



**Australian
Privacy
Foundation**

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4 November 2008

Mr Paul Madden,
Program Director
Standard Business Reporting Program
The Treasury
Langton Crescent
PARKES ACT 2600

Dear Mr Madden

Submission re the Standard Business Reporting (SBR) Project

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

I refer to the meeting held with your PIA consultant, Anna Johnston of Salinger & Co. on 9 October 2008. This letter summarises the APF's comments at this stage of the process.

Introduction

The APF appreciates that the SBR scheme is focussed on the application of technology by business and government to improve efficiency and effectiveness, and reduce business costs. The APF also recognises that a great deal of the data involved will relate to incorporated bodies, to which confidentiality may apply, but not privacy.

However, there are aspects of the SBR scheme that do have potential privacy impacts:

- unincorporated organisations are indistinguishable from the individuals who make them up. The category includes sole traders and partnerships, and may include unincorporated associations to the extent that they may be or become involved;
- organisations cannot themselves take any action in the real world, and depend on individuals to perform actions for them. Those employees and contractors have privacy concerns, e.g. in relation to the intrusiveness of registration and authentication procedures;
- some of the data on the documents that are the subject of the scheme, and that is handled as part of the relevant business processes by organisations, the hub and agencies, is personal data. Examples include:
 - data about directors, managers, trustees and contacts for organisations;
 - data about individuals who organisations deal with, such as employees, contractors, customers, licensees and beneficiaries, including income data and TFNs.

The APF accordingly welcomes the commissioning of a PIA at a sufficiently early stage of the project, and this first opportunity to provide a submission concerning aspects that need to be carefully considered during the design phase.

Relevant Aspects

The following aspects are drawn to attention as part of this initial consultation round.

1. Differential Levels of Data Security

Data relating to individuals requires protection. Sensitive personal data, including income-related data and TFNs, requires high levels of protection. That security relates not only to storage, but also to transmission variously from the organisation to the hub and on to agencies.

2. Hub Access to Non-Relevant Data

The service that organisations interact with (referred to here as a 'hub') will come into possession of a considerable amount of personal data that is not relevant to that service. There need to be prohibitions on retention of data at the hub, and on access by any person, organisation or agency to personal data. Access should be required to be only to the data held by the organisation and by relevant agencies. To do otherwise would have the effect of undermining existing legal protections. There is also a need for strong controls in relation to logging and cyclical destruction of logs.

3. Single Sign-On Services

Single sign-on services may involve registration and authentication procedures that are onerous and intrusive impositions on the individuals who act as agents for organisations. Considerable care is needed in the design of registration and authentication processes and associated data capture and retention.

4. Imposed Commonality of Meaning

Terms have specific meanings in the context of specific programs and under specific laws. The APF appreciates the desire to remove accidental and unnecessary differences in order to reduce 'red tape', complexity and the scope for errors and misunderstandings.

However, some of the program-specific and agency-specific meanings of terms are central to the operation of those programs, and the imposition of standardised meanings may undermine the policy purposes for which the programs were designed. One example is the substantially different approaches that can be taken to income and expenses in industry grant schemes in comparison with reporting for financial and taxation purposes.

Considerable care is needed to ensure that no negative impacts on privacy and other consumer interests arise from inappropriate compression of agencies into a single set of terms and definitions.

Conclusion

The APF welcomes the opportunity to submit these preliminary comments during the first round of consultations.

It is important that a further opportunity be provided in later rounds, with more detailed information provided in advance of the consultation, so that specific issues can be considered.

Yours sincerely



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Australian Privacy Foundation

Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF's Board comprises professionals who bring to their work deep experience in privacy, information technology and the law.

The following pages provide access to information about the APF:

- papers and submissions <http://www.privacy.org.au/Papers/>
- resources <http://www.privacy.org.au/Resources/>
- media <http://www.privacy.org.au/Media/>
- Board-members <http://www.privacy.org.au/About/Contacts.html>

The following pages outline several campaigns:

- the Australia Card (1985-87)
<http://www.privacy.org.au/About/Formation.html>
- the Medicare Smart Card (2004-06)
http://www.privacy.org.au/Campaigns/ID_cards/MedicareSmartcard.html
- the Human Services Card (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/HSCard.html
- the Australia Card Mark II (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/NatIDScheme.html
- the 'Access Card' (2006-07)
http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html