt.nz/information-releases/labour-market-statistics-disability-june-2023-quarter> [↑](#footnote-ref-4)
4. <https://www.digital.govt.nz/news/digital-inclusion-ux-insights-for-disabled-people-report/> [↑](#footnote-ref-5)