

**Senate Inquiry – Health and Social Services Access Card
Questions on Notice**

65. How will people identify themselves over the internet to obtain access to their own records, without exposing themselves to identity fraud or theft, if they don't have their own smartcard reader?

The processes by which cardholders will be able to access their information on the Register via the Internet will build on those in place today, namely the use of usernames, passwords and secret questions/answers.

70. Will state and/or federal police forces, or security agencies such as ASIO, have access? In what circumstances?

Nothing in the legislation authorises the police or law enforcement or security agencies to have access to information or data (including a person's biometric photograph) in the Register. Existing Commonwealth legislation such as the *Privacy Act 1988*, the *Crimes Act 1914*, the *Criminal Code Act 1995* and the *Public Service Act 1999* and regulations will apply to information and data in the Register.

It is not intended to disclose information in the Register unless compelled to do so by law (for example, under a search warrant) or unless disclosure is allowed by the *Privacy Act 1988*.

It is the policy intent that the Australian Federal Police (AFP) should have the ability to obtain and use information from the Register and chip of the card under the *Privacy Act 1988* to respond to threat to life/threat of injury situations, disaster victim identification and emergency responses and investigations of missing persons. The *Privacy Act 1988* will also allow the department to provide information from the Register to the AFP where that is reasonably necessary for the enforcement of the criminal law or for the protection of the public revenue.

See the Additional Budget Estimates, Hansard 16/02/07, p21-23 and 25-27 in relation to ASIO and AFP. Also see the Senate Inquiry, Hansard 0703/07 in relation to ASIO and AFP.

71. Outside the DVA and DHS agencies, what other people or organisations will be allowed to conduct or participate in data- matching, data-mining or data-cleansing as against the SCRS?

The access card will conform with existing privacy legislation in relation to data matching and data mining.

73. What prohibition will there be on linking a person's data to data about their family members?

As set out in the Explanatory Memorandum to the Bill, the issue of dependants and linked persons will be dealt with in the next part of the legislative package. Any necessary express prohibitions will be dealt with at that time and will be informed by community consultation and the work of the Consumer and Privacy Taskforce in relation to privacy issues and information protection.

76. What prohibition will there be on linking a person's data to fingerprints, DNA and/or criminal records held by CrimTrac or police forces?

There will be no technology linking the access card Register with these other databases.

The Bill does not allow the Register or chip in an access card to hold fingerprint, DNA or criminal record information (unlike the UK Identity Card Act which requires fingerprint information). Accordingly, such information will not be linked from the Register or card to any external record.

78. What strategy is there to make the people who have authorised access to the SCRS more 'corruption-proof' than existing DHS / DVA staff?

A range of technological safeguards will be put in place to prevent and minimise unauthorised access to the Register.

In addition any staff who are required to access the Register will be required to undergo a security clearance.

Existing laws impose a wide range of sanctions for unauthorised access to information, including criminal prosecution (potentially leading to imprisonment for 2 years under the *Crimes Act 1914* or up to 5 years imprisonment for dishonestly using information under the *Criminal Code Act 1995*). Termination of employment, demotions, reassignment of duties, reductions in salary, fines or a reprimand can be imposed for a breach of the Code of Conduct under the *Public Service Act 1999* or the *Public Service Regulations 1999*.

A breach of the *Privacy Act 1988* can lead to compensation being awarded to a person for loss or damage or a determination that stops the conduct from being repeated or continued. A breach of the *Privacy Act 1988* can also lead to a determination to redress a loss or damage, including by way of an apology.

79. How many staff will be employed to assist people with re-establishing their identity in the event of identity fraud or identity theft, arising from a security breach of the SCRS database?

In the event of identity fraud or theft, a customer would be offered to change their card number, be issued with a new card and their old card would immediately be cancelled. A supervisor's authority to restore the integrity of the stolen identity will also be required as an additional control.

82. Has the Government estimated the costs, benefits and privacy implications of the option of just introducing a single DVA and DHS welfare benefits (but not Medicare) smartcard?

Yes KMPG considered this option, but advised that the costs of just introducing a card to replace all cards except the Medicare card or just the Medicare card, would incur almost the same costs to rollout but with substantially reduced benefits. Also see Hansard of 6 March 2007, page 100.

4. Evidence of fraud

(g) Other than the KPMG report, has the Department sought evidence about the extent of fraud caused by Medicare and Centrelink cards being used by people not entitled to them? (as opposed to data entry errors, failure by the client to notify of income changes, etc).

Medicare Australia and Centrelink have reported or estimate leakage, including fraud, totalling approximately \$1.4 billion in 2004-5.

This represents over 1.6% of program payments administered by Medicare Australia and Centrelink. KPMG, in its business case, concluded that this amount is likely understated based on international experience and the underlying level of leakage could be as much as \$2 billion per annum.