



Queensland
Government

Our ref: DG17668

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Dr Julie Cameron
Co-ordinator
Australian Privacy Foundation

Email: bba@privacy.org.au

Dear Dr Cameron

Thank you for your letter of 17 March 2011 about the Department of Transport and Main Road's New Queensland Driver Licence being nominated for a 2011 Big Brother Award.

I wish to provide the following comments in response to the department's nomination.

Protecting Individual's Privacy

In developing the New Queensland Driver Licence, the protection of individuals' privacy has and continues to be a high priority for the Queensland Government as the new licence, authorities and proof of age cards are rolled out.

In addition to Queensland's *Information Privacy Act 2009*, the department has made additional stringent and groundbreaking amendments to its transport legislation to deal with the collection, use, disclosure and destruction of information including digital photos.

The department has also worked closely with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General and the Crime and Misconduct Commission in developing privacy safeguards.

Early input from wider privacy advocates has been instrumental in ensuring the privacy and security of personal and licensing information remains a high priority. When developing the Privacy Impact Assessment (PIA) for the New Queensland Driver Licence project, external consultations on the draft PIA were undertaken with the Commonwealth Privacy Commissioner and the Queensland Council for Civil Liberties.

The project evolved considerably in 2008, 2009 and 2010 and the department continually revised the PIA over this period in line with the changing scope of the project, and finalised the PIA in the second half of 2010.

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The department's response to the Privacy Impact Assessment was in the form of a document titled *Privacy Management Plan*. The Privacy Management Plan addresses the privacy impacts identified in the Privacy Impact Assessment and specifies how these impacts will be managed. The Plan also provides a general outline of the department's new policies for the issue of the new driver and marine licences, industry authority and Adult Proof of Age Cards.

The department has published the Privacy Impact Assessment and Privacy Management Plan in full on the Transport and Main Roads website. The Australian Privacy Foundation (and any other interested stakeholders) is welcome to provide comments/input to the department on these documents.

The department is also advising its customers of relevant privacy information (privacy and otherwise) through a range of mediums - on the website, facts sheets, application forms, various brochures available at a Customer Service Centre, and by providing a full copy of the relevant agreements and User Guide with the card. In all communications, customers are encouraged to contact the department or access the website if more information is needed.

The department also has a Complaints Management Policy in place that will address any concerns and complaints. If an individual has a query about the use of personal information or wishes to make a complaint, they may email privacy@tmr.qld.gov.au. If after contacting the department the complaint has not been resolved, members of the public can contact the Queensland Privacy Commissioner on 3234 7373.

Protecting information stored on the chip

There are a number of ways a cardholder's personal information is protected. These include strict security protocols when a cardholder applies for a card, secure distribution of the cards, access control rules and strict protocols for information management.

Information stored on the card's chip is essentially information currently stored on the face of the licence. In addition, Public Key Infrastructure and digital certificates (allowing authentication of the card and authorisation of access to information stored on the card's chip), a Personal Identification Number (PIN) and shared secrets are stored. The PIN is to protect and prevent unauthorised access to the digital information stored on the chip, in particular a cardholder's personal information. Shared secrets (answers to two questions from a list of security questions) are to allow a cardholder to transact online with the department in the future.

Only authorised officers, in their official capacity, have access to the information stored on the chip, including Queensland Police Officers, Transport Compliance Officers and Queensland licensing authorities.

Access to Signature and Images

A customer's photo and signature is captured digitally and securely stored by Transport and Main Roads so that necessary checks associated with facial image recognition can be undertaken. This means Queensland joins all other Australian states and territories in storing digital images of licence holders.

Police Officers can access digital photos in an emergency if the officer suspects there is an actual or imminent serious risk to a person's life or health or to public health or safety, and immediate access to the photo is likely to help reduce that risk. The Police Officer is however required to obtain a Post-Access Approval Order from a Justice of the Peace (qualified) or a Justice of the Peace (magistrate's court) authorising the release.

Police Officers can also access digital photos stored on the database for the investigation, enforcement and prosecution of transport related offences that fall under the:

- *Transport Operations (Road Use Management) Act 1995*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Marine Safety) Act 1994*
- *Tow Truck Act 1973*
- *Adult Proof of Age Card Act 2008.*

A Police Officer can also access digital photos to investigate, prosecute and enforce the criminal law, but only when they apply to a Justice of the Peace (qualified) or a Justice of the Peace (magistrate's court), for an Access Approval Order, and only where the justice is satisfied it is reasonably necessary to access the digital photo for that purpose. Police cannot search the digital photo database by date of birth, ethnicity, physical description or using facial recognition technology.

Function Creep

The current focus of the department is rolling out the suite of cards. The computer chip stores information securely. Technically, there is the capability to store additional government licences or authorities on the computer chip. Many people would see this as a benefit in having fewer cards in their wallet. Should the cards be considered for use for other government services in the future they would be subject to a rigorous individual assessment including business case analysis and privacy impact assessment.

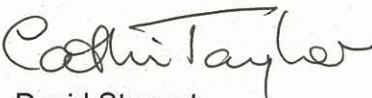
Rollout of the new cards

Prior to the rollout of the new cards to the public, the department participated in a staff trial which was very valuable to the success of the Toowoomba public rollout. The staff trial allowed the department to determine a number of improvements to the systems and processes surrounding issuing of the new licence. During the staff trial, the department was made aware that a few staff reported some minor peeling of the adhesive coating on the trial batch cards. Placard, the company supplying the cards, identified the cause of the problem which they rectified before cards were issued to the public.

I trust these comments are of assistance. If you have any further queries, please contact Mr Graeme Healey, Manager, Right to Information and Privacy, Department of Transport and Main Roads on telephone (07) 3306 7102 or via email:

Graeme.j.healey@tmr.qld.gov.au.

Yours sincerely

for 

David Stewart
Director-General
Department of Transport and Main Roads