



**Australian
Privacy
Foundation**

<http://www.privacy.org.au>

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

7 March 2014

Senator the Hon George Brandis QC

Cc: Mr J. McMillan, Information Commissioner

Dear Attorney

Re: The Document Verification System (DVS)

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

We refer to the article in itNews on 5 March 2014, 'Govt shifts ID verification system to Microsoft'. It says that the Attorney-General's Department has contracted for redevelopment of the DVS, has made it available to the private sector "last month", and plans to outsource its operation.

Clayton Utz recently undertook, on behalf of the Department, what were portrayed as the initial steps of a consultation process within the context of a Privacy Impact Assessment (PIA). The APF's closing words in its submission of 7 February 2014 were "We look forward to receiving a considerable amount of further information as the assessment progresses".

The APF expresses serious concern that matters that we were informed were under consideration appear to have been decided upon, without:

- (a) the publication of the outcomes of the preliminary round of consultations
- (b) the dissemination of the anticipated detailed information on the proposal
- (c) the conduct of a PIA as that term is properly used
- (d) the publication of the report arising from that process

Despite Attorney-General Ruddock having promoted PIAs as a matter of good business practice, the Attorney-General's Department has been in serial breach of its obligations to conduct PIAs. The Department had given the impression that it was now recognising those obligations.

The APF requests that you instruct your Department to:

- (1) suspend its decisions in relation to redesign of the DVS, and the provision of access by the private sector; and
- (2) resume an appropriate PIA process, including meaningful consultations

Thank you for your consideration.

Yours sincerely

Roger Clarke

Chair, for the Board of the Australian Privacy Foundation (02) 6288 6916 Chair@privacy.org.au

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/>