

<p>Australian Privacy Foundation</p> <p>http://www.privacy.org.au</p> <p>Chair@privacy.org.au</p>	<p>Civil Liberties Australia</p> <p>http://www.cla.asn.au/</p> <p>President@cla.asn.au</p>
--	--

6 August 2010

Mr Simon Corbell
Minister for Police and Emergency Services
A.C.T. Government

cc.: Mr Timothy Pilgrim, Australian Privacy Commissioner

Dear Mr Corbell

Re: Recognition and Analysis of Plates Identified (RAPID) Technology

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. Background information is available at <http://www.privacy.org.au/About/>. Civil Liberties Australia is a national human rights advocacy organisation based in Canberra. For background information, see <http://www.cla.asn.au/page/about.php>.

We refer to the trial of the RAPID technology undertaken in early 2009, and your announcement on 5 August 2010 of the launch of two new RAPID-equipped vehicles.

The APF and CLA are, of course, supportive of applications of technology that have demonstrated economic and/or social benefits. However, many technologies that have beneficial effects also have negative impacts, not least on privacy.

We appreciate that, in your role as A.C.T. Attorney-General, you are well aware of the ACT Parliament's adoption of the Privacy Act (Cth), of your Government's MOU with the Office of the Australian Privacy Commissioner (OAPC), and of your Government's commitment to respect not only the requirements of privacy laws but also the recommendations of the Privacy Commissioner.

On that basis, we would appreciate your responses to the following questions.

1. Was a Privacy Impact Assessment (PIA) performed prior to the decision to deploy the RAPID technology?
2. If so, then:
 - (a) what consultative processes were undertaken with what representative and advocacy bodies, in particular bodies that have privacy as a central concern?
 - (b) would you please provide us with a copy of the resulting PIA Report?
3. If not, then:
 - (a) would you please acknowledge that the implementation of RAPID technology without a prior PIA is a breach of your Government's policy?
 - (b) would you please confirm that you are arranging for an ex post facto assessment, equivalent to a PIA, to be conducted as soon as practicable?
 - (c) would you please confirm that, as part of that PIA process, you will ensure that consultation is undertaken with representative and advocacy bodies, in particular bodies that have privacy as a central concern?

The APF in particular has undertaken an amount of work in relation to Automated Number Plate Recognition (ANPR) technology generally. In addition to participating in the consultative processes, the APF would be pleased to make relevant material available immediately, should that assist in dealing with this matter.

Thank you for your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Clarke', with a stylized, somewhat scribbled appearance.

Roger Clarke
Chair, Australian Privacy Foundation
(02) 6288 1472 Chair@privacy.org.au

A handwritten signature in blue ink, appearing to read 'Kris Klugman', with a clear, cursive style.

Kris Klugman
President, Civil Liberties Australia
0408 697 971 President@cla.asn.au