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24 February 2005

Committee Secretary  
Senate Legal and Constitutional Standing Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600  
Australia

Dear Sir/Madam,

RE: Inquiry into the Privacy Act 1988

Sony Australia is pleased to be involved in the submission process for the review of the current Privacy Act by the Senate Legal and Constitutional Committee Inquiry.

Sony is interested in sections (a) and (b) of the terms of reference. It has been our experience overseas that emerging technologies continue to enhance and expand the scope of Privacy Laws for Government. These emerging technologies are able to enhance the security and human rights of its citizens and changes to the laws do not impinge on human rights.

In relation to the proposed sections, Sony believes they are satisfactory to protect the rights of citizens whilst utilising new technologies to enhance security. Both Smart Cards and Biometrics have emerged as very exciting technologies that allow a wide number of applications for government and industry. These technologies are important for future growth of security and need to be discussed appropriately.

*(a) The overall effectiveness and appropriateness of the Privacy Act 1988 as a means by which to protect the privacy of Australians, with particular reference to:*

*Section (a) i – International Comparisons:*

Currently Sony has Smart Card and Biometric Technology in use in Japan, Hong Kong, China, Singapore, India, Malaysia, Europe and the USA. The applications range from the "Octopus Card," in Hong Kong to efficient student management in the USA.

The applications are all holding private information including fingerprint and private individual details. This information, as per *Schedule 3 of the Amendment of the Privacy Act 1988* is not collected for any inappropriate use. All information is held as per government guidelines similar to the Privacy Act.

At this stage we do not believe any further additions to the act will need to be made in order to introduce any of the new technologies. International markets suggest the new technologies are able to be introduced without further regulation and can be utilised without impinging on the rights of Australian citizens.

*Section (a) ii (A) - The capacity of the current legislative regime to respond to new and emerging technologies which have implications for privacy, including: (A) 'Smart Card' technology and the potential for this to be used to establish a national identification regime:*

The Sony Smart Card technology has been in use for over 8 years. Projects that relate to privacy include a loyalty card system in Malaysia and a universal 'octopus,' to cover the transport network in Hong Kong. Please see Appendix 1 regarding card capabilities.

Applications include:

Government – Security and Transport. In particular the Transport networks in Hong Kong, Japan and Singapore that are utilising Sony's Smart Card Technology.

Consumer – Recent Mobile Phone integration in Japan has broadened the scope of this.

Industry – Loyalty cards, new forms of payment to identification within the Banking sector.

We believe the Privacy Act provides adequate ability to provide this functionality as well as protect the rights of citizens.

*Section (a) ii (B) - The capacity of the current legislative regime to respond to new and emerging technologies which have implications for privacy, including: (B) biometric imaging data:*

Biometric devices are becoming an incredibly useful technology in both the security and private sector. Biometrics devices are covered under the current act. The experience Sony has had in countries such as South Africa where employee's information is stored and managed without interfering with civil rights. Please see Appendix 2 regarding further detail of an example of Biometric technology.

Applications include:

Government – Security

Private Sector – Mobile tracking of employees in South Africa.

Industry – Banking and Finance in the ability to store secure information with applications for the internet and password protection.

*Section (b) - The effectiveness of the Privacy Amendment (Private Sector) Act 2000 in extending the privacy scheme to the private sector, and any changes which may enhance its effectiveness;*

The existing act provides a framework to use new technology without affecting civil rights. Some possible enhancements to the Privacy Act include areas such as:

Biometric Internet Security – To be specifically addressed to cover future use of technology.

Biometric storage data – Specific clause relating to data management of biometric material to protect the individual.

Smart Card Application – Ability to define the information in more detail to provide open and accountable representation to citizens.

Guidelines – Possible guidelines to be drawn up to provide further accountability of service providers and to protect the individual.

Sony is involved in a number of emerging technologies that require government regulation to protect the rights of citizens. An extension to Smart Cards and Biometrics is the use of IP surveillance and high level Data storage. These technologies are part of the approach of the terms of reference and should be addressed to further enhance the privacy laws. These could be flagged in subsequent discussion and we are keen to be involved.

Sony Australia is very pleased to make a submission to the Senate Legal and Constitutional Standing Committee into the inquiry of the Privacy Act 1988. Sony is involved in a number of new technologies and we are happy to provide advice and information as required. We are committed to ensuring technology enhances the lives of Australians and do not impinge on civil rights.

We look forward to assisting in this inquiry and to aiding with any further inquiries and committees.

Sincerely,

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