

House of Representatives Standing Committee on Legal and Constitutional Affairs from Australian Civil Liberties Union

1 Privacy Amendment (Private Sector) Bill 2000

The ACLU believes the bill will not adequately deal with access to and corrections to data by citizens on whom data is held, with function creep, with remedies for invasion of privacy, with comment to data being forwarded to agencies, or data banks not connected with the original collection of information, and with the many problems associated with data banks such as ACXIOM and Crime Net.

Acxiom says it would be happy to remove an individual's name, home or particular data base but how do you opt out of it if you don't know you are in?

Companies should be required to disclose to customers if or when they pass on or sell information collected from their customers.

Individuals should have the right to access and then correct information held by data companies which sell consumer profiles.

The Privacy Commissioner should have the final power of arbitration on disputes.

Where misleading or incorrect information about a person is sold by a data seller and it causes a loss to the person, they should have the right of redress.

New laws should deal with information which has already been collected and passed on and provide that citizens should be advised as to what has been passed on.

Some data agencies are likely to be based outside Australia, and data could be sourced from Internet websites and other locations outside the country. This could make regulation particularly hard to administer and make legal redress a more attractive control mechanism.

The arrival of Acxiom underlines the need to reconcile the undoubted business potential of sophisticated data collection with what the community considers to be an acceptable degree of personal privacy.

The Economist has claimed that there is a method of regulation that would allow the economic benefits of copious information to be enjoyed while still defending privacy for those who value it. A promising approach is to require the information-gatherer to gain permission for subsequent use. This idea informs a recent European Union directive on data promotion. Under the directive consumers have to be notified in advance of how a company would like to use their names and of the information that is attached to them. They can say no to such use; if they say yes, they have the right to know where their data have gone.

An ACLU article headed “Kerry Packer, Axiom and Privacy” contained in the 26th edition of the ACLU publication, *Your Rights*, sets out some of the privacy problems associated with data banks and possible safeguards to protect privacy. The article is on the ACLU website <http://go.to/aclu> An article on the website headed “Big Brother Controls” deals with privacy issues generally. Many of the concerns held by the ACLU about data deals will not be addressed by legislation such as the Privacy Amendment Bill.

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