

To. Jana Macintosh, Managing Director, UK Finance, Payments and Innovation
Gerard Lemos, Chairman of UK Finance Payments Product Service Board
Dr Andrea Coscelli, CEO, CMA
Remedies Monitoring Team, CMA

CC. Nikhil Rathi, CEO, FCA

Dear Madam and Sirs,

In response to the UK Finance Open Banking Futures report and the CMA's Consultation pertaining to the future governance of the OBIE, I am responding on behalf of a group of former contractors to the OBIE.

We wish to make observations specifically in relation to our experiences at the OBIE, and the future proposed governance of an entity to replace it.

- 1. We believe that the success of any future entity must honestly and transparently consider the successes as well as the failures of the OBIE to ensure that they are learnt from and not repeated. This was absent from the earlier UKF Accenture report and is again absent from the recent UKF report. All findings from the forthcoming independent Mishcon de Reya investigation must therefore be acknowledged and considered across all aspects of the new entity.**

In short, how can we be sure that the new entity only inherits the best of the OBIE and not its failings too? This is especially pertinent when appointing new leadership to the entity. It would clearly be unacceptable for instance to reappoint current or previous members of the OBIE leadership team, workforce, or Steering Group who have demonstrated conflicted behaviours; known of governance failures but chosen not to act; publicly brought the OBIE name into disrepute; or failed in their duties under the Order.

This is an opportunity to reset, embrace fresh thinking, and new ideas from across sectors, and to carry consumers on a positive Open Data journey in a way that the Entity has failed. The OBIE's approach lacked strategic vision from the outset to educate the mainstream press and influence wider stakeholders such as analyst houses and commentators. This ultimately failed the public who instead were regularly fed horror stories by uneducated journalists around poor take up rates and the dangers of data sharing, and thereby encouraged consumers not to engage. This must not be repeated.

- 2. The UKF report makes one limited reference in a 40 page report to diversity, and the CMA also fails to reference this.**

We believe that the successful delivery of Open Finance, but crucially Open Data, relies upon the accurate reflection of the population and the wider society which it serves. We consider this to be a priority, and a major flaw of the OBIE given its poor D&I record as identified by the CMA. This requirement must be openly stated and prioritised by the new entity and *all* levels of appointments must ensure that the new entity's outputs are representative of UK PLC in 2021 and beyond. Further to this point, we wish to understand how the new entity proposes to ensure that D&I are not treated as empty quotas, but instead become enduring

and invaluable threads of the new entity and its governance, so that the unrepresentative approach of the OBIE is not replicated. .

- 3. There are several references to ensuring that skills and knowledge from the OBIE are not lost in the transition to the new entity. We wish it to be noted that over the Entity's four-year tenure, countless skilled, knowledgeable professionals were removed from the Entity or felt compelled to leave, owing to its compromised governance and methodologies.**

A more transparent leadership style would have strived to preserve and nurture the essence of the OBIE through this extended knowledge base rather than reward the few. We therefore welcome recruitment to the new entity conducted by the new governance structure and not the OBIE, enabling appropriate past, and new applicants to participate in an honest and open recruitment process that would not be possible if controlled by the OBIE. The vital transitional phase must not undermine wider stakeholder confidence, or the very foundations of the new entity.

- 4. We believe that a roadmap to Open Data that embraces all sectors from the outset is more desirable than one that continues to exclude, fragment, and divide financial services still further.**

We would like to see wider cross sector participation, promotion, and funding than the current proposed initiative which still places a high level of reliance upon the funding banks. We believe that the Australian model in this regard is more compelling and would lead to greater consumer and SME take up. By giving consumers greater control and ownership of their data, and by enabling API specialists to have more scope to generate new services, consumers and businesses would be better served via a wider selection of tailored, competitive services.

As individuals who are passionate about the evolution of our digital economy, we wish to see the next entity both benefit from a clean score card but also to be established from its outset to secure the best and most constructive outcomes. We hope that you receive our comments in the positive spirit in which they are submitted.

Yours sincerely

Roxanne Pocha