INDEPENDENT REVIEW OF THE PRIVACY (MARKET AND SOCIAL RESEARCH) CODE 2021

TERMS OF REFERENCE – FEBRUARY 2026

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1) Background

As the Administrator of the **ADIA Privacy (Market & Social Research) Code 2021**, ADIA is required to conduct an independent review of the Code every five years.

See Section G: REVIEW Independent Code Review.

The purpose of Code reviews is to ensure that this Code meets its objectives and remains effective and relevant. There will be a review of this Code at least every five years, but the Code Administrator may commission a review at any time; for example, if regular monitoring indicates a lack of compliance with this code or if the Code Administrator becomes aware of systemic issues that would justify a review.

The terms of reference for each review will be drawn up by the Administrator of the Code in consultation with the ADIA Privacy Compliance Committee.

2) Objectives

- Keep the Code effective and relevant; reflect changes in technology (incl. AI) and business models.
- Run a transparent review with member and public consultation.
- Publish an independent report; finalise a revised Code for Commissioner submission.

3) Governance & roles

- **Independent Reviewer (Hon. Terry Aulich) -** Accountable; leads independent oversight and final report.
- **Privacy Compliance Chair (Peter Leonard)** & **Privacy Compliance Committee (PCC) -** Responsible for revising the first draft of the Code (conducted by the Reviewer).
- **ADIA CEO & Secretariat**—Responsible for admin and coordination.
- **OAIC/Privacy Commissioner**—Accountable for registration; consulted during informal touchpoints.
- **Members & Consumer rep**—Consulted/informed to ensure a representative process per the Guidelines (steering group incl. a consumer rep).

- **Decisions -** It is intended that all recommendations of the Committee be arrived at by consensus.
- **Reporting -**The Chair is responsible for presenting an update on progress to the ADIA Advisory Committee. (Meetings held quarterly).
- If the Chair is unavailable a member of the Committee or CEO will be required to report.
- **Confidentiality -** All matters before the Committee are considered confidential. To the extent permitted by law, no member of the Committee shall disclose confidential information to any third parties or make public statements in his or her capacity as a Committee member without the express written consent of the President or the CEO of ADIA.

4) Scope

The independent review will need to comply with the expectations of the Privacy Commissioner. Those expectations are principally documented in Part 6 of the Commissioner's *Guidelines for developing codes (issued under Part IIIB of the Privacy Act 1988).*

These Guidelines relevantly provide:

6.1 The governance arrangements for both registered APP codes and the CR code should include a code administrator initiating regular independent reviews of the operation of the code. This will ensure the code remains effective and relevant. A code review should be overseen by a suitably independent person and where practicable supported by a steering group which should include at least one representative from a relevant consumer group.

- **In scope:** governance arrangements, obligations on code-bound entities, complaint handling, monitoring, updates for tech/AI and business model changes, OAIC alignment.
- **Out of scope:** primary legislation changes that can't be solved via the Code.

Recommended approach:

- Terry Aulich to review the Privacy (Market and Social Research) Code 2021 and provide recommendations in line with changes to the privacy law and the operating environment.
- Terry Aulich to meet with the ADIA Privacy Compliance Committee (PCC) to discuss industry needs and preferences for revisions to the Code, including changes in technologies, AI, business models or other matters which should be addressed in any revision.
- A consultation (discussion) draft is finalised by Terry Aulich with ADIA's (secretariat) assistance.
- The discussion draft is circulated to members for their preliminary review and comments and taken to the Privacy Commissioner for an informal consultation.
- The Privacy Commissioner /OAIC Representative is allowed an agreed reasonable period – to make any comments on the discussion draft.
- The discussion draft is then revised and a release draft Code, together with an explanatory memorandum, published for comment, by stakeholders.
- Comments by stakeholders are reviewed by me in consultation with the ADIA Code Committee.
- Terry Aulich to finalise the Code and an independent reviewer report in consultation with the ADIA PCC.
- A revised /updated *Privacy (Market and Social Research) Code 2026* is finalised for submission to the Privacy Commissioner together with the independent reviewer report.
- Terry Aulich and Peter Leonard (Chair PCC) to assist in any final consultations with the Commissioner.

5) Methodology & workplan

- Terry Aulich reviews current Code. Any questions relating to industry practices to be directed to CEO ADIA and circulated to the PCC.
- A first (discussion) revision by Terry Aulich is tabled with PCC.
- PCC to settle discussion draft; circulate to ADIA members for early feedback.
- Informal OAIC consultation and comments.

- Release Draft Code + Explanatory Memorandum for member and public comment.
- Analyse submissions with PCC; incorporate changes.
- Finalise *Privacy Code 2026 + Independent Reviewer Report.*
- Submit to the Privacy Commissioner; support any final consultations.

6) Timeline

- Commencement date: 28 February 2026.
- Member Consultation: May – June 2026.
- Stakeholder Consultation: July – August 2026.
- OAIC Submission: November – December 2026.
- Registration early 2027 (pending OAIC approval).

7) Deliverables

- Project Charter & Stakeholder Register
- Discussion Draft Code
- Release Draft Member Code + Explanatory Memorandum
- Public Consultation Summary (issues, submissions, responses)
- Independent Reviewer Report (issues, findings, actions)
- Final **Privacy (Market and Social Research) Code 2026** for submission to OAIC.

8) Stakeholder & communications plan

- Stakeholders: OAIC, PCC, ADIA members, consumer representatives, partners/clients, and the public.
- Channels: Reviewer briefing, member communications, OAIC Regulatory contacts, website notices, targeted consumer-group outreach, and publication of the final report online - consistent with OAIC expectations for public consultation and publication.

9) Quality & compliance controls

- Explicit alignment to Part 6 of the Commissioner's Guidelines (independence, 5-year cadence, public consultation, public reporting).
- Document control (tracked changes, decision log) and legal review.

10) Acceptance criteria

- Public report published (issues, findings, actions).
- Evidence of public consultation and responses to submissions.
- Final **Privacy Code 2026** and **Independent Reviewer Report** submitted to OAIC.

11) Costs

- For ADIA information only.