



BSEG's Mysterious Proposal For Info Privacy

No-one was more bemused or confused than federal Privacy Commissioner Kevin O'Connor with the Broadband Services Expert Group's final recommendation that the privacy of users of the information superhighway be protected by a 'self regulatory' scheme.

'It's mysterious isn't it?', O'Connor said in an interview with *CU*.

Most mysterious is the contradictory recommendation for the development of a 'self regulatory scheme for network participants within the framework of the Privacy Act'. This is in stark contrast with the text of the report which favours a co-regulatory scheme similar to New Zealand's where industry is responsible for developing codes which the Privacy Commissioner oversees.

O'Connor, Australia's first Privacy Commissioner, is becoming increasingly vocal about our slipping position in information privacy and security and he's adamant that self-regulation is the wrong route to take.

'One of the great failings of self-regulatory schemes is the difficulty they have in providing effective complaint mechanisms.' And on that point, he says, even the strongest industry advocates would have to agree.

Just back from Canada where he attended an APEC/OECD Symposium on the Information Infrastructure, O'Connor is more convinced than ever that Australia is lagging way behind in ensuring protection for the millions of individuals whose personal data is becoming the currency of the information superhighway.

Quoting the Canadian Privacy Commissioner, he warns 'privacy could be the first roadkill on the superhighway' unless the Federal Government recognises the need for nationally consistent data protection legislation.

He says the Australian government is showing only 'moderate' interest in

the impact of telecommunications technologies on individuals' privacy interests.

'It's manifesting itself in a continued failure to embrace the possibility of legislation,' he said.

At the Vancouver symposium, Japan listed privacy as third in a list of concerns it has about the move towards the global information highway.

Meanwhile, the European Union is about to finalise a directive setting minimum standards for comprehensive privacy rights. This could mean that within two years a European country could restrict the way data on its citizens is handled by a non-European country and place conditions on receipt of data if that country does not have information privacy laws.

By July 1996, all sectors of New Zealand public and private enterprise will have privacy codes of practice which will be overseen by the NZ Privacy Commissioner. New technologies and their impacts on personal privacy will be covered under each separate code of practice.

In the US, the White House has established an Information Infrastructure Taskforce which is committed to 'protecting the privacy of its users' through government action.

But back in Australia, the 1988 Privacy Act has been barely adjusted to take into account the new environment in which it operates. For example, government business enterprises like Telecom are no longer covered by the Act nor are the commercial data processing operations increasingly being contracted by federal bodies such as the Department of Social Security to gather and store vast banks of personal information.

The major privacy issue in the 'new technology' age is how information, once gained, is reused. While the 'privacy principles', which form the basis of the Privacy Act, require that a person who has access to or controls per-

sonal information should not use it for any other purpose, the Act's coverage is very patchy. In the new media context, the Act offers very little privacy protection.

'Courtesy of developments in the information superhighway, we're likely to see quite complex interactive relationships involving people and data and some real difficulties in ensuring that data is held securely [as well as] preventing it from being transmitted electronically overseas,' O'Connor warned.

O'Connor is convinced that the issue of individual information privacy is set to become a 'major discussion' over the next three years. He predicts that the on-line introduction in the next 12 months of the Health Communication Network - which will see personal health records being transmitted between health care professionals - will crystallise the community's privacy concerns.

'The value the society attaches to privacy is not suddenly going to disappear because there's a range of new technologies available,' O'Connor said.

'Privacy supports people in relation to their personal development and the way they deal with others. It's crucial in relationships of candour such as with doctors, banks and solicitors and it's very important in promoting respect between individuals for each other. Those values are broadly recognised in the society and the challenge is to keep giving expression to them in these new environments.' □

