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## **MEDIA RELEASE**

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### **Should Business be Free to Ignore Consumer Consent and Privacy??**

The catch-cry that Zuckerberg used to justify his end-run around privacy protections was 'the default is social'.

During the last few years, Australian business has been lobbying for the economic potential of all data to be unlocked, not just social media data.

That requires that the already-weak privacy protections be dismantled, to implement the business catch-cry of '**the default is economic exploitation**'.

The chosen vehicle for empowering business is the Productivity Commission.

**The objective of the Productivity Commission's Report on 'Data Availability and Use' is to remove privacy as a constraint on trafficking in personal data.**

Consumer consent is to become essentially irrelevant. Constraints on data linkage are to largely disappear.

The national databank that was threatened by governments in the 1960s is instead to be operated on a competitive basis by corporations, but with access to data of all kinds, nomatter what its origins.

People are forced to provide data to government agencies to enable programs to be administered. Now that data is to be made available to corporations.

Sensitive personal health, social and economic data are to be freely available to researchers of all kinds.

"Consumers are prey. Bandages are to be made available to patch up some of the damage done to the deer caught in the cars' headlights, but the freedom of corporations to drive recklessly is paramount", said a Privacy Foundation spokesperson.

The Productivity Commission Report proposes nothing less than the destruction of data privacy.

The public will understand that the only protections against this massive power-shift are comprehensive obfuscation and falsification. The actions of government agencies and corporations are teaching people to treat organisations as their enemies. They will quickly discover that they must hide, cheat and lie with the kind of vigour and skill that organisations employ.

The APF deplores the breach of public trust inherent in the Report's proposals.

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## Background Information

The signals were clear when the representatives of the Productivity Commission - a Commissioner and team-leader Rosalyn Bell - met with privacy advocates at the commencement of the project.

Their purpose was to gauge the extent to which the power of privacy interests was sufficient to represent an impediment to their economic objectives. It's apparent that they were satisfied that the privacy interest could be safely ignored, and they could get on with their mission on behalf of business.

Here are a few extracts evidencing the demolition of privacy protections:

FINDING 4.1 (p.35): Comprehensive reform of Australia's data infrastructure is needed to signal that **permission is granted for active data sharing and release** and that **data infrastructure and assets are a priority**.

RECOMMENDATION 6.4 (p.39)

**Publicly funded entities**, including all Australian Government agencies, **should create comprehensive, easy to access registers of data**, including metadata and linked datasets, that they fund or hold. These registers should be published on data.gov.au. ...

RECOMMENDATION 6.16 (p.43)

The Privacy Act 1988 (Cth) exceptions that allow **access to identifiable information** for the purposes of health and medical research **without seeking individuals' agreement, should be expanded** in the legislative package that implements these reforms **to apply to all research** that is determined by the National Data Custodian to be in the public interest.

[Embed] a broader view of data sharing and release through a new Act [which by definition overrides the Privacy Act and remnant protections in other statutes] ... (p.310).

We envisage that **data analytics would occur fairly freely** under our Framework — **trusted users would be able to access data from [Accredited Release Authorities] and data custodians** and run code in secure environments, subject to safeguards. Importantly, even though trusted user models allow sharing of identifiable or lightly de-identified data, they generally require release (output that is published) to go through a number of output checks to ensure it is non-sensitive (p.324).

'Data Availability and Use' Overview & Recommendations' Productivity Commission Report No. 82, 31 March 2017 (76pp.)

<http://www.pc.gov.au/inquiries/completed/data-access/report/data-access-overview.pdf>

'Data Availability and Use: Inquiry Report' Productivity Commission Report No. 82, 31 March 2017 (658pp.)

<http://www.pc.gov.au/inquiries/completed/data-access/report/data-access.pdf>