



9 March 2012

Ms Helen Versey
Victorian Privacy Commissioner

Dear Helen

Re: InfoSheet: 'Biometrics and Privacy'

We refer to our previous correspondence on 19 and 28 October 2011, and congratulate you on the publication of your highly valuable Info Sheet 02.12 on 'Biometrics and Privacy'.

However we believe it can be improved in two important ways that will enhance the effectiveness of your Guidance document:

- **Explanations to and Consultation with Representative and Advocacy Organisations**

In two places within the document, reference is made to the importance of explanations to, and consultation with, individuals (pp. 5 and 8).

Many individuals are represented by agents for their interests, and these are frequently representative and advocacy organisations. We believe that it is very important that Privacy Commissioners explicitly recognise the role that organisations like ours play, and that Privacy Commissioners make clear to proponents of biometric schemes the importance of explanations to and consultations with representative and advocacy organisations as well.

- **The Performance of PIAs**

The section on PIAs (p. 8) uses the appropriate expressions "conduct", "should seriously be considered" and "strongly advised". Yet the heading for that section is only "Suggestions".

Our experience makes clear that proponents of biometric schemes will use the weakness of the word 'Suggestions' as an excuse to avoid performing a PIA. This problem is compounded by the absence from the second sub-section ('Consult with Stakeholder Groups') firstly of a clear statement that consultation is an integral part of a PIA, and secondly of an explicit mention of representative and advocacy organisations as key stakeholders.

We intend drawing your valuable document to the attention of other Australian Privacy Commissioners and urging them to publish something very similar.

We accordingly request the above amendments to the Info Sheet. We attach an annotated version of the document, including some further suggestions for improvements of a more technical nature.

Thank you for your consideration.

Yours sincerely

Cameron Murphy, Chair NSW Council for Civil Liberties
Spencer Zifcak, Chair Liberty Victoria
Michael Cope, Chair Queensland Council for Civil Liberties
Dr Kristine Klugman, Chair Civil Liberties Australia
Dr Roger Clarke, Chair Australian Privacy Foundation