

**EMAILED**

22/8/11

Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

Mr Roger Clarke
Chair
Australian Privacy Foundation
chair@privacy.org.au

Dear Mr Clarke

Thank you for your letter of the 17 July 2011 regarding the ACT government's new point to point speed camera system.

Your letter mentions the use of 'blacklist-in-camera' architecture, and expresses concern that an article in *The Canberra Times* of 17 July 2011 referred to a 'hotlist', which you have stated is a list of people.

I would like to assure you that your concerns are based on incomplete reporting of the Government's new point to point camera scheme. Firstly, the camera system to be installed in the ACT will not be linked to any registration or law enforcement databases, nor will the cameras be programmed with any lists of vehicles or persons. Secondly, although the point to point camera system has been built with the potential to be used as part of ACT Policing's RAPID (**R**ecognition and **A**nalysis of **P**lates **I**dentified) system in the future, this capacity does not currently exist. Furthermore, I am advised that the RAPID system is based on automated numberplate recognition (ANPR) technology and the RAPID list is of numberplates of vehicles of interest.

There will be no live streaming of images from the cameras either to the Road Transport Authority or to ACT Policing. Instead, where the software on the cameras identifies the possible commission of a speeding offence, a small data file relating to the images (but not containing the images themselves) will be sent to the Traffic Camera Office. If assessment of that data file confirms that a speeding offence appears to have been committed, the relevant images will be retrieved from the camera and adjudicated by staff from the Traffic Camera Office. It is only at this point that staff from the Traffic Camera Office will access data from the vehicle registration database to enable the preparation of an infringement notice in relation to the speeding offence that has been detected.

ACT LEGISLATIVE ASSEMBLY

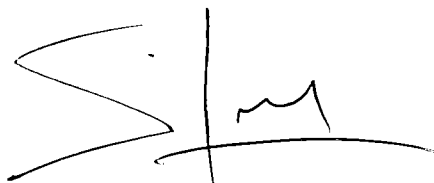
Your letter also suggests that the Canberra Times article of 17 July 2011 shows that the government has 'reneged' on a commitment not to use the technology for mass surveillance. However, the Canberra Times article referred to the Forward Design Study prepared for the ACT speed camera program by AECOM in September 2010, which noted that ANPR technology has the potential to be used for mass surveillance. The AECOM report did not commit the Government to adopting this potential use. In fact, the Government has since expressly rejected the use point to point cameras for mass surveillance purposes, as was made clear in the Explanatory Statement to the Road Transport (Safety and Traffic Management) Amendment Bill 2011.

You may be interested to note that the Road Transport (Safety and Traffic Management) Amendment Bill 2011 contains new provisions that specifically limit the use and disclosure of images taken by traffic cameras. These protections will enhance privacy protection as they will also apply to images from the existing fixed and mobile speed cameras as well as the new point to point cameras. I attach a copy of the Bill and its Explanatory Statement for your information.

Your letter also claims that the legislation appears to have been introduced without undertaking a privacy assessment. In fact, the Explanatory Statement to the Bill contains a detailed assessment of the privacy impacts of the legislation and the measures taken to ensure that images taken by cameras are properly protected. In addition, the draft Bill was provided to the Office of the Australian Information Commissioner. My directorate has liaised with that Office to ensure that the legislation, policies and practices for point to point speed cameras will appropriately safeguard personal information and privacy.

Thank you for bringing your concerns to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Simon Corbell', written over a horizontal line. The signature is stylized and somewhat abstract.

Simon Corbell MLA
Attorney-General

22.8.11