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Wednesday, 7 August 2002

The Committee Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA NSW 2601
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Joint Standing Committee on Electoral Matters	
Submission No.	160
Date Received	14/8/02
Secretary	<i>Palm</i>

SUBMISSION - RE MISUSE OF THE ELECTORAL ROLL

I spoke to Christian on 7 August 2001 and he suggested I send a submission to the Committee regarding my concerns and suggestions. I work mainly in records management work, for business and various local state and federal government agencies.

Please find enclosed a letter that refuses to give me a privacy rating on the electoral rolls. I believed I was registered for voting and for government identification purposes, only. I did not complete my electoral form by using the AVO excuse, though after working at Internal Affairs, NSW Police I expect I could give a reasonable reason should I want it recorded at my local electoral division, rather I wanted to see if I could restrict access by other means.

It is not only people with current apprehended violence orders that can be harmed by public release of details, and the right to reasonable privacy should also incorporate those citizens who feel a need for privacy. Australian citizens should have the RIGHT to avoid foreseeable damages by opting out of specific uses of the Electoral Roll.

I am required under law to register and require that this legally enforceable registration and its updates not to be abused by being made available to the public or for purposes other than those I have given informed, uncoerced consent to.

The database should not be accessed by people or the public coming in. Only specially authorized electoral officers should be allowed to access it, thus controlling/containing unauthorized releases, changes or additions and making it easier to then identify who, how and when any breaches occur. Other government agencies could obtain access via written or emailed requests by specifically authorized and identified officers. Mailing lists (name, address and electorate only) could be forwarded to government printers for electoral material address, labels or envelopes to be printed.

An opt-out database should be maintained that respects privacy and can be made available when necessary by any specifically authorized government agency. Who can be provided with information on a need to know, proven basis and with only the minimum of information to suit their purpose to be given out. This database if properly implemented, could actually contain a much wider variety of information, than presently it does, but not before far better security and access restrictions, than is in place now.

In my work I have personally viewed paper and electronic records that the public is unaware agencies and businesses keep on them, or indeed, the carelessness in which a multitude of records are kept in government agencies, big/small business or just community organizations. Records that are unnecessary, often obtained by coercion, accident or misinformation, eg. refusal to provide a service unless excessive, unnecessary data is provided. Some of these organizations have not had privacy requirements placed on them in the past, some may still avoid responsibility until they are, (very rarely) discovered.

People have a right to sell their own data on an informed basis, but government should not be allowed to forcibly require data that is then misused.

I prefer medical researchers to first obtain my informed consent and then only by a specific agency that was currently treating me for a condition. To allow free or careless access to information or identities could create abuse of privacy conditions in future years, especially with future DNA availability and stolen identities rampant. My local hospital uses standover tactics to obtain family maiden names for their database, beyond reason, before medical care is given to my grandson. (His mother and I were born at the hospital with our full family medical histories, including the dead baby brothers DNA test to find an answer for the hospitals lack of diagnosis, available for future misuse, where all past, present, future family bloodlines are concerned). Those medical records can then be left lying around in x-ray waiting rooms, or dark corridors next to the photocopier late of a night with visitors waiting alongside of them and unsupervised by staff, which I personally have witnessed.

The birthdate being on the Electoral Roll, I personally find a problem when various organizations use it for specific identity purposes.

Give your name, address, phone number to an organization (available from white pages) and all that is required in addition is a unique account number (given to mailing houses, thrown in the bin, databased by Australia Post or put on the outside of envelopes, Telstra, Optus, RSSF superfund, Department of Housing, rent account, Energy Australia I have copies of examples of this being done with these organizations, alone) and of course, the date of birth. Using the easily obtained information, I can then access a personal account, have it cancelled, or the itemized calls sent out to a 'new address'.

Bills are often requested as forms of proof of identity by Centrelink, being one of the organizations who also hands out your unique identity number to outside businesses. The Federal Privacy Commissioner received two examples of this, when he was investigating the loss of my identity and account details by Centrelink in 1999, only discovered by a Freedom of Information request by me, when Centrelink kept referring me to Intensive Assistance when I was working.

SUGGESTION

The ideal database allows for selected maneuvering of information, for lists, searches, reports etc. and can also provide specific access restrictions on particular areas of the roll for security.

I believe the Electoral Roll should become more flexible this way. Mailing lists could be sorted and printed via postcode for particular electorates, without any lists of names showing or being accessed by mail houses.

Electors with privacy concerns could have mail sent to an address, without the name printing, or a barcode (no number) showing instead of a name readable only by the Electoral Commission. I personally would like all electors to have a barcode for their registration, so it could be scanned on polling day when registering, along with showing a photo ID.

With the current system, an override command could be placed at the beginning on the system, for all privacy requesters, so that the screen blanks out the record and the system automatically jumps to the next available record. Only those with high grade access could then access any blank screen data. Or else, have two databases with security requested data on its own database, this properly setup could be the makings of an overhaul of the current system, with flexible restrictions according to request.

I would like to implement privacy in other areas of my interaction with organizations in my community, but at the moment it would be a waste of time, while the Electoral Roll, federal, state and locally is still legally so accessible to all and sundry.

These other organizations often quote the ready access to government records as a reason why I shouldn't restrict them. One has to start somewhere, and government should be, the first to value the security of its citizens and the safety of their information.

If someone rings on your phone number and you require them to desist, all it should require is to register the phone number, not state whether it is silent or in white pages and not be required to supply your full name and address details.

If someone mails to your address and you require them to desist, all it should require is to register the address and not be required to give a mail house your name as well.

At the moment to get off listings under the new privacy laws a person has such a depth of information requested from them, as to further breach their privacy, should it all be given and recorded.

When did I EVER give anyone the right to misuse, use, sell, provide or otherwise access my data. Family trees are accessed over the internet using public library information. Information that was provided or created before computers were ever thought of.

People are often not registering to vote, to maintain their right to privacy. This places them in breach of the law and restricts the necessary use of law enforcement agencies to find people when required.

Ask Australian citizens if they would be happy to have their details restricted by the public, most uninformed citizens would say, yes. Those who access private data on a regular basis in their work like I do, would probably insist.

At least allow those who wish to prevent any disasters, the right to do so. At the moment, I have no rights. Do I at least have the right to run a test case through the courts under 'Duty of Care', when I or others suffer a harm from a government decision? Does a legislated right to demand information, void such matters? Does a breach of 'Duty of Care' occur when information is carelessly treated in regard to access? Damage or harm can come in any number of ways, peace of mind, stalking, unwanted disclosures or identity/account theft or misuse.

I personally have had inaccurate recording of data in the past. (Birth certificate, hospital attendance)

I personally have had a federal government agency lose copies of my identity documents, only discovered by accident. (Centrelink)

I personally have been requested to give work or school details on a form to obtain a library card. (Gosford City library)

I have had a multitude of organizations demand my drivers licence number and indeed to retain a photocopy of it. (Clubs, community organizations, Australia Post, video rental). Yet I would be unable to vet their record keeping security arrangements or be unable to verify any accesses, yet they were not accountable under any privacy regulation at the time.

I have had government agencies/departments give out my identity number, name and address etc. that would then allow any unauthorized access to my full file by unknown persons or organizations, not covered by the same government regulations.

I am required to provide my Medicare Card/Health Care Card details everytime I obtain a prescription at varying pharmacies to database, whether the script usage needs recording for overuse purposes or not. How secure are their records from medical cold canvassers on particular ailments or medicine usages?

One week prior to September 11, on a crowded Sydney City Circle train, two foreign men were publicly boasting and discussing their false ID's and one waving Centrelink papers about and bemoaning the fact he had been caught out, because unlike his friend he didn't have a false ID.

NSW Drivers Licence Photo ID's, readily available to anyone who could pay according to a recent current affairs expose and a police raid. These licences are used for identity purposes, to obtain other original ID's, whether through Births, Deaths, Marriages, Centrelink etc. If you have entered the country illegally, and require identity papers, look up the Electoral Roll, identify someone in the right age group and work area, roll along to the post box, rip off some letters, bills, tax papers, get a false photo licence in the persons name and date of birth, stroll along to Births, Deaths & Marriages and obtain an original certificate.

Australia Post currently requests personal account and registration numbers for a variety of organizations, yet they handle, passport, tax, banking and payment details and account numbers for a variety of government and business agencies. They also handle all of your mail to your name and address. Employment selection processes will not necessarily eliminate future criminal activity, caused by threat in this country or overseas. It will not stop greed or stand-over tactics and will not necessarily identify or lessen instinctive survival tendencies for those from previously harsh environments of poverty or drug environments or dictatorships in the 3rd World.

Public service organizations I've worked in have had breaches of security, previously predicted, yet no action was taken. Information given out over the phone without any checking on the identity of a caller. Government records, state and federal accessible by open doors, careless lockup procedures, highly confidential and covert data recorded on easily changeable and accessible systems, which won't necessarily identify the logon of who altered or accessed the data. Blank letterhead and forms left on desks and cupboards after hours, accessible by security, cleaners and/or their children or any late working employee, sight unseen. Original overseas identity documents sent by unregistered post for translation, paid for by cheques with another name, to be sent to an address and yet another name, by or for people unsighted. Uncertain/inaccurate translations, translations of power of attorney papers, later questioned.

If government ensured, all government departments and private businesses etc, restricted record contents to specific purposes, required regular updates on security compliance by personnel, storage, disposal and retention, required requests be made via a specific process and format it would help eliminate imposter requests.

Yours sincerely



Helen Bourke



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*Received 18/6/02
Spencer Paul Shields*

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Helen Christine Bourke
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Dear Mrs Bourke

REJECTION OF APPLICATION FOR REGISTRATION AS A SILENT ELECTOR

I have rejected your application for registration as a silent elector because I am not satisfied, on the basis of the statement made in your statutory declaration, that the inclusion of your address details on the electoral roll would place your personal safety, or the safety of members of your family at risk. *Not reasons I gave, it was about non-necessary access to my details.*

* If you are not satisfied with my decision to reject your application, you may make a request in writing within 28 days of the date of this letter to the Australian Electoral Officer for review of this decision.

Yours sincerely,

P. Shields
Divisional Returning Officer

12 June, 2002