



**Australian  
Privacy  
Foundation**

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31 October 2012

Mr M. Crompton  
IIS

Dear Malcolm

**Re: National Trusted Identity Framework**

The APF welcomes the fact that the PM&C has engaged with civil society at an early stage in the process.

On the other hand, there are a number of major concerns about the consultation process, and about the proposition being put forward.

In brief, community organisations were subjected to a drip-feed of documents, which had at least the effect of misleading them as to the nature of the proposal.

The term 'DVS' was not used in the December 2011 document, nor did it appear in the September 2012 document. Yet it suddenly emerged as the centrepiece of the proposal in the final document at the end of October, which was distributed only two business days before the final meeting.

A critical issue has been AGD's exclusion of civil society from consultations about the proposal to extend the DVS scheme. This appears to have lasted a full year, and included the suppression of the PIA Report from July until one business day before the end of the NTIF consultation process. The concern was exacerbated by the assertion at the meeting on 30 October that private sector applications for access to the DVS are due in December 2012, for implementation in June 2013.

We attach a formal Statement of APF's position on the matter, as our closing Submission to PM&C in relation to this phase of the NTIF consultation process.

Thank you for your consideration.

Yours sincerely

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**Australian Privacy Foundation  
National Trusted Identity Framework (NTIF)**

**Statement of 31 October 2012**

The Australian Privacy Foundation (APF) has participated in early-phase discussions in relation to the NTIF, in December 2011 and October 2012.

Attention is drawn to the Notes provided in December 2011, at:  
<http://www.privacy.org.au/Papers/PMC-TrustedId-111221.pdf>

All aspects remain relevant, particularly the enhancements needed to the Principles.

Following the October 2012 round of discussions, APF makes the following further comments about the Consultation Process and the Proposal.

### **The Consultation Process**

We draw attention to the APF's Statement concerning Positive and Negative Indicators of Effective Consultations, at <http://www.privacy.org.au/Papers/PS-Cons-101106.html>.

There have been a number of positive aspects of the process, including:

- that it has occurred
- that it has commenced at an early stage
- that a comprehensive and consistent set of organisations has been engaged
- that open discussion has been facilitated

Several aspects of the process have, however, been seriously problematical.

A meaningful consultation process depends on many factors, importantly including the following:

- **a clear statement is needed of the problem** that the initiative is intended to address.  
Unfortunately, the problems being addressed remained implicit until the final discussion document dated 25 October, which was released after the majority of the discussions had been held, and only two business days before the final meeting. Moreover, the emphasis on the needs of individuals has now been swamped by the interests of business and government.
- **a summary is needed of the key aspects of the proposal.**  
Until the 25 October document was received, the proposal remained vague.  
It was of particular concern that the Indicative Architecture document that was discussed in December 2011, and enhanced by several participants, was not part of the second-round discussions.  
When the final document was distributed two business days before the final meeting, it was finally disclosed to public interest organisations that the intention is to re-purpose personal data collected and held by the public sector, in order to assist the private sector.
- **a comprehensive set of documents is needed**, on which discussion is intended to be based, and which is declared and published to participants at the outset.  
However, instead of all relevant documents being tabled at the beginning of the process, the discussions were undermined by the gradual trickling out of additional documents.  
The last two documents, distributed two and one business days before the last meeting, contained critical information that had been withheld from public interest groups until that time.

## The Proposal

A number of features are very important if the NTIF initiative is to have credibility with the public. It is essential that the government provide clear commitment to the following, as intrinsic parts of the concept, architecture and design:

1. the problem statement, the objectives and hence the solutions proposed, must **embody the perspectives of consumers and citizens**, not just those of corporations and government
2. the primary focus needs to be on the authentication of **attribute assertions, not identity assertions**
3. the scheme must be **people-centric**. In particular:
  - the scheme must enable control by each person of their own identities
  - a key objective must be to generate trust by individuals in the organisations and sites that they deal with
  - the scheme must include design features to achieve that objective
4. the categories of identity whose attributes are within scope must extend beyond people, to encompass **business enterprises, government agencies and associations**
5. **a set of guiding principles** must be enunciated and applied, along the lines of those in IIS's October 2010 'Jerusalem' document, but augmented as per the APF Notes of December 2012
6. **consultation with civil society** must be ongoing throughout the process
7. **formal PIA** must be undertaken, as the architecture, requirements and designs emerge
8. **the meta-principles** must be applied, of justification, proportionality, transparency, mitigation measures, controls and accountability

The proposal fails badly on several of those criteria. In particular:

- the proposal does not provide control by individuals over their data, but is instead designed to advantage business, with the expectation of future advantages for government
- the problem statement, objectives and proposed solutions are almost entirely framed for business, to the near-exclusion of individual interests, especially trust
- the proposal is framed so as to be readily extensible across the private sector
- the primary proposal – extension of the DVS's scope, and provision of access to it by the private sector – involves personal data, which was collected and is held for specific purposes by various government agencies, being used as a basis for matching against data collected by the private sector for their own purposes
- the AGD's DVS project makes clear that the Government intends converting a range of specific-purpose data collections into elements of a national identification scheme. To the extent that the NTIF adopts the DVS extension project in its current authoritarian form, the NTIF will be in breach of most of the key principles on which it is meant to be founded.

## Conclusions

APF expresses the most serious concern about the manner in which the AGD has conducted its DVS extension project.

APF expresses serious concern about the failure of PM&C to disclose critically important information to civil society, with the result that the actual purpose of the current process was not apparent to NGO participants during the meetings of 10 Oct and 16 Oct. Behaviour of this kind is exactly why the public is seriously suspicious about the abuse of personal data by government and business.

Community organisations are, and at the conclusion of the current round of discussions remain, seriously suspicious about the motivations for the NTIF initiative, and its enormous scope for scope creep and function creep. The public image of the NTIF initiative will depend enormously on the nature and shape of the next steps that are taken.