
ACCESS CARD CONSUMER
AND PRIVACY TASKFORCE

— Discussion Paper Number 1: —

THE AUSTRALIAN GOVERNMENT
HEALTH AND SOCIAL SERVICES
ACCESS CARD

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TABLE OF CONTENTS

Part 1—INTRODUCTION AND THE ROLE OF THE CONSUMER AND PRIVACY TASKFORCE	3
Introduction.....	3
The Role of the Consumer and Privacy Taskforce	3
Discussion Paper Number 1—Outline.....	5
Part 2—THE GOVERNMENT’S ARGUMENT FOR THE ACCESS CARD	7
The access card in brief.....	7
The access card in detail	9
Benefits to consumers	9
Improved Government service delivery.....	10
The form of the access card	11
What the access card will NOT be.....	12
Who will need the access card	13
When and how will people get an access card.....	13
Part 3—THE RESPONSE OF THE TASKFORCE AND THE IDENTIFICATION OF CRITICAL ISSUES.....	15
Some initial questions of principle	15
Some initial matters raised for consideration by the Taskforce arising from the Government’s specific proposal to date.....	17
Establishing Benefits to Consumers	17
The voluntary nature of the card.....	18
The architecture of the access card	19
The registration and issuing procedures	20
The need for legislative authorisation.....	21
Function creep.....	22
Using the access card and ensuring data accuracy.....	23
The question of balance	24
Some specific Issues requiring further consideration	25
Issue 1 THE RIGHT OF CHOICE	25
Issue 2 THE RIGHT TO AND PROTECTION OF PRIVACY	26
Issue 3 CUSTOMER BENEFIT AND CUSTOMER CONTROL	28
Issue 4 MAKING THE RIGHT TECHNOLOGY CHOICES.....	30
Issue 5 AUTHORISATION AND ACCOUNTABILITY	31
Part 4—COMMUNITY CONSULTATION AND INPUT.....	33
How to make a submission to the Taskforce	33
APPENDIX 1.....	34
ACCESS CARD AT A GLANCE.....	34

Part 1—INTRODUCTION AND THE ROLE OF THE CONSUMER AND PRIVACY TASKFORCE

Introduction

The Australian Government announced in the Budget Speech 2006 that it is introducing a new access card for use in the administration and payment of a number of health and social services benefits. The Government believes that the access card will improve the delivery of these services to all eligible Australians and is planning for its introduction to be phased in from 2008.

The access card is to be administered by the Office of Access Card within the Australian Government Department of Human Services (DHS). More detailed information about the access card may be obtained from its website at www.humanservices.gov.au. This also includes the publicly released version of the Business Case in support of the access card prepared for the Government by KPMG. The Taskforce does not regard this KPMG report as being definitive for its purposes, nor by drawing attention to it, does the Taskforce imply any endorsement or otherwise of its findings.

While the Government has indicated that it has made a number of decisions about the scope and operation of the access card, or has a preference for certain approaches, there are many critical decisions yet to be made.

The Role of the Consumer and Privacy Taskforce

In order to facilitate a process of community consultation about the issues raised by the Government's access card and to open up additional lines of input to the Government's final decision making, the Minister for Human Services, the Hon Joe Hockey MP, has established the **Access Card Consumer and Privacy Taskforce** (hereinafter "the Taskforce").

The Taskforce is chaired by Professor Allan Fels AO. Professor Fels is the former Chair of the Australian Consumer and Competition Commission and currently Dean of the Australia and New Zealand School of Government.

Professor Fels will be assisted by two Taskforce members who have particular experience and expertise in matters of privacy and consumer rights: Professor Chris Puplick AM (a former New South Wales Senator and Privacy Commissioner) and Mr John Wood (a former Deputy Commonwealth Ombudsman and Director of the Federal Bureau of Consumer Affairs).

Additional members may be appointed to the Taskforce to augment its work and add to its pool of available expertise. The Taskforce will also be drawing upon other specialist assistance from time to time by commissioning the production of papers on various technical matters to assist in its deliberations.

The Taskforce has identified already, and commenced meetings with, a number of community and representative organisations; professional and peak bodies; consumer and privacy advocates and individuals who have some contribution to make to the process of Government decision making.

The Taskforce will travel widely throughout Australia to ensure appropriate inputs to the process of Government decision making are received. The Taskforce members will also be visiting various Medicare, Centrelink and Department of Veteran's Affairs offices around Australia to make first-hand observations of interactions with clients and the operations of benefits systems.

The work of the Taskforce will continue over the period from now until the introduction of the access card, providing independent advice directly to the Minister on a regular basis.

The Taskforce sees itself as having an on-going role which will persist beyond the proposed card implementation process and so expects its consultations to be a similarly on-going process.

Although the Taskforce has a primary responsibility to provide independent advice to Government, it intends to conduct its proceedings in as open and public a fashion as possible. It sees itself as having a clear mandate to reflect to Government the views which are put to it during its community consultation, regardless of whether those views support or oppose the Government's proposal. It will augment any such reporting on community views with its own opinions and advice. It intends not only to respond to specific requests by Government for advice, but to be positive and proactive in offering its own advice to Government whenever it feels that this is appropriate. It will give advice conscious of the Government's implementation programme and especially its timing so that Government decisions can be made with the benefit of that considered advice.

The Taskforce's recommendations will help inform Government decisions about a whole range of relevant matters which go to the structure and operation of the access card. Such matters may include: an assessment of the impact that the access card may have on consumer privacy, acceptable registration procedures including any special needs and exceptions which may need to be considered in the introduction of the access card. The Taskforce will also consider questions about best practices in regards to technology, tender specifications, the possible need for legislation and issues which arise more specifically reflecting community concerns and uncertainties.

In announcing its establishment, the Minister noted that the Taskforce would be appropriately resourced to undertake its proposed consultation strategy and to provide independent advice to Government.

Needless to say, all final decisions will remain with the responsible Minister and the Government.

Discussion Paper Number 1—Outline

This Discussion Paper (Number 1) is intended to outline the decisions already announced by the Government and present its supporting rationale. It goes on to identify some of the issues which are still open for debate. The Discussion Paper should be read as a whole and seen as a first effort to come to grips with as many of the important matters of principle and detail that can be understood at present.

The high level architecture, or the concept for a health and social services access card, was described in the KPMG Business Case and agreed to a certain extent by the Government in announcing its intentions to spend \$1 billion to implement the access card system. Part 2 of this Paper outlines the Government's stated argument for the access card. Its publication, *The Access Card at a Glance*, (which is also available on the Department's website) is included at Appendix 1.

The Government has tendered for a Lead Adviser to direct the implementation of the access card system and one is expected to be appointed by mid-July 2006. This Lead Adviser will undertake a detailed analysis of the business and technical requirements to support the system and advise the Government on the appropriate technological solutions.

The Government has advised that no final decisions on the precise details of the architecture and the implementation of the access card will be taken until the Lead Advisor has been appointed.

To this extent, the Taskforce sees itself as being in a position to give its own independent advice to Government regarding consumer and privacy aspects of the Government's proposal at much the same time as the Lead Adviser. This will mean reporting to the Government on aspects of their proposal regarding the architecture of the access card by October 2006. To facilitate this process, the Taskforce is calling for public submissions on these matters by no later than 27 July 2006.

It is anticipated that this will be the first of several such Discussion Papers. In this Paper some general issues are raised with more specific issues to be canvassed subsequently.

The Taskforce believes that it is important to publish some initial points for discussion as there are a number of decisions which the Government will be taking in the quite immediate future and on which the Taskforce believes it should offer some advice. There will be other matters (eg registration procedures) where decisions will be made at a later

stage and thus more time is available for consultation and advisory processes to be put in place.

It would be unrealistic to expect that the Taskforce has, at this early stage in its operations, necessarily identified, let alone started to consider all of the issues which might arise. To that extent, if people see matters which are not raised in this Discussion Paper, or which they do not think will be addressed adequately by the Taskforce, the Taskforce would appreciate having any such matters drawn to its attention. The expertise which is present both at an individual level and in representative and community organisations needs to be marshalled by the Taskforce which will value any assistance provided in this regard.

Part 2—THE GOVERNMENT’S ARGUMENT FOR THE ACCESS CARD

The access card in brief

This section summarises the Government’s argument for the introduction of a new health and social services access card and outlines the way in which the Government proposes the access card will be structured, issued, used and how it will operate. This section provides highlights of the Government’s proposal which are then presented in greater detail.

Because this section presents an overview of the Government’s proposal, it should not be assumed that the Taskforce itself endorses such positions. In many instances the Taskforce will want to present views to Government which might be at variance with some aspects of the proposal—this is the very purpose for which the Minister has established the Taskforce.

The Government’s argument for a new health and social services access card

The Government believes that:

- the current system for accessing health and social services benefits is complex, and often inconvenient for many Australians, especially those most often in need of such assistance
- significant fraud has been detected in the current system, and mistakes are being made because information is incorrect or out of date
- there is a need for a more user-friendly system that will reduce time spent in filling out forms and waiting in queues, and to provide more efficient and effective options for customers
- such a card could also have uses in emergency situations such as following floods, cyclones or bushfires where people need to access emergency relief but do not have the necessary documents readily accessible.

The form of the access card

The Government is proposing that:

- the access card will be a plastic card incorporating a chip to hold information additional to that which appears on its face or reverse
- on the front there will be the card holder’s name and photograph
- on the reverse there will be the card holder’s number and digital signature
- in the chip there will be other details to help authorised agencies to facilitate the card holder’s access to benefits or entitlements, together with the opportunity for each card

holder to add certain information which they want to have recorded. The chip will hold details of addresses, concessional status, children and other dependents or carers' responsibilities.

What the access card will NOT be

The Government has stated that the access card:

- will not be a national identity card or any version of a national identity card
- will not be compulsory for every Australian
- will not be an electronic health record, that is, it will not contain extensive clinical health information
- whilst there will be no use of biometric finger prints or retinal scans, the card will incorporate other information, specifically a photograph and a digital signature
- will not be compulsory to be carried at all times or to be shown to anyone other than for the provision of Australian Government health and social services benefits
- the creation of the Secure Customer Registration Service (SCRS) will not result in the amalgamation of existing agency databases. The SCRS will be established separately from participating agency databases and will not contain any sensitive agency specific information
- participating agencies will not have access to other agencies' information as a result of the implementation of the access card.

Who will need the card?

The Government has stated that:

- only those Australians who wish to receive certain Government benefits will need to have the access card to obtain those benefits
- the access card will be used to access benefits administered by Department of Human Services (DHS) agencies (including Medicare and Centrelink) and the Department of Veterans' Affairs (DVA).

When and how will people get an access card?

The Government's plans are that:

- commencing in 2008 and running until 2010 there will be a registration programme inviting all Australians to obtain an access card, although some pre-registration facilities may be developed to assist consumers in this process
- people will be able to attend various locations throughout Australia to register for and obtain an access card where they will need to provide proof of their identity by using certain specified documents

The access card in detail

The Government believes that there are two principal reasons for introducing a new health and social services access card: it benefits consumers and it improves Government service delivery.

Benefits to consumers

The Government sees the current system for accessing health and social service benefits as complex and inconvenient for customers. It points out that it is often particularly difficult for the most disadvantaged Australians to access the benefits to which they are entitled. It highlights the fact that Centrelink has some 520 separate forms, many of which seek exactly the same details from applicants and there are some 23 different ways in which Medicare benefits may be claimed.

For Australians dealing with DHS agencies and DVA (collectively “participating agencies”), the Government believes that the access card in general will:

- make it easier to do business with Government by such improvements as pre-populating certain forms (i.e. sending out forms with some of the consumer’s personal details already included on them) and having a single process to register and subsequently update changes of circumstances
- increase the already developing capacity to provide on-line services
- allow faster to access emergency payment and enhance emergency services in areas such as health care.

More specifically, the Government believes that the access card will:

- reduce the number of cards and vouchers required to access various benefits
- provide that a person only needs to register once for an access card, thereby eliminating the need to repeatedly provide the same basic details and identity documents to different health and social services agencies. This will mean less time spent waiting in queues and filling out forms
- eliminate the need to contact multiple agencies to update information—people can change details relevant to all agencies by advising a single agency
- provide quicker and easier access to one-off disaster relief and emergency funds—faster access to payments
- provide a more speedy and efficient method of issuing replacement cards when these are required, especially when cards are lost or stolen
- reduce identity fraud which often does great harm to the recipients of health and social services benefits where they are the victims of identity fraud and the false claiming of benefits to which they are entitled

- allow consumers the choice of including certain information such as emergency contact details, allergies, health alerts, chronic illnesses, childhood immunisation information or organ donor status.

The Government has also indicated that it sees some value in the access card being available to assist with the payment of emergency relief. It has indicated that this may involve a system of direct payments onto the access card which could be used at an ATM to obtain cash payments.

The Government has stated that only authorised persons in the participating agencies will be permitted to access data held on or in the card and in the Secure Customer Registration Service (SCRS). Access by other bodies such as those involved in law enforcement would be possible only if such access is currently specifically authorised in legislation. The Government may put technological arrangements in place to prevent unauthorised access and may consider reviewing existing penalties for unauthorised access.

The Government proposes that 17 existing cards will be replaced by the access card. The cards which are to be consolidated are : the current Medicare card, Medicare Australia Organ Donor Registration card, Medicare Reciprocal Health Care Agreement card, PBS Safety Net Entitlement card, PBS Concession Card, Cleft Lip and Palate card, Centrelink Pensioner Concession card, Centrelink Healthcare card, Centrelink Foster Child Care card, Centrelink Low Income Healthcare card, Centrelink Commonwealth Seniors card, Centrelink Electronic Benefit Transfer, DVA Gold Repatriation Health card, DVA White Repatriation Health card, DVA Repatriation Pharmaceutical Benefits card, War Widow/Widow's Transport Concession card and the Office of Hearing Services voucher.

Improved Government service delivery

- improving the quality and integrity of agency data across participating agencies
- ensuring that data collected and held about an individual is correct—this will be achieved by checking this information at registration
- providing that where the identity of a consumer needs to be established or verified, the use of the card alone will suffice
- streamlining proof of identity processes across participating agencies, consistent with requirements of the Attorney General's Department to ensure the integrity of documents used to establish personal identities
- making the update of information easier and more reliable for customers dealing with participating agencies
- reducing identity fraud and concession abuse related to health and social services benefits.

The Australian Government requires people to provide extensive proof of identity documentation to access social services benefits. The existing arrangements at Centrelink require the production of a Birth Certificate, Passport (or equivalent) or Citizenship Certificate as well as separate identity documents to the value of 100 points. The

Government has noted that it is not required, under present rules, to produce any photographic identity in order to access social security benefits.

The Government has advised that many people are inconvenienced in accessing their benefits because of some fault in the documentation which they have presented. This may result in benefits not being available to them immediately, at least until such time as they are able to locate the relevant documentation required. Where people have to travel reasonable distances to such Government or agency offices, this may be particularly inconvenient.

The Government already pays out around \$92 billion annually for related benefits. It has been estimated by KPMG that a robust access card would help save up to three billion dollars over ten years which is lost as a result of fraud and administrative error. The Government believes that it is not unreasonable in the light of these sums of public money involved – over \$1 trillion over the next 10 years—that it should be able to operate a system which has the highest degree of integrity and the greatest capacity to prevent and detect fraud. Similarly the Government believes that it should be able to control a large expenditure programme by use of proven technology.

The Government has expressed its confidence that the access card addresses many of these issues.

The form of the access card

The Government's has stated that:

- the access card will be a plastic card incorporating a chip to hold information additional to that which appears on its face or reverse. The use of this enhanced technology will improve the integrity and security of the card.
- on the front there will be the card holder's name and photograph
- on the back there will be the card holder's number and a digital signature. It is proposed that the card number will be the consumer's current Medicare number, reformatted to bring the format of the number in line with international standards
- in the chip there will be other details (such as addresses or names of dependents) to help facilitate the card holder's access to benefits together with the opportunity for each card holder to add information which they want to have recorded (see Part 3 – Critical Issues – The Right of Choice).

The Government further states that:

- the access card will not contain any information, other than a photograph and digital signature, which is not already recorded in participating agency databases (personal signatures are already collected and stored on customer files by all agencies)

- the separation of information onto the front and back of the access card will enhance privacy and security protections (see Part 3 – Critical Issues – Right to Privacy and Protection of Privacy)
- the creation of the Secure Customer Registration Service (SCRS) will not result in the amalgamation of existing agency databases as it will be established and maintained separately from the databases administered by each of the participating agencies.
- the SCRS will hold the basic demographic details common to each of the participating agencies (ie required in order to administer Government benefits). In addition to the information proposed to be included on the card, it is proposed that the SCRS will contain the following information—the consumer’s address, date of birth, documentation presented during registration, dependant information, concessional status and a flag for each of the participating agencies with which the consumer has an existing relationship.
- the SCRS will not contain any agency-specific customer information. Furthermore, agencies will not have access to other agencies’ information as a result of the implementation of the access card. It should be noted that certain data matching or data sharing arrangements are currently administered by Government agencies (under existing legislation or services offered to consumers requiring their express consent).
- the once-only update of information is a significant consumer benefit delivered through the establishment of the SCRS. Consumers will only need to advise one agency of a change of demographic details. The SCRS ensures that each participating agency with which the consumer has a relationship will receive the update notification.
- a copy of the photograph which appears on the front of the card will be stored on the chip of the card and also in the SCRS. At registration, the photograph will be also converted to a mathematical algorithm (a purely mathematical expression of the photograph) based on the biometric template to allow comparison to all other photographs held in the system on the SCRS. This is done to ensure that the same consumer has not already been registered and will reduce the occurrences of fraudulent registrations. In addition, holding the photograph in the SCRS will facilitate the creation of replacement cards without requiring the consumer to attend an agency to repeat the registration process.

What the access card will NOT be

The Government has stated explicitly, in relation to the access card that:

- it will not be a national identity card or any version of a national identity card. The Prime Minister and the Attorney General have, on several occasions, specifically rejected the concept of having a national identity card
- it will not be compulsory for every Australian to have one. People who do not need to access benefits administered by participating agencies will not need to have an access

card. Alternatively, consumers in this position may delay obtaining an access card until they need to access Government benefits

- it will not be an electronic health record. There is a limited capacity for the card holder to record some emergency health or medical data on the card, but this will be a voluntary and individual decision and it will not be possible nor desirable, for both policy and technological reasons, for the access card to contain extensive personal health data
- the Government has ruled out the possibility of the access card containing finger prints or retinal scans.
- it will not be compulsory to carry or to show the access card to anyone other than authorised persons for the provision of Australian Government health and social services benefits
- the Government has the option of providing sanctions against any unauthorised organisation or person attempting to demand production of the access card. Such prohibitions and sanctions exist already in relation to both the Medicare number and the Tax File Number (TFN) which are familiar to most Australians.
- any information stored on the SCRS will be accessible only by authorised persons at participating agencies to facilitate benefit payments. The SCRS will not contain any sensitive agency specific information, such as employment history, payments history, health service information or agency specific identifiers. The SCRS will be restricted to being no more than a gateway between the access card and the specific agency customer record which needs to be accessed.

Who will need the access card

The Government has proposed that:

- the access card will be available from 2008 to any Australian over 18 years of age—or at a younger age if needed (for example by younger people living independently and in receipt of benefits)—who registers and is entitled to claim health or social services benefits. For people who are not making any such claims, there will be no necessity for them to have an access card
- once the registration period ends in 2010, people will need an access card to continue to access certain health and social services benefits

When and how will people get an access card

The Government advises that:

- commencing in 2008 and running until 2010 there will be an extensive campaign inviting all Australians who may wish to obtain an access card to register

- people will be able to attend various locations throughout Australia to register for an access card. During the registration period (2008 to 2010) there will be numerous centres, offices, mobile booths and other facilities where people may register
- for a variety of reasons such as geographic isolation, age or infirmity or incarceration, some people will have difficulties in arranging to register and have cards issued. During the period of community consultation, the best methods of addressing these issues will be explored so that a handling strategy can be put in place which will eliminate or minimise any such difficulties
- when people register they will need to provide proof of their identity by presenting certain specified documents to establish this. The Attorney General's Department is working on a new system of document verification which will help improve the integrity of records which are used as the primary sources of establishing personal identity. This work is proceeding in parallel with, and complementary to the implementation of the access card
- for some people, the production of original documents such as birth certificates may be difficult. These issues will be addressed during the community consultation phase now under way
- it is possible that opportunities may be offered to consumers to complete parts of registration requirements via a pre-registration process in order to improve the efficiency with which the national registration process is undertaken
- during the community consultation process there will be an opportunity to explore particular issues which might arise in relation to the registration process and the taking of photographs. The Government acknowledges that people may have concerns about this – those may be based upon privacy considerations, religious beliefs, cultural practices or the impact of disabilities. The Government accepts a need to resolve these issues with minimum impact upon individuals, balanced with the necessity to establish and maintain the integrity of the system
- similarly, during the community consultations, questions such as the difficulties some people may have in keeping their cards secure and producing them when required to access their benefits will be explored
- it is anticipated that cards will need to be renewed every seven to ten years in much the same way as similar cards (such as drivers' licences) need regular updating and replacement
- it is possible that confiscation of access cards may be authorised by law in the event of their systematic or criminal misuse
- there will also need to be a secure system in place to replace cards which have been lost, stolen or accidentally damaged or destroyed. The holding of information in the SCRS, especially items such as the photograph and digital signature, is designed to facilitate this process by not requiring the consumer to undertake a re-registration process. However there are still aspects of the replacement system which need to be determined.

Part 3—THE RESPONSE OF THE TASKFORCE AND THE IDENTIFICATION OF CRITICAL ISSUES

There are a number of critical issues which still need to be debated and resolved through a process of community discussion. These issues must be decided before the access card can be introduced successfully and used with confidence. The Taskforce has been given the responsibility to consult with the community on these and other issues and to advise the Minister for Human Services and the Government of the result of those consultations.

Some initial questions of principle

- *Once a Government has decided that benefits are to be paid, how do we ensure that they are paid only to those with a genuine entitlement?*

The Australian Government commenced paying pensions in 1908 with the passage of the *Invalid and Old Age Pension Act*. Ever since there have been pensions or benefits paid out of public revenues, there has been a need for some form of identification system which ensure that payments are made only to those who are legally entitled to them and that public money is expended only pursuant to law. Some form of identification is required whenever a public benefit is extended to, or a right enjoyed by, some people and not to or by others. For example, electors need to demonstrate some form of identification before they are registered so that only those genuinely eligible to vote are allowed to do so. Similarly, passports are issued only after applicants have provided proof that they are entitled to Australian travel documents and the associated protections.

As such, it is self-evident that there needs to be some form of identification to provide a basis for the proper administration of Government payments to individuals. The Medicare card itself was introduced as part of the process by which a new scheme for administering the payments for medical services was introduced.

Given that a card appears to be the most simple and familiar means of establishing entitlement for the payment of Government benefits, the questions becomes what sort of card should be introduced, what data should it contain and how should its use be controlled. These are issues for the Taskforce to consider.

- *A national identity card?*

A national identity card system would include the aspects of its being compulsory, producible on demand by certain authorities, a requirement for people to carry it at all times, its linkage with a unique identifying number and the fact that it is the sole form of identification recognised by Government authorities.

The debate about national identity cards in Australia is one with long historical antecedents. Compulsory forms of national identification have been used in wartime, and Australians were registered under the *National Security Act 1939* and the *National Registration Act 1939* and were given a basic identity card under the 1947 National Security (Manpower) Regulations to control aspects of post-war rationing.

However in peacetime their use has not commended itself to the Australian people. A recommendation from the Royal Commission of Inquiry into Drug Trafficking (Stewart Royal Commission 1980–1983) which urged the introduction of a voluntary national identity card was never taken up by Government.

Nevertheless, in September 1985 in a statement by the then Treasurer on *Reform of the Australian Taxation System* the idea of a national identity card, to be known as the Australia Card was proposed. The Australia Card was initially proposed for purposes related to taxation, welfare fraud and immigration control (and was to be administered by the former Health Insurance Commission) but grew subsequently to incorporate many other potential uses. This proposal was eventually withdrawn.

Since the lapsing of the Australia Card proposal there has been little further debate about national identity cards until the events of September 11, 2001 and the subsequent terrorist outrages of the Bali bombings and the attacks on the public transport systems in Madrid and London. In this new environment, the Australian Government indicated that it was reviewing the possibility of introducing such a system and in January 2006, the Attorney General canvassed the idea of appointing a retired judge or similar figure to review the case for such a move. After further consideration by the Government, a subsequent announcement was made by the Attorney General in April 2006 that the Government had rejected the idea of having any form of national identity card. This position was restated by both the Attorney General and particularly by the Prime Minister on a number of occasions, including during the announcement of the Government's intention to implement the access card system.

In contrast to developments in the United Kingdom—with the recent passage of the *Identity Cards Act 2006*—the idea of having a national identity card has been clearly ruled out by the Australian Government and, according to public opinion polls, is not supported by the Australian people either. It becomes important to ensure that the health and social services access card does not become, now, or in the future, a national identity card by any other name.

There are various ways in which this can be done. There can be legislation passed which prohibits such a development, although legislation can always be changed by future parliaments, but only in the full glare of public scrutiny and knowledge. Such legislation could also be used to prevent the growth of demand for production of the access card in other than authorised situations.

Indeed, to become an effective national identity card, certain active steps, such as the introduction of legislation or administrative procedures expanding the access card's usage

would need to be undertaken by Government. Such steps would be open to public scrutiny and parliamentary attention.

An important example, which is worth bearing in mind, is the history of the United States Social Security Number (SSN), which—over a period of time since its introduction in 1938 and usually without public debate or Congressional approval—grew from being a mere social security identifier into a multi-purpose identifier used well beyond anything for which it was intended originally.

In the course of its deliberations, the Taskforce will be seeking public input to this critical question which goes to the heart of the issue of whether this is “a national identity card by any other name” as claimed by some current opponents of the proposal.

- *What are the best administrative, legislative or technological guarantees which can be put in place to prevent this from happening?*

Apart from seeking this advice in its community consultation activities, the Taskforce will be drawing upon the technical expertise of independent advisors, as foreshadowed in Part 1—Introduction, to address these questions, especially those related the technological capacity or limitations of the card architecture itself.

Some initial matters raised for consideration by the Taskforce arising from the Government’s specific proposal to date

Before proceeding to a discussion of some of the critical issues of principle, the Taskforce needs to comment on some specific aspects of the Government’s access card which need to be raised at the earliest opportunity for consideration. In raising these matters, it is not to be assumed that the Taskforce has yet developed any position regarding them—indeed it specifically has not. These are, however, matters which are of interest and which, in many instances, have been raised already in the public debate since the Government announced plans to implement the access card in the 2006 Budget.

Establishing Benefits to Consumers

The Government states that its access card places the highest priority on providing benefits to consumers by upgrading the level of services which they receive as a result of introducing improvements in technology.

There is no doubt that the introduction of the access card represents a significant change in the way in which people will interface with participating agencies. They will be required to have a photograph taken and provide a sample signature once, both of which will be stored digitally, in order to receive what is anticipated will be a higher level of service with more guarantees against fraud. The Government acknowledges that this is a matter of judgement and balance.

As a matter of principle, the Taskforce believes that public policy should be directed at all times to outcomes which enhance customer benefit and control. Ideally there should be benefit for both customers in terms of convenience and the Government in protecting the public revenue.

It is not part of either the terms of reference, or the expertise of the Taskforce, to comment upon the analysis presented by Government and its other advisers about either the cost of establishing the proposed scheme, or the financial benefits or savings to revenue which are expected to accrue.

However where the Government claims that the access card will benefit consumers, then this is a matter to be tested. The question of exactly how consumers will benefit needs to be addressed, and in this respect the Taskforce expects its views to be largely shaped by the submissions which it receives from consumer and advocacy groups and from individuals. It may well be that the difficulties and inconvenience which people currently experience in accessing benefits have been over-stated, or indeed under-stated.

In this regard, the Taskforce will itself be visiting a number of Medicare, Centrelink and DVA offices to observe some of these matters for itself.

A feature of the access card which needs to be explored is the extent to which its use or operation positively enhances consumer control over their own affairs. In some instances this control will be limited (e.g. the need to provide the card to obtain specified benefits) while in others there is potential for the use of the card to extend consumer control (e.g. by listing emergency health or contact numbers). Consumers may wish to use the access card in ways which are not contemplated in the Government's proposals, and the extent to which they should be free to do so needs exploration. Genuine consumer choice implies that individuals should be free to choose to use their access cards in ways which might suit their particular circumstances, and provided that this is a free choice on their part and not subject to coercion by third parties, they should be free to do so.

Arising from this will be the questions of the extent to which any of these matters should be covered by possible legislative authorisation or prohibition.

The voluntary nature of the card

It is true to say that obtaining the card will be voluntary and that some people will not need to have a card because they may not readily access any of the benefits associated with it. However, most Australians are eligible for Medicare, so even those who do not make regular use of Medicare services are likely to find that at some time in their lives, for example when they start a family or when they reach a certain age or degree of infirmity, they will need to access Medicare. To do so they will need an access card.

To this extent, the Taskforce recognises that, at some stage, almost every Australian is likely to need an access card and as such to become a person registered in the Secure Customer Registration Service.

The architecture of the access card

There are a significant number of decisions which are still to be made about the precise design and operation of the access card and the role of the Taskforce is to help shape Government thinking on these.

All of the data which the Government is proposing will be contained on, or in the access card itself or in the SCRS, is already contained in the various files and records of the participating agencies, with two exceptions. These are the photographs and digital signatures of card-holders. To the extent that this is new and additional information being collected and stored by Government and is sensitive personal data which may represent a risk to privacy, then a robust case for its collection must be made out.

The Taskforce appreciates that the collection of photographs of what will become in time, the vast majority of the Australian population in the SCRS may be a contentious issue. Particular concerns have been raised about the match of SCRS photographs with records generated by closed circuit television systems (CCTV). As a result the system must be one in which physical security of the system is given the highest priority and that unlawful use is prevented or, detected swiftly and punished severely. The Taskforce will be addressing this issue as one of its most central concerns.

After due consideration of all issues arising in relation to privacy protection, if the Government decides that it should proceed with the collection of this data, then there must be very clear rules established to minimise any potential reduction in personal privacy arising from this decision and there must be the highest levels of security in place to guard against its misuse, either in the present or in relation to possible future technological developments which might impact upon it.

There are some ownership questions to be resolved, such as those related to the issue, control and regulation of the use of approved card readers, and the level of the involvement of the private sector in this part of the system's architecture will need careful consideration.

The science of biometrics is relatively new, and Australians have only quite recently been exposed to its operation in areas such as the introduction of new passports bearing biometric identification or the use of biometrics for entry to certain premises. Although the biometric content of the proposed access card is only a part of its architecture, any new technology should only be introduced and promoted with a clear public debate and understanding of both its operations and its potentiality.

This is an area in which certain balances must be struck. If an access card system is to be in operation then all Australians have an interest in ensuring that it is a system which has genuine integrity, is as secure as possible and which provides maximum flexibility and benefit to them as consumers. For example, it is clear that the replacement of lost, stolen or damaged access cards would be much easier were biometric identification held in the SCRS. On the other hand, consumers might have more confidence in a system which is less convenient. Such a balance will only be struck if there is genuine community consultation and input to Government, and it is one of the roles of the Taskforce to facilitate this.

The registration and issuing procedures

It will be a mammoth job to register and issue access cards to all those Australians who are eligible or who wish to receive them, akin in some respects to the conduct of our regular National Census or the registration of eligible electors—but requiring a far higher degree of integrity. It will also require a greater degree of active participation by individuals who must attend at prescribed places to register and subsequently be issued with cards.

There will be many issues which arise in this area of the Government's proposals, although these in turn will depend on decisions made about the final architecture of the access card.

There are several obvious questions which arise:

- *How will the system deal with the problems of the vast distances and the geographic isolation of many of our people?*
- *How will the system deal with people who have religious or cultural objections to having a photographic record made of themselves or who, for health and/or physical reasons (e.g. certain disabilities), will be difficult to photograph with accuracy?*
- *Will the Government be in a position to provide positive and pro-active assistance to people who will need this in order to fulfil registration requirements?*
- *How will the system deal with Australians who are resident overseas but who are eligible for, or indeed in receipt of, related benefits?*
- *How will people be able to establish their identity with sufficient integrity for the purposes of the access card if, for whatever reasons, they are unable to provide key primary identification documents such as birth certificates?*
- *How will the system deal with those individuals who regularly lose their access cards and who may, in the past, have relied upon the fact that they had more than one card available to establish their entitlements? This may be a particular problem among homeless people, itinerants and in some remote indigenous communities which have relied upon their documentation being held by people other than themselves.*
- *How can registration difficulties or procedures be minimised by making use of existing systems to establish a 'known customer' model whereby the identity of the individual in question has been established already to a required degree of satisfaction (for example, if the individual already holds a new Australian biometric*

passport). However this then raises a threshold question as to whether this should be allowed at all (ie would this result in the integrity of the system being reduced) or might this require inappropriate linkages of other databases?

The Taskforce has no doubt that there will be many other questions arising in relation to the registration and issuing procedures which will emerge during the course of community consultations.

The need for legislative authorisation

A certain level of public trust in Government is the glue which holds free and democratic societies together. When that trust is weakened or lost, then social cohesion and harmony become impossible to maintain. The level of trust itself is dependent upon many other conditions and arrangements. It cannot be denied that people are more trusting of Government and its operations when those operations are open and transparent, result from public discussion and consensus about issues and are guaranteed and enforceable through the legal system, itself based upon a genuinely independent judiciary.

As is noted below (see “The right to and protection of Privacy”) there are already various statutes in place which seek to guarantee the right to privacy and which establish independent mechanisms for the enforcement of those rights and the resolution of disputes. These statutes are both general (such as the *Privacy Act*) or may be more specific (eg relating to the use of the Medicare number or Tax File Number (TFN)). There are also legislative controls on data-matching and the exchange of data between Governments and Government agencies. In other words, previous privacy protection measures have been expressed in statutory form. The Government has not indicated that its proposal will result in any weakening or compromising of those existing arrangements.

The Government’s proposal however clearly introduces some new elements into our health and social services systems, some of which are not yet clearly understood or appreciated in all their ramifications.

It is important to determine the extent to which, if at all, the operation of the new access card system should be established by way of legislation, making clear the permitted and prohibited uses. Legislation can be beneficial to the extent that it involves public debate and transparency. On one hand, it may also be the most appropriate way in which penalties can be established and enforced. On the other hand a legislative scheme may have unforeseen consequences. For example, it may lack the flexibility and timeliness which may be necessary for such a new system to operate with the greatest degree of efficiency or be able to cope with future consumer demands or usages. The system design should not, unnecessarily, prevent uses of the card which would benefit consumers.

This is clearly a key issue for public consideration and a matter to which the Taskforce will be giving particular attention.

Function creep

Function creep refers to the way in which new systems, which are introduced for one specific or stated purpose, evolve or morph over time to serve quite different purposes and usages.

For example, driver's licences were originally introduced to do nothing more than to indicate that a certain person was permitted to be in control of a certain type of motor vehicle—nothing more. Today the driver's licence has evolved into something entirely different and is used for a variety of purposes which have nothing to do with motor vehicles. In many cases, it has assumed incrementally many of the characteristics of a comprehensive identity card.

Similarly the cash transactions reporting system has been expanded to cover a far greater range of financial transactions than was originally intended.

Great care will need to be taken to specify the exact purposes for which the access card is to be introduced, but equally to specify the purposes for which it cannot be used. In between the poles of express usage and express prohibition lies a grey zone. Excessive rules about prohibited uses may, for example, limit rather than expand consumer control over the access card's usage. How desirable this might be and the methods by which such issues should be regulated is another of the open questions before the Taskforce.

Although the Secure Customer Registration Service will be established separate from the databases administered by participating agencies, its existence may place greater pressures on Government to expand data-matching exercises. Either such activities must be prohibited, or else clear rules must be established to address this issue.

Similarly issues will arise in time as other cards come into use. There may be, for example, cards related to electronic health records or child care services and there are already a range of entitlement cards issued by State and Territory Governments. It is likely that demands will be made by consumers in the name of convenience for all of these to be linked. The federal, state and territory Governments need to be clear and open with the public about how they will address such matters.

Other third parties, such as doctors, pharmacists, health researchers, child protection authorities and others may also seek to make cases that additional usages or access rights would enhance the welfare of individuals and the community. Again, there needs to be an open and transparent method of dealing with such access requests.

In determining questions about the architecture and functionality of the new access card the Government will need to make a certain number of decisions, some of which may be irrevocable.

A decision made now about the technology which would physically prevent any such further developments for many years may, or may not, be sound public policy. In the first instance there may be genuine customer demand for new functions to be added. Some of these may relate to the activities of the participating agencies themselves, for example access to details of an individual's own Medicare safety net entitlements, or they may relate to other departments or agencies. The question here is whether consumer demand may drive function creep.

Secondly, there may be additional benefits which might be available or provided in areas not previously contemplated where the use of the access card would be the most efficient approach available.

The issue is not whether additional functions could develop for the access card, but the means by which any such additional functions should be considered and decided: by stealth, by incremental function creep or by a process of open and public debate.

Clearly this is another issue of interest to the Taskforce.

Using the access card and ensuring data accuracy

Few areas will be of greater interest to the community than the question of who will be able to access the personal data held about them, which is somehow connected to the operations of the new access card.

As a result, there will be few areas in which it will be more important for the Government to state with absolute clarity, consistent with the Information Privacy Principles, in relation to the access card itself and the Secure Customer Registration Service, exactly :

- who will have access to the data on the SCRS
- how the system will ensure that SCRS data is accessed only for authorised purposes
- how the system will detect unauthorised access or misuse
- what penalties will be imposed for unauthorised access or use
- how the SCRS will be kept secure especially from misuse, from hackers and from unauthorised usage and personnel
- whether and how individuals will be easily able to check their own data held in the SCRS
- whether individuals will have the right to know who has accessed their data, and if so, how will they be able to find out
- whether individuals will have a right of redress in the event of the unauthorised access, use or disclosure of their personal data
- who will monitor this whole system and will they be sufficiently independent of Government
- how the system will ensure that data is accurate when it is entered for the first time and what procedures will be in place to ensure that the data is kept up to date and accurate.

It would be unrealistic not to recognise that law enforcement and national security services may have cause to seek authorised access to the SCRS including its biometric components. However, if there is to be public support for and trust in the new access card system, then those rights of access must be clearly stated pursuant to statute and subject to independent oversight. This is clearly already the case as far as federal law enforcement and national security services are concerned—they operate under their respective statutes and they are subject to independent monitoring. The Taskforce understands that there are no proposals being considered by the Government to vary any of the procedures which are now in place to deal with any such requests that may be made.

The question of balance

Any new system such as the health and social services access card changes existing ways of doing things and alters established balances between customers and service providers. In all these circumstances there remains a clear need for competing interests such as those which may exist between privacy protection and Government efficiency, or between consumer autonomy and Government accountability to be recognised, debated and resolved.

On several occasions the Taskforce has mentioned that the Attorney General's Department is working on the development of a new document verification system. The document verification system and the access card are being developed for different purposes. However, there is great benefit to the Australian community in being able to establish questions of personal identity with the highest degree of certainty.

It must be recognised that any high level document verification system may make it particularly difficult for the most disadvantaged in our community (e.g. indigenous people, immigrants from certain countries, the homeless etc) to have their documents (if indeed they hold any) meet the tests for verification being established. Very often the provenance or physical condition of the documentation which they have in their possession will be less than optimal. Since the purpose of the access card is to improve people's ability to obtain the benefits to which they are entitled, care must be taken to balance the need for identity verification at the highest level with the possibility that this could exclude access by those most in need. This again is a matter which the Taskforce will take care to examine.

Through the process of community consultation that is the challenge which now faces the Taskforce.

Some specific Issues requiring further consideration

In addition to the matters which the Taskforce has identified above, there are also a number of quite critical issues which the Taskforce will need to explore in greater detail in its community consultations. These issues go to broader principles than just questions about the details of the access card so far advanced by the Government.

Issue 1 THE RIGHT OF CHOICE

The Government has decided that as from 2010 people will be able to obtain Australian Government health and social service benefits only upon production of the access card, which will replace the existing Medicare card and the requirement to produce original proof of identity documents in order to claim social services benefits.

The Government has claimed that obtaining an access card will not be compulsory and indeed many people may not need to have an access card, or may only need to have one for a limited period during their lives. The Taskforce has already raised this proposition as an issue. However, people who wish to receive certain tax-payer funded benefits will need to have an access card to obtain those.

This is similar to the current situation in which people receiving a variety of health and social service benefits need to have some form of card or original identity documents which enables them to access that benefit.

The access card will relate to benefits or concessions which are administered by the Departments of Human Services (in particular Medicare and Centrelink) and Veterans' Affairs. For Australians who have a Medicare Card but do not receive any other benefits, the access card will be effectively a substitute.

However for Australians who receive or are eligible for more than one benefit and have separate cards for each, the access card will replace this multiplicity of cards with just one. The Government believes that this will result in greater simplicity and convenience in people's dealings with participating agencies and will eliminate the need to produce other identity documentation.

The Taskforce will be seeking information from Government to clarify the circumstances where the cards being replaced serve additional purposes (e.g. to allow the card-holder to access third party concessions such as discounted tickets for public transport). The Taskforce will seek to clarify that existing concession card holders will not be disadvantaged in this regard following the introduction of the access card.

The chip on the card will allow card holders to have certain information about themselves recorded in the card which they may think will be of benefit to them in an emergency situation.

For example, card holders may want to record emergency data such as the name of their doctor, their next of kin, their blood type, organ donor status, prescription drug alerts or their allergies which may assist in providing them with appropriate emergency treatment. The utility of this option is, of course, limited by the availability of an authorised reading machine and the ability for emergency workers to access the card.

At least two issues arise here. The first is the question of how to guarantee the integrity, accuracy and currency of the data which individuals wish to have placed about themselves on the card. The second is that, in order for such data to be useful in emergency situations, especially where a person may be unconscious, the data would need to be stored in the open zone of the card. This zone is accessible by people who have approved readers—but that is not restricted to emergency or health workers, it includes various Departmental officers. They would thus theoretically be able to access or view this sensitive personal health data. There may be a technological solution to this dilemma: for example with emergency personnel having card readers capable of overriding any PIN-protected data. While the decision about whether such personal data should be in the open or closed zone of the card lies with the card holder themselves, they may not be fully appreciative of the privacy consequences of their own decisions.

Some Right of Choice Questions:

- *Noting that the Government has decided that Australian Government health and social services benefits will be paid only on production of the access card and that the consumers' right to authenticate their identity by other means may be removed, is this consistent with the required observation of the relevant Information Privacy Principles? Should people continue to be eligible to receive such benefits by establishing their identity by other means?*
- *Should people be able to obtain an access card for only limited periods of time and have the right to be removed from the relevant databases when they have completed a particular set of transactions with the agencies in question?*
- *Should there be any particular rules or limitations about the data which card holders may voluntarily chose to have recorded in the chip?*
- *Since some of this data may be health-sensitive or for use in emergency situations it will be important to ensure that this data is correct at the time of its listing and is kept up to date—how is this to be achieved?*

Issue 2 THE RIGHT TO AND PROTECTION OF PRIVACY

The Australian Government has said that it sets the highest priority on the introduction of the access card in a way which not only protects people's privacy, but which uses technology which actually may enhance it.

There are a number of Commonwealth statutes which provide for privacy protection. These include the *Privacy Act 1998* which contains eleven Information Privacy Principles which are binding on most Government agencies and the *Data-matching Program (Assistance and Tax) Act 1990* which empowers the Privacy Commissioner to regulate the way data is matched across Government departments in line with those principles. A similar power is contained in section 135AA of the *National Health Act 1953* by which the Privacy Commissioner is empowered to issue binding guidelines to prohibit the compiling in a single data base of Medicare and pharmaceutical claims information and to keep entitlement databases and claims databases separate.

The access card will operate in ways which are entirely subject to the requirements of these legislative provisions. (Details of the Information Privacy Principles may be accessed at www.privacy.gov.au/publications/ipps.html) In addition, many Government departments and agencies have their own specific privacy, secrecy or confidentiality requirements written into legislation or governed by administrative practice. Finally there are specific protections in legislation to guard against the misuse of existing numbers assigned to individuals such as their Medicare number or Tax File Number.

Both the Privacy Commissioner and the Commonwealth Ombudsman have important roles to play in securing privacy protection for individual Australians, whilst other statutory officers, such as the Inspector General of Intelligence and Security, are charged with oversight of the operations of national security agencies.

The Australian Law Reform Commission (ALRC) currently is conducting an inquiry into the operations of the *Privacy Act* and will be making recommendations to Government. This is a wide ranging enquiry which will attempt to cover the whole field of privacy and will be comprehensive in its scope. Its final report is due by March 2008, although it is understood that the Commission will be releasing both an Issues Paper and a Discussion Paper during the course of the next twelve months. Its reporting date of March 2008 means that it is unlikely that any of its recommendations can be incorporated into the planning for the new access card which the Government proposes to start issuing at the beginning of 2008.

The Taskforce will keep itself informed of the progress of the ALRC relating to this review to ensure that its thinking helps inform the recommendations of the Taskforce in relation to the system design for the access card.

There are many decisions yet to be made regarding the specific technology which will support the access card (see below) but the Government has indicated that it will be striving to select those technologies which are most protective or enhancing of personal privacy.

The access card will allow people claiming benefits to be recognised by the participating agencies by checking the information on their card. However, access to sensitive agency specific information will occur only within the agency responsible for administering that

particular benefit. For example, it will not be possible to obtain sensitive personal data which has been recorded, as part of a person's Medicare record, when they present their access card for Centrelink purposes.

Some Right to Privacy Questions:

- *What are the fundamental privacy issues which arise in relation to the proposed access card and would the application of the Information Privacy Principles be a sufficient guarantee that they have been addressed?*
- *Are there special and additional matters to be considered given that the access card will involve the collection and storage of biometric information?*
- *What role should the Privacy Commissioner play in relation to the operations of the access card, and would this role be any different from the role played already in relation to the cards which the access card is proposed to replace?*
- *Similarly, what role, or enhanced role should be played by the Commonwealth Ombudsman?*
- *Should there be a specific body created to oversight all the operations of the access card, including privacy and should this body be sufficiently independent from Government?*
- *Are the existing legislative provisions relating to personal privacy adequate in the light of the access card proposal (both the principles and the proposed technology) or do they require amendment?*
- *How should the on-going operations of the access card be measured against best privacy protection practices and observation of the Information Privacy Principles?*
- *Are there specific classes of people (e.g. people with certain disabilities or religious beliefs) who should be allowed to have some variation in the nature of the access card which they have? If so, what variation would be appropriate?*
- *How can Australians be confident that new databases are not being created or new linkages created without their knowledge and consent?*

Issue 3 CUSTOMER BENEFIT AND CUSTOMER CONTROL

The Government believes that the health and social services access card will make it easier for it to deliver services and prevent fraud against the taxpayers of Australia, the principal beneficiaries of the access card being those Australians who are using them.

Clearly it is of the utmost benefit to consumers that they are able to access their entitlements in as efficient and timely way as practicable while being protected from identity fraud and loss of income.

In the first instance, Australians holding multiple cards at present will be able to access all their eligibilities and benefits from the one card.

Similarly, it is proposed that when personal details (such as change of address, or family circumstances) change, card holders will be able to have these changed in the SCRS and this will translate across all the agencies with which they have an established relationship. There will need to be only one such transaction. This transaction will, however, not create new records in agencies with whom the individual has no current relationship. Again, the Government believes that this will help eliminate the frustrations which people often encounter when being asked to provide the same details on multiple occasions to different agencies or departments.

The Government believes that the access card, especially as more transactions come to be conducted on-line, will speed up the provision of services and access to benefits. In emergency situations—for example accidents or natural disasters such as cyclones—delivery of assistance or relief may be enhanced by use of the access card.

Fraud against the health and social services systems, both by providers and by recipients, is recognised as a serious issue. The losses sustained by this fraud are losses suffered by all Australians and their reduction or elimination is a key secondary driver for the implementation of the access card.

Given that the access card will allow easier access to a range of benefits, it is important that the cards be issued only to the people who are genuinely entitled to receive them. This will be done through a registration process which will require the production of certain identity documentation to conclusively establish a person's true identity. The Attorney General's Department is taking the lead in developing an enhanced Document Verification Service which may facilitate this. Such initiatives will help deal with the increasing problem of "identity fraud" in which one person masquerades as another in an illegal and improper fashion. This often does great harm to the innocent party, for example by accessing their bank accounts or damaging their credit status. However the Taskforce has noted above the potential difficulties for some of the most marginalised customers of the health and social services systems in meeting the potentially stringent demands of the developing document verification service.

Some Customer Benefit Questions:

- *Does the proposed new access card genuinely enhance service to customer?*
- *Does the proposed new access card genuinely enhance the right of customer choice and customer control in relation their own affairs?*
- *If there is only one card required, and that card is lost, stolen or destroyed, how can the card holder ensure there is a rapid replacement and no denial of proper benefits and that their benefits are not accessed by some other person in the interim period?*
- *Will the arrangements for establishing proof of identity for the issue of the access card in the first instance be of sufficient integrity while at the same time not being unduly burdensome for the vast majority of Australians?*
- *What special measures may need to be adopted if primary documents such as birth certificates are not available? In many cases these documents may have*

been lost or destroyed, or primary records may be held overseas and difficult to access.

Issue 4 MAKING THE RIGHT TECHNOLOGY CHOICES

The Australian Government recognises that the choice of particular technological solution will have a profound impact upon eventual outcomes. As such, making the right decisions about the technology has to be done at the earliest stage.

As private sector (especially financial) service providers update their technology it would not be responsible for the public sector to be left behind using legacy systems. This is a particular issue to bear in mind when assessing the consumer benefits which may accrue when the outdated magnetic strip Medicare card is replaced with new technologies. The option of not adopting the latest technology may be no option at all.

Technology may be either privacy-enhancing or privacy-threatening. Similarly it may be customer friendly or unfriendly. This is one area in which most critical decisions are still to be made, and so public consultation and input has a vital role to play here.

At present, the regular photocopying of driver's licences (for example in stores or banks) provides a record which links the consumers name with their photograph, licence number, date of birth, imposed conditions and address, all in one operation. This opens numerous avenues for misuse and fraud.

The Government has announced one decision about the structure of the proposed card which it believes is privacy-enhancing. By having the card holders' name and photograph on the front of the card, but their access card number and digital signature on the reverse, it is much more difficult for unauthorised people to collect this data in one simple operation. Similarly, the storage of address and date of birth details only in the chip (which needs a specially designed reader to access) enhances security and privacy.

The Government has also ruled out the incorporation and use of particular biometric identifiers such as finger prints and retinal scans on the card but will incorporate a photograph and digital signature.

The establishment of a database which contains the photographs of perhaps a majority of Australians may raise concern. On the one hand, if a photograph is recorded in the Secure Customer Registration Service, a lost, stolen or damaged card could be replaced without the consumer having to present at an agency to complete a re-registration process (including the requirement to have another photograph taken) whilst on the other hand, an option which may represent a lower risk to privacy would be if only the mathematical algorithm developed from the biometric template was recorded in the SCRS – in this case consumers would forego the option to have a replacement card produced in the manner outlined above and the system would no longer be able to detect duplicate registrations and fraudulent use of the access card.

Some Technology Choice Questions:

- *Given that technological progress is so rapid these days, how can we best ensure that the access card uses proven technologies—at all levels and all stages of the access card's operations—and does not become outdated quickly?*
- *What is the range of privacy-enhancing technologies which can be identified and incorporated into the access card?*
- *How can we best ensure that a technology which was designed to do one thing does not get diverted or perverted into doing something quite different?*
- *Will the technology chosen be capable of supporting other applications if these are deemed to be desirable at some stage in the future?*
- *Will the systems supporting the access card be sufficiently robust to do their job while also being sufficiently secure to prevent unauthorised use, hacking or abuse?*
- *Will the card be capable of storing additional information which the card holder may wish to place upon it?*
- *Will the technology chosen be sufficiently user-friendly, e.g. to allow people to view their own records who are not technologically minded, be able to do so?*

Issue 5 AUTHORISATION AND ACCOUNTABILITY

The Government has not come to a final position about the extent to which the introduction and management of the access card will require changes to existing legislation or the introduction of new measures. This again is an area in which public input and consultation will play a decisive part.

The Australian public's trust will be very much dependent upon the extent to which it is accepted that the operations of the new access card are monitored and supervised by a body which is independent of the participating agencies.

Whatever final decisions are made about supporting measures, there must be clearly specified and transparent accountability guidelines. These will need to make clear a variety of matters such as the permitted or prohibited uses of the access card (and associated penalties); the rules for who is authorised to access and how access is provided to the card and stored data; and the penalties for improper behaviour related to the access card.

Although it has been decided that the Office of Access Card in the DHS will be the lead management agency for the implementation of the access card, there are still decisions to be made about how the programme should be subject to control and oversight in a way which provides appropriate separation from each of the participating agencies. The participating agencies themselves, while having access to the information in the SCRS, must maintain their own databases related to the individual entitlements of each card-

holder separately. Sensitive agency specific information will not be shared between participating agencies.

Some Authorisation and Accountability Questions:

- *Should the operation of the access card, or aspects of its operation, be placed specifically in legislation – if so, what aspects?*
- *Once uses are defined and once specific uses are prohibited, how will adherence be monitored and what sanctions and penalties will be imposed for breaches—how will they be enforced?*
- *What are the appropriate accountability arrangements which need to be put in place to secure the transparency and integrity of the access card's operations?*
- *How will proper records be kept about who has accessed the card so that regular audits can be undertaken to ensure that the card is accessed only for authorised purposes by people who are properly authorised to do so?*
- *What administrative arrangements are best suited to the control and oversight of the access card system and its on-going operations and will such arrangements be sufficiently independent of the participating agencies or the Government itself?*

Part 4—COMMUNITY CONSULTATION AND INPUT

The Australian Government believes that the proposed new health and social services access card will be of great benefit to the vast majority of the Australian community, and that over time, all Australians will benefit from its introduction.

However since the access card has implications for the vast majority of Australians, the Government has taken the view that it is vital that before final decisions are made, the widest possible opportunity must be given to organisations and individuals in our community to have their say. Genuine community consultation always provides two specific benefits: it allows the collection of additional wisdom and insight into the decision making process and it enhances public trust and confidence in those decisions once made.

These considerations resulted in the appointment of the Access Card Consumer and Privacy Taskforce whose membership, responsibilities and proposed activities have been described in Part 1.

The Taskforce remains independent of the Office of the Access Card of the DHS and will make its recommendations based upon the evidence presented to it about matters which are within its jurisdiction to consider.

Consultations, in part based on this Discussion Paper, but by no means restricted to the issues raised here, have commenced already and the Taskforce will make an initial report on some aspects of this proposal to the Government by October 2006.

Throughout this Discussion Paper, the Taskforce has raised a number of questions. Submissions are sought to assist the Taskforce in providing advice to Government on these and any related issues.

In order to meet this timetable, submissions are required by **27 July 2006**.

How to make a submission to the Taskforce

People or organisations who wish to make submissions to the Taskforce are invited to make contact with the Taskforce through the following channels:

Mail: Access Card Consumer and Privacy Taskforce
PO BOX 3959
MANUKA ACT 2603

Email: a.fels@humanservices.gov.au

Telephone: 1300 664 589 (FREECALL)

APPENDIX 1

ACCESS CARD AT A GLANCE

What is the access card?

The health and social services access card (access card) is an Australian Government initiative to improve customer access to Government health and social services benefits.

The access card is a single card that will replace 17 health and social services cards and vouchers such as the Medicare card, health care cards and Veterans' cards.

Why is it necessary?

The current system for accessing health and social services benefits is cumbersome and complex, and often inconvenient for many Australians.

Deficiencies in the current system also make it prone to fraud, and to mistakes being made because information is incorrect or out of date.

The Australian Government recognises the need for a more user-friendly system that will reduce time spent in filling out forms and waiting in queues, provide greater options for customers to access their benefits, and minimise opportunities for fraud.

How will it work?

You will only need to register once for the access card and registration is planned to start from early 2008. Once registered you will need the access card to show who you are when you apply for access to Government health and social services.

Similar to existing practices, we expect that cards will be replaced every seven to ten years.

What information will the access card hold?

The access card will have limited cardholder information on it such as the cardholder's name, photograph, signature and card number.

Information such as address, date of birth, concession status and details of any children or other dependants will be stored in the card's chip and in the secure customer registration system. This information will only be accessible by the cardholder and other authorised people.

If the cardholder chooses, they could also use the card to store information such as emergency contact details, allergies, health alerts, chronic illnesses, immunisation information or organ donor status.

Where can an access card be used?

The access card can be used to access benefits at Medicare, Centrelink and the Department of Veterans' Affairs.

How will the access card make life easier?

The access card will make your life easier by:

- reducing the number of cards and vouchers required to access various benefits—less for you to carry and worry about
- making it so you only need to register once for an access card, thereby eliminating the need to repeatedly provide details to different health and social services agencies—less time spent filling out forms and waiting in queues
- eliminating the need to contact multiple agencies to update information—if you change your address, you only need to let one agency know
- providing quicker and easier access to one-off disaster relief and emergency funds—faster access to payments
- providing an option to voluntarily include information such as emergency contact details, allergies, health alerts, chronic illnesses, childhood immunisation information or organ donor status—may be useful in an emergency

When will the access card be implemented?

The access card will be phased in over a two year period beginning in early 2008.

Who needs an access card?

The access card will be available to any Australian over 18 years of age—or earlier if needed—who registers and is entitled to claim health or social services benefits.

However, once the registration period ends in 2010, you will need an access card to continue to access health and social services benefits from that time onwards.

How do you obtain an access card?

Registration will be required in order to obtain an access card. Details about how to register—including how to make an appointment and what documentation will be required—will be available closer to the registration period.

Implementation of the access card and the registration will take into account the needs of all Australians, but particularly those with special needs, such as rural and remote communities, the elderly and the mentally ill.

Will this change the way I access my benefits now?

There will be no change in the way you currently access your benefits, until the start of the registration period in early 2008.

Will the information on the access card be private and secure?

Information held on the access card will be protected and cannot be accessed by anyone other than the cardholder or people authorised to access specific information on the card.

What if the card gets lost?

Cardholders can request their access card to be re-issued either over the phone, internet or counter. In this case, the access card will enhance privacy for customers, because there is a registration photograph which also protects against the fraudulent use of lost cards.

Can I use my access card for anything else?

Cardholders can choose to use the access card as a high quality proof of identity document outside of their interactions with the Department of Veterans' Affairs and the Department of Human Services agencies, if they so wish.

Have access cards been tried or tested anywhere else?

Many countries around the world have been successfully using access card systems for years. For example:

- France has been using an access card system for healthcare payments for eight years and has issued over 48 million cards¹
- Germany, regions of Italy, Finland, Taiwan and South Africa have all implemented similar cards for accessing health and/or social services benefits
- Ireland, the Netherlands, Greece, Spain, Hungary and many parts of Asia and North America are in the process of adopting access type cards.

Will each agency have access to other agencies' information?

The registration system underpinning the access card will be established separately from Medicare Australia, Centrelink and the Department of Veterans' Affairs information systems and will not hold any sensitive or agency specific information. Agencies will not have access to other agencies' information as a result of the access card.

¹ November 2005 Sesam-Vitale Program Presentation, Cartes Conference

How are you going to stop people registering for the access card using fraudulent identity documents like some people do now?

The new registration process for the access card will be based on the work the Government is doing to achieve a consistent approach to validating a person's identity across Federal, State and Territory Government agencies.

One of the ways this will be done is by using a new system which can check the authenticity of a document online. For example, the system will be able to check birth certificates and passports so that we know a person is who they say they are.