



**Australian  
Privacy  
Foundation**

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

[Secretary@privacy.org.au](mailto:Secretary@privacy.org.au)

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

3 May 2013

Mr B. Morling  
First Assistant Secretary  
Energy Division  
Department of Resources, Energy and Tourism  
51 Allara Street, Canberra  
GPO Box 1564, Canberra ACT 2601

Dear Mr Morling

**Re: Smart Meters**

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

The Asia-Pacific Privacy Commissioners designated 29 April to 3 May as Privacy Awareness Week. I attach the Media Release that APF issued early this week, which explains the ground rules that APF contends apply to potentially privacy-intrusive proposals.

We understand that your agency may be conducting work in relation to smart meters.

Could you please advise whether that is the case.

If so, could you please also advise:

- which public interest advocacy organisations your agency has identified
- what engagement process your agency is using to engage with them

Thank you for your consideration.

Yours sincerely

Roger Clarke  
Chair, Australian Privacy Foundation  
(02) 6288 1472 [Chair@privacy.org.au](mailto: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.

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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](http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html)
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>



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**MEDIA RELEASE**

**28 APRIL 2013**

## **Better Processes to Protect Privacy**

As a contribution to Privacy Awareness Week, the Australian Privacy Foundation (APF) has launched a framework to encourage companies and government agencies to advance their own interests while protecting the privacy and trust of their clients and employees.

"The law only goes so far", said APF Vice-Chair David Vaile, who teaches at UNSW and develops online systems. "People have needs and expectations about their personal information security and privacy that often go beyond the limited protections provided by information privacy laws. Discovering and respecting these expectations usually makes good business sense, and can even offer a competitive advantage, or help fend off reputation risk."

"Technological change continues to make inroads into people's privacy", said APF Vice-Chair Katina Michael, a senior academic in Information Systems and Technology at the University of Wollongong. "There is increasing nervousness about social media sites, location technologies, body-scanners and surveillance drones – and for good reason!"

Organisations that make innovative use of technology, but skimp on designing for privacy and security expectations, can be at considerable risk of data disaster, negative media coverage, public opprobrium or rejection of their initiatives, and hence of negative returns on investment.

APF has drawn on its 25 years of experience promoting the public interest to set out some essential steps for progress that respects privacy. It is launching four documents describing how to do effective Privacy Impact Assessments and consultation, and catch the risks before they hit.

The attached Fact Sheet provides access to further information on the documents.

### **Contacts for this Media Release**

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# Australian Privacy Foundation

## FACT SHEET

### Better Processes to Protect Privacy

The APF has represented and promoted the privacy interests of Australians for a quarter-century, encouraging privacy-sensitive practices in business and government, working for appropriate legal protections, and opposing unjustifiably privacy-intrusive schemes.

Some organisations take a constructive approach to privacy issues, but others do not.

To help both groups benchmark and improve their methods, APF has drawn on its long experience and developed a set of ground rules for good practice, or 'Meta-Principles'. These provide guidance for such processes as designing systems and formulating laws and codes, so that they properly reflect the privacy interests and expectations of Australians. (Unlike legislated 'Privacy Principles', which are about the handling of personal information, these Meta-Principles are about design).

#### 1. **Meta-Principles**

<http://www.privacy.org.au/Papers/PS-MetaP.html>

These Meta-Principles start from the basic requirement that proposals that have the potential to harm privacy must be subjected to a prior evaluation process, which must involve genuine consultation with affected people and advocates for their interests.

Effective consultation about what is often a complex, hard-to-visualise plan relies on the availability of appropriate information. This information makes it possible to examine the justifications offered for any privacy intrusions associated with a proposal, and to test the proportionality of the intrusion.

Where privacy intrusions are shown to be justified, it is essential to devise and implement mitigating measures to limit any damage and help those affected. Finally, to ensure good intentions translate into results, schemes must be subject to controls and audit.

The Meta-Principles are supported by three further documents:

#### 2. **Privacy Impact Assessments (PIA)**

<http://www.privacy.org.au/Papers/PS-PIA.html>

This sets out the features of an effective evaluation process for any potentially privacy-intrusive proposal, commonly referred to as a 'Privacy Impact Assessment' (PIA).

#### 3. **Effective Privacy Consultations**

<http://www.privacy.org.au/Papers/PS-Cons.html>

This explores the consultation aspects of a PIA, and describes how to conduct consultations in order to deliver reliable input about the interests and expectations of the people whose security and privacy are affected by a proposal.

#### 4. **Australian Privacy Charter**

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

The *Australian Privacy Charter* goes beyond mere 'information privacy' or 'data protection', and covers needs, expectations and aspirations that people have of privacy protections generally.

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- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>



## Meta-Principles

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### APF's Meta-Principles for Privacy Protection

APF has worked on a wide variety of issues over more than a quarter-century. Its Policy Statements and its Submissions reflect the following set of ground rules, or meta-principles, which APF submits must be generally applied.

#### 1. Evaluation

All proposals that have the potential to harm privacy must be subjected to prior evaluation against appropriate privacy principles.

#### 2. Consultation

All evaluation processes must feature consultation processes with the affected public and their representative and advocacy organisations.

#### 3. Transparency

Sufficient information must be disclosed in advance to enable meaningful and consultative evaluation processes to take place.

#### 4. Justification

All privacy-intrusive aspects must be demonstrated to be necessary pre-conditions for the achievement of specific positive outcomes.

#### 5. Proportionality

The benefits arising from all privacy-intrusive aspects must be demonstrated to be commensurate with their financial and other costs, and the risks that they give rise to.

#### 6. Mitigation

Where privacy-intrusiveness cannot be avoided, mitigating measures must be conceived, implemented and sustained, in order to minimise the harm caused.

#### 7. Controls

All privacy-intrusive aspects must be subject to controls, to ensure that practices reflect policies and procedures. Breaches must be subject to sanctions, and the sanctions must be applied.

#### 8. Audit

All privacy-intrusive aspects and their associated justification, proportionality, transparency, mitigation measures and controls must be subject to review, periodically and when warranted.

APF thanks its site-sponsor:



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