

Submission: Inquiry into the Privacy Amendment (Enhancing Privacy Protection) Bill 2012

**Submission by the National Relay Service to the House Standing
Committee on Social Policy and Legal Affairs**

27 July 2012



A phone solution for people who are deaf or have a hearing or speech impairment

Submission 018

Voice **1800 555 660**

TTY **1800 555 630**

Fax **1800 555 690**

helpdesk@relayservice.com.au

21A Elliott Street, Balmain NSW 2041

www.relayservice.com.au

Summary

The National Relay Service supports the proposed change at Division 2 (credit reporting), subdivision B, 6L, paragraph 3 (lines 11 and 12 of page 63 of the Bill), which state that the definition of an access seeker as someone “who is authorised in writing by the individual to deal with a credit reporting body or credit provider” does not apply “to a person who provides the National Relay Service”.

Introducing the National Relay Service

The National Relay Service [NRS] is a phone solution whereby people who are Deaf or have a hearing or speech impairment can phone anyone at any time for about the cost of a local call [www.relayservice.com.au]. It is a government initiative delivered under contract.

Relevant background

The National Relay Service made a submission to the Australian Law Reform Commission in December 2007 in relation to the Review of the Privacy Act 1988. Since then, we have worked consistently with the Office of the Privacy Commissioner [OPC] and subsequently with the Office of the Australian Information Commission.

The focus of this has been to clarify the role of a relay officer in relation to privacy legislation, particularly credit reporting matters. [For further information about the relay officer, see <http://www.relayservice.com.au/making-a-call/making-a-call-with-little-or-no-speech/is-the-nrs-right-for-me/#2>]. One issue which is frequently reported by NRS users is that certain organisations either refuse to take their call via the NRS, or handle these calls in what appears to be a discriminatory manner, citing credit reporting privacy concerns.

The NRS was heartened to see the Government’s response to ALRC Recommendation 59-3, specifically indicating that the Government noted that the recommendation was ‘not intended to make onerous restrictions on those third parties who are assisting individuals with a credit reporting agency or a credit provider [such as through a translator or the National Relay Service]’. We noted that the ALRC suggested that OPC guidance on third party representatives should make reference to NRS service and the **consensual basis** on which they operate.

Subsequently, the NRS became concerned that the proposed Clause 192 [Meaning of access seeker] of the credit reporting provisions in the exposure draft of the Australian Privacy Amendment Legislation could be interpreted to cover someone in the role of a relay officer. If that were the case, it would imply that the NRS caller would need to provide prior written permission to the credit provider for the relay officer to be on the line because the relay officer would, in fact, be the ‘access seeker’.



An Australian Government Initiative

Make a relay call 24 hours a day

TTY/Voice **133 677**


Speak and Listen [SSR] **1300 555 727**

Emergency TTY **106**

The NRS made a submission noting that this situation would be personally onerous, operationally impractical for the NRS and potentially conflicting. The potential conflict arises because if a relay officer is considered 'an access seeker', it may work against the legislated intent of the NRS – that the Relay Officer is a silent/ hidden/ minor party in the conversation and only relays what is said by either of the two parties. Any need for authorisation of a relay officer could reduce trust in the NRS – and, overall, reduce the NRS's ability to achieve its legislated intent.

In conclusion

The National Relay Service supports the proposed change at Division 2 (credit reporting), subdivision B, 6L, paragraph 3 (lines 11 and 12 of page 63 of the Bill), which state that the definition of an access seeker as someone "who is authorised in writing by the individual to deal with a credit reporting body or credit provider" does not apply "to a person who provides the National Relay Service".

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