



Simon Corbell MLA

DEPUTY CHIEF MINISTER

ATTORNEY-GENERAL

MINISTER FOR HEALTH

MINISTER FOR THE ENVIRONMENT

MINISTER FOR CAPITAL METRO

MEMBER FOR MOLONGLO

Ms Kat Lane
Vice-Chair

Dr David Lindsay
Vice-Chair

Mr David Vaile
Vice-Chair

Australian Privacy Foundation
secretary@privacy.org.au

Dear Ms Lane, Dr Lindsay and Mr Vaile

Thank you for your letter dated 6 November 2015 about the development of the National Facial Biometric Matching Capability (the Capability).

You have noted your support for the ACT Government's position on this matter and included a copy of the Australian Privacy Foundation's Position Statements on Privacy Impact Assessments and Biometrics. Thank you for providing me with this information.

Parts of the Commonwealth Government's proposal, specifically around facial identification, will give law enforcement and other agencies an unprecedented and extraordinary level of access to biometric and biographical information. The ACT Government has publicly expressed concerns about the Capability because we believe that it is important for the community to understand the nature and implications of the proposal.

As you are likely aware, the Capability was the subject of discussion during Senate Estimates on 20 October 2015. In the transcript, it is clear that Senator Scott Ludlam and the ACT Government have some of the same concerns about the privacy implications of this project, and I am pleased that this is in the public domain. The discussion, which is at page 117 onwards in the transcript, can be found here:

http://www.aph.gov.au/Parliamentary_Business/Hansard/Estimates_Transcript_Schedule

Given the potential fundamental privacy repercussions relating to this project, it is vital that robust governance arrangements and controls are in place to ensure that the human rights of Australian citizens are not unduly limited.

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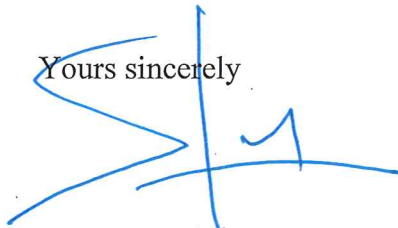
In its current form, the Commonwealth proposal leaves open the door for the changing of thresholds that determine what information can be shared, when it can be shared and who it can be shared with. Of particular concern is the prospect that this data could be accessed by the private sector in the future, and potentially for a broad range of matters beyond the most serious of criminal matters.

Accordingly, throughout the development of this project the ACT has highlighted that all jurisdictions must understand and respond to privacy concerns relating to the capability, and we will continue to work with other jurisdictions to ensure that privacy issues are at the forefront of the agenda.

Notwithstanding the Privacy Impact Assessment and the Attorney-General's Department's ongoing commitment to addressing the privacy implications of the project, the ACT Government is of the view that the Commonwealth components of the Capability should be implemented and evaluated to inform further privacy assessments before the ACT considers whether it should participate.

Thank you for writing to me about these important issues and for the information you provided.

Yours sincerely



Simon Corbell MLA
Attorney-General

18.12.15