



**Australian
Privacy
Foundation**

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

Secretary@privacy.org.au

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

2 April 2017

Hon. Rita Saffioti MLA BBus
Minister for Transport for Western Australia

Dear Ms Saffioti

Re: SmartRider Scheme Travel Data

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

APF expresses its concern about the SmartRider's scheme's practices in relation to the collection, retention and use of travel data linked to individuals.

The foreground concern is about the protection of people's privacy. But there are of course broader issues relating to trust by people in the organisations that they deal with.

APF appreciates that Western Australia is one of the few jurisdictions left in the civilised world that has no data protection legislation in place.

However, that does not mean that your agency has to operate in a vacuum. There are many sources of guidance available, not least the Australian Privacy Principles and the federal Information Commissioner's Privacy Impact Assessment Guidelines.

APF believes that a (necessarily retrospective) Privacy Impact Assessment needs to be undertaken.

This would of course need to include consultation with representatives of consumers, and with privacy and human rights advocacy organisations. It needs to be based on adequate disclosure of information about the scheme's current design features and practices.

Aspects that APF expects would loom large include public disclosure of the facts of collection, retention, use and disclosure of data; the justification for these features and practices, and especially of those that are particularly privacy-threatening; the very high cost imposed on individuals who wish to travel anonymously; any practical barriers to anonymous reloading of value into cards; the discriminatory provisions that deny concession-holders the ability to travel anonymously; the uses and disclosures of sensitive data; and the safeguards that are applied to the sensitive data that is collected and retained.

APF looks forward to your response to this proposal.

Thank you for your consideration.

Yours sincerely

Kat Lane, Chair
For the Board of the Australian Privacy Foundation
0447 620 694

Kat.Lane@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.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, SubCommittees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, Committees 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 and former Ministers of the Crown.

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