



**Australian  
Privacy  
Foundation**

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15 February 2007

Senator The Hon. Ian Campbell  
Minister for Human Services  
Parliament House  
Barton ACT 2600

Dear Senator Campbell

### **Urgent Request for Information re the Access Card scheme**

I refer to the newspaper article 'Banks challenge latest smartcard rules' by Julian Bajkowski (The Australian Financial Review, 13 February 2007, p. 31), which reported on interactions between the Access Card scheme and the banking system.

As you are aware, the Foundation's members have pored over the available documents - and have complained at length about the lack of access to the business case and the privacy impact assessment, and the large number of elements missing from the enabling legislation. But nowhere had we detected anything resembling linkage to the banking sector.

The Bill lacks clarity in relation to permitted and prohibited functions and uses, especially as they affect businesses like banks, and state governments, particularly in relation to the Register.

A proper understanding of the proposal depends on access to the tender documents; but these have not been made available to the interested public nor, to the best of our knowledge, to the many organisations that are concerned about the proposal and are intending to submit to the Senate Committee. Moreover, the tender documents on the tenders.gov.au site are hidden behind confidentiality obligations.

Submissions to the Senate Inquiry cannot be made on an informed basis without access to this critical information. It goes to the heart of how the Card could be used, and hence is central to the assessment of appropriate legislative provisions to deal with risks to individuals and the public interest.

We hereby request access to all the relevant details in the tender documents which reveal the scheme's functionality and the nature of the uses that it is to facilitate. Alternatively, we request that the government remove the confidentiality clause that protects this information.

We also repeat our requests for access to the still-hidden parts of the KPMG report, and to the Privacy Impact Assessment, for the same reasons.

Finally, can you please confirm that there will be one or more further Bills? If so, what is the scope of the matters to be addressed, what parties are to be regulated, and when is it intended that an Exposure Draft will be provided?

Because your Government has set such an extremely limited period for submissions to the Senate Committee, we request a response to these requests very urgently, by Friday 16 February.

If the material will not be made available to all interested parties by Wednesday 21 February, we request that you seek an extension of time for submissions to the Senate Committee so that there is adequate time available for intending submitters to assimilate the information and consider its consequences.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Clarke', with a long horizontal stroke extending to the right.

Roger Clarke  
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