

16 March 2010

The Hon. Anthony Albanese
Minister for Infrastructure, Transport, Regional Development and Local Government
Parliament House
Canberra ACT 2600

Dear Minister

Re: Consideration of Body Scanning in Australian Airports – Your Ref. 00656-2010

Thank you for your reply of 10 March 2010 to our letter of 20 January.

In our letter, we asked "would you please advise what approach you are adopting to engagement with civil liberties and privacy advocacy organisations on the matter".

You replied that "The Office of Transport Security will continue to consult with a range of privacy stakeholders, through the Office of the Privacy Commissioner, about how the application of new screening technologies can be best managed to achieve the intended security outcome and take into account a range of sensitivities surrounding privacy".

With the greatest of respect, the Privacy Commissioner's functions do not include any such role, no such consultation has taken place, and even if it did it would not represent a satisfactory approach to the matter. The purpose of a consultative process is to directly inform the agency's work. An arrangement of that nature could never achieve that aim, because it creates a barrier between the agency and public interest advocacy organisations.

The previous Coalition Government did something very similar in respect of the Access Card. That resulted in the relevant bureaucrats, and the Minister, being unable to understand the issues and to appreciate public opinion, until it was too late. The scheme came crashing down, and many millions were wasted, both by tenderers and by the Department of Human Services on behalf of taxpayers.

Using the OPC as the barrier would be bad enough in any circumstances. The current Privacy Commissioner generally facilitates government and business activities and does not in any way represent the interests of advocacy organisations, and hence the idea is even more unacceptable.

We accordingly request that you require OTS to conduct consultations directly with a range of advocacy organisations that can together articulate the concerns of affected categories of people.

We further request information concerning the Privacy Impact Assessment (PIA) that in the normal course of events OTS would need to be conducting as part of the program.

Thank you for your consideration.

Yours sincerely

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