



privacynsw

Office of the NSW Privacy Commissioner

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Our ref: A08/0490
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Not for Publication

Dear Mr Clarke

I refer to your letter dated 23 September 2008 regarding anonymous travel on public roads and public transport throughout Australia. Following are our current thoughts which we are happy to discuss further with you.

Toll roads

You noted the proliferation of toll roads throughout Australia and in particular, you noted the NSW Government's recently stated intention to remove cash booths from the Sydney Harbour Bridge (the Bridge). You expressed concern that the removal of cash booths on the Bridge will mean that drivers will be required to use electronic tags to travel across the Bridge, thus precluding anonymous travel.

I acknowledge that the phasing out of cash booths on the Bridge by the NSW Roads and Traffic Authority will mean that drivers will be required to identify themselves as they will be required to purchase e-tags for the purpose of travelling south over the Bridge, thus removing the option of anonymous travel for that purpose and negatively impacting on the privacy of those individuals. I also recognise that there is a strong public interest in the improving traffic flow on this, one of the few arterial north/south routes into and out of the city of Sydney and only one of two cross-Harbour roads. As I understand it there have been significant traffic congestion problems on the Harbour Bridge, in part, caused by traffic build up by vehicles using the cash toll booths. While I am supportive of anonymous travel on public roads I am also aware that privacy is merely one consideration amongst many others when it comes to travel on public roads, such as efficient traffic movement. In this case I am of the view that the public interest in improving traffic flow across the Bridge is a paramount consideration. As I understand it, the removal of the cash booths has the potential to significantly improve the flow of traffic and therefore to improve travel time across the Bridge thus positively affecting a large number of people on a daily basis.

From a legal perspective I note that the *Privacy and Personal Information Protection Act 1998* (NSW) does not include an anonymity principle. If the Commonwealth and NSW governments take up the Australian Law Reform Commission recommendation regarding the inclusion of Uniform Privacy Principles into privacy laws across Australia, the PPIP Act will include such a principle¹.

¹ ALRC 108 *For Your Information: Australian Law and Policy*: Recommendation 18-2:

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