



**Australian
Privacy
Foundation**

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The Hon. Carmel Mary Tebbutt, MLC
NSW Minister for Education and Training
BY FAX (02) 9228 5366

Re proposed student identity scheme

Dear Ms Tebbutt,

We refer to recent articles in the *Sydney Morning Herald* which described a plan to introduce an identity number for all school students: "NSW pushes national student ID plan" on 25 March 2005, and "Student identity scheme has Catholic backing", 29 March 2005.

We have been unable to locate an announcement or policy document that declares the Government's policy on this matter. If there is a formal policy, we would appreciate a copy, or a pointer to where we can find it. In the meantime, we provide the following information on the assumption that the newspaper reports are essentially correct.

The first newspaper article suggests that the purpose of issuing students with a unique identification number and centralising student records on a national database is to fix delays in the transfer of student records between schools. Yet within just a few days a second use was being promoted: monitoring academic progress. The second article also suggested the database could be used to store medical, welfare and student travel details as well as academic results.

We are extremely concerned about the privacy implications of such a proposal, and wish to immediately draw to your attention some of the risks involved. In particular, we request that the NSW Government not proceed with such a proposal without first conducting and publishing a thorough Privacy Impact Assessment, with subsequent public consultation and review.

By necessity, this letter only highlights our concerns in a broad manner, but we would be pleased to expand upon these issues in more detail, by way of meeting or a more detailed submission, should you intend to progress the proposal further.

The risks of a central database and unique identifiers

While we welcome the identification of privacy as an issue by several stakeholders quoted in the articles, the discussion appears to have been limited to data security and therefore measures such as password protection.

However the privacy implications of this proposal are much more extensive than just data security. The privacy principles regulating public and private schools in NSW, whether under State or federal law, also incorporate collection limitation and notification, use limitation, restrictions on disclosure, obligations relating to accuracy of the data, transparency of practices, and allowing rights of access and amendment. There are also specific prohibitions on the use of unique identifiers.

Any centralised database holding vast amounts of personal information will pose increased risks to the personal safety of students and their families. A centralised database presents a 'honey-pot' of data, much more valuable than student data stored in stand-alone units at a student's current school or college.

The creation of a centralised, rich data source, with multiple categories of uses, has a number of significant implications:

- it creates more pressure to collect more and more information about students, not just the information necessary to process and transfer upon changing schools
- it creates more pressure to allow sharing of information beyond the Department to other agencies
- it becomes very attractive to organisations beyond government, such as outsourced service providers, and suppliers of education-related goods and services, but also consumer marketing corporations more generally
- it creates more incentive for unauthorised use and disclosure, including for such purposes as locating people
- it creates more incentive for organised criminals to access the database to create fake identities, or steal real ones

Our concern about unauthorised use and disclosure is not only about the more sinister misuses of the data, such as paedophiles and violent non-custodial parents seeking details about the current home address of children or their estranged spouse.

Our concern also includes the likelihood of mundane yet inappropriate uses of personal information by administrative or teaching staff within teaching facilities, or staff of the Department itself.

The recent case of *MG v Director General, Department of Education and Training* [2004] NSWADTAP 45 provides a case in point: a teacher abused his ability to access student medical records held by his school, and then used the information in his personal capacity as a local soccer coach, for a team unrelated to the school. A centralised database of student records would only exacerbate these risks, no matter how 'secure' the database is in a technological sense.

We understand that a proposal to introduce a similar national student database in Korea was met with a storm of protest, and was abandoned, resulting in the resignation of a senior Minister. There is similar, strong opposition in other countries in which the idea of a centralised student database is being mooted, including the USA. Previous projects that have involved centralised storage of such sensitive data have caused uproar in countries as diverse as Sweden, the United Kingdom and Germany.

The assignment of a unique identifier to each child upon entering kindergarten invites function creep - the incremental addition of opportunistic new uses over time. The student identity number would inevitably be attractive to organisations outside the school environment, in much the same way as drivers' licences are at risk of becoming de facto identity cards for adults. The numbers currently issued to HSC students do not pose this threat as they are not universal (not all students sit the HSC), are single purpose, and time limited.

Not only is function creep intrinsically a threat to the principles of privacy protection embodied by law in NSW, Australia and other countries; it is also the practical source of many of the foreseeable and unforeseeable hazards of unique identifiers, as it undermines adequate initial assessment of long term risks.

In short, unique identifiers and centralised databases place children at risk.

Alternative models – solution must be proportionate to size of the problem

If the problem is delays in transferring records when students transfer between schools, any solution to that problem must be proportionate, necessary and effective.

Some immediate questions about this proposal include:

- Why create a centralised database of all students when only some of them move?
- Will the creation of a centralised database actually resolve the administrative or resourcing reasons behind any delays in the transfer of student records?
- Is the transfer of student data merely an excuse, and not the real purpose behind the proposal to establish a centralised database?

It would appear from the newspaper articles that the primary reason for delays in the transfer of student records is differences in the manner of recording data, and the incompatibility of systems.

One possible solution, which avoids the privacy-invasive development of unique identifiers or a centralised database, is to develop a uniform method of recording the minimum necessary student information at the school level, utilising technology that supports secure transfer, and then simply transfer the relevant 'packet' of student data from one school to the other, when a student moves.

This model, based on sharing data only with the consent of the student or their parent/guardian and only as necessary when a student actually transfers between schools, would be similar to the Department of Education's participation in the Better Service Delivery program, which electronically refers client information between human service agencies in NSW.

Conclusion

The Australian Privacy Foundation appreciates that the newspaper articles only refer to a "proposal", but nonetheless one that is described as having been the subject of discussions for six months. We are concerned about the privacy implications of the proposal, and would request that alternative solutions be considered before taking the proposal any further.

In particular, if this proposal has already been put forward at a meeting with interstate education officials, as was foreshadowed in the articles, we would request that you forward a copy of this letter to those other officials.

If the proposal is being progressed, the Foundation looks forward to contributing in a constructive manner to the public consultation process. In the meantime, we look forward to receiving the requested information about the proposal.

Yours faithfully

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Chair, Australian Privacy Foundation

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About the Australian Privacy Foundation

The Australian Privacy Foundation is the main non-governmental organisation dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues which pose a threat to the freedom and privacy of Australians.

Since 1987 the Australian Privacy Foundation has led the defence of the rights of individuals to control their personal information and to be free of excessive intrusions. For further information about us, and contact details for our Board, see www.privacy.org.au