



**Australian
Privacy
Foundation**

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<http://www.privacy.org.au/About/Contacts.html>

24 August 2015

The Hon. Andrew Constance, MP
Minister for Transport and Infrastructure
bega@parliament.nsw.gov.au

Cc: Dr Elizabeth Coombs
NSW Privacy Commissioner
Elizabeth.Coombs@ipc.nsw.gov.au

Dear Mr Constance

Re: NSW Transport Opal Cards

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

We refer to your recent announcement that Pensioner Excursion Tickets will no longer be sold from 1 January 2016 and that concessional customers will be required to obtain Gold Opal Cards.
<http://www.transport.nsw.gov.au/sites/default/files/b2b/media/20150804-majority-of-paper-tickets-phased-out.pdf> (4 August 2015)

We refer also to the recent change made in the Opal Privacy Policy section 4.2.8 from:

"Most customers who use a concessional fare Opal card for travel will have the option of using that Opal card without registering it" (policy version of 4 November 2014)

to:

"Customers who use a concessional fare Opal card for travel will not have the option of using that Opal card without registering it" (current policy version of 21 July 2015).

This compulsory registration of Gold Opal Cards would deny the right of anonymous travel to concessional customers.

The APF has corresponded with successive Transport Ministers in relation to the importance of a practical anonymous option being available to all customers as part of the Opal Card scheme. The human right to freedom of movement within one's own country requires that people be able to travel without having to disclose their identity and without having information about their travel patterns collected and stored by government.

In a letter dated 20 November 2013, the APF received an assurance from the then Transport Minister, Gladys Berijiklian, that "once the Opal system is fully rolled out, customers will be able to acquire unregistered Opal cards from Opal card retailers. Customers will be able to travel anonymously by not registering their Opal card and topping up using cash". See:
<https://www.privacy.org.au/Papers/Ltr-NSWTpt-Opal-Reply-131120.pdf>

The APF is very concerned that there could now be a complete reversal of policy on this issue.

We note that the Privacy Commissioner, Dr Elizabeth Coombs, has also expressed concern about compulsory registration of Gold Opal Cards and has pointed out that other jurisdictions such as Queensland and New Zealand have provided "alternative options to senior concessional travellers which both protect State revenue collection and the anonymity of pensioners".
http://www.ipc.nsw.gov.au/sites/default/files/IPC%20media%20statement_Opal_5_August_2015.pdf

We further note that this problem appears not to be confined to pensioners, but extend to students and to others who have access to concession fares.

Would you please confirm that the government will honour its commitment, and make provision in the Opal Card system for anonymous travel for all customers.

Thank you for your consideration.

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 is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, SubCommittees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

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

The Board is supported by Patrons The Hon Michael Kirby and Elizabeth Evatt, and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <http://www.privacy.org.au/Papers/>
- Resources <http://www.privacy.org.au/Resources/>
- Media <http://www.privacy.org.au/Media/>
- Current Board Members <http://www.privacy.org.au/About/Contacts.html>
- Patron and Advisory Panel <http://www.privacy.org.au/About/AdvisoryPanel.html>

The following pages provide outlines of several campaigns the APF has conducted:

- The Australia Card (1985-87) <http://www.privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <http://www.privacy.org.au/Campaigns/CreditRpting/>
- The Access Card (2006-07) http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>