

Senate Standing Committee on Finance and Public Administration

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Human Services and Agencies

Supplementary Budget Estimates 2006-2007, 31 October, 2006

Question: HS37

Outcome 1, Output 1

Topic: Access Card privacy and biometric details

Hansard Page/Written Question on Notice: Written

SENATOR STOTT-DESPOJA asked on 31/10/06:

1. Why is the introduction of the Access Card proceeding before either a review of the adequacy of the national privacy laws, or the national Smartcard framework is finished?
2. Are there any updates on whether the Government will release the privacy advice it commissioned on this proposal?
3. Will data be deleted if someone opts out of having the card?
4. With the prospect of sensitive health information being stored in the 'public' area of the chip, can that information be 'captured' electronically without the permission of cardholders? How can such type of unauthorised 'capture' be prevented?
5. How will the proposed biometric facial recognition technology work if there is a case of identity theft?
6. What is the estimated risk of increasing identity theft if this proposal for increasing 'customer convenience' by pre-populating forms is introduced?
7. Are there any updates on whether facial recognition technology be used to match people photographed on CCTV cameras, to identify them from the centralised database? In what circumstances, if any, will this be allowed?
8. The Australian Taxation Office and a leading criminologist predict that an outcome of introduction of the card will be an increase in identity theft. What is the estimated dollar value of the new identity fraud and identity theft likely to be generated by this project?

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Answer:

1. The Australian Law Reform Commission's inquiry into the extent to which the *Privacy Act 1988* (Cth) and related laws continue to provide an effective framework for the protection of privacy in Australia is due to provide a final report and recommendations to the Australian Government on 31 March 2008. It would not be appropriate for the entire access card project to remain on hold until that time. The Office of Access Card will provide a submission to that inquiry in order to inform the review. On receipt of the Australian Government's response to the recommendations, consideration will be given to adjustments (if any) that are necessary to the access card project. The Office of the Access Card is monitoring the inquiry into the national privacy laws to ensure that it influences and responds to changes in privacy principles.

The initial parts of the Australian Government Smartcard Framework were released on 29 June 2006 at the Australian Smart Card Summit 2006. The second part, the Smartcard Handbook, provides guidance on smartcards and related technology. The Standards and Model Specifications and the Smartcard Implementation Guide are currently in development. The Office of Access Card continues to consult with the Department of Finance so that both projects inform and benefit from experiences of the other during the development of this Framework.

2. The primary privacy advice to the Minister for Human Services and the Australian Government is from the Consumer and Privacy Taskforce led by Professor Allan Fels, AO. The discussion papers, submissions and reports to the Minister and the Australian Government's response are all publicly available at: http://www.accesscard.gov.au/consumer_privacy_task_force.html

In a media release on 7 February 2007 the Minister for Human Services announced that he had asked Professor Fels to undertake a Privacy Impact Assessment on the access card, as it is now proposed to work, before issues around privacy are finally resolved in subsequent legislation.

3. The business requirements for the access card are under development and accordingly there is no definitive response at this time whether a person's records will be deleted if they opt out of having a card, following their registration for the card. However, in developing the business requirements for this situation the Office of Access Card will be taking into account relevant legal obligations under the *Privacy Act 1988* and the *Archives Act 1983*.
4. The chip will contain two separate areas:
 - the card owner's area; and
 - the Commonwealth's area.

In relation to the Commonwealth's area of the chip, the access card legislation allows for PIN protection at the option of the card owner. While the final details of the chip design will depend on the responses of industry to the current request for tender, the Australian Government has clearly specified that information in the chip must be protected using advanced technology such as encryption, PIN protection and secure zones. It can only be accessed via authorised personnel, using authorised readers. The Access Card System must also comply with applicable international and Australian standards to optimise security.

An important element of the security framework will be evaluation, testing and certification by the Defence Signals Directorate — Australia's national authority for information security and signals intelligence.

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These arrangements are in keeping with the obligation on the department under Information Privacy Principle 4 of the *Privacy Act 1988* to ensure that the Register and chip are 'protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse'.

The access card number, photograph and digitised signature will be protected by legislation. Recording that information will be an offence. That information can only be copied and recorded with the written consent of the card owner - or by authorised persons for the purposes of the Act.

5. The biometric photo will be checked on a one-to-many basis. That is, if a second person tries to register with the same personal details but a different photo that will be identified and an investigation into the potential identity theft will be instigated immediately.

This matter will be further informed by the Fels Consumer and Privacy Taskforce consultations on Registration that are due to commence in February 2007.

6. While the registration process is still under development, it is currently proposed that pre-populated forms will not be used in the registration process. In order to obtain robust information, all information will be obtained afresh from each person that registers for the access card.
7. There is no intention of using CCTV.
8. The access card will incorporate a range of features to ensure improvements over the systems in place today, including the proposed biometric facial recognition technology, as set out above.

To prepare this answer it has taken approximately 6 hours and 30 minutes at an estimated cost of \$371.