



Privacy campaign goes online

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The decision by the Howard government to reject privacy legislation binding the private sector has been under fire from diverse groups in Australia and overseas. Drawing on the resources of the Internet, privacy advocates have linked with consumer groups, IT and computer professionals and international lawmakers to demonstrate the dangers of entering the information age without adequate data privacy.

The current government policy is that privacy legislation covering all institutions collecting data would be too burdensome upon business and the Prime Minister has called upon State governments to similarly refrain from enacting State legislation. Plans in New South Wales to introduce privacy legislation have stalled, although Queensland is proceeding with a Parliamentary inquiry.

However, the notion that privacy legislation is avoidable red tape displays an ignorance of the role of technology in threatening privacy as never before. Smartcards and other forms of individual identifier are a routine means of acquiring computer data of extraordinary sensitivity; and a nation that fails to protect privacy may become a haven for intrusive data practice in the midst of a regulated global network.

Privacy International

Privacy International, a London-based privacy watchdog [<http://www.privacy.org/pi/>] has released a criticism of the Australian government's position and has called for a boycott of Australian companies and

a restriction of data exchange until privacy protection is enacted. The Howard government's proposal that businesses adopt voluntary codes of practice has been rejected as inadequate privacy protection by previous European Union directives [<http://207.201.161.120/jcmc/vol2/issue1/asiapac.html> - see 4.3 to 4.6].

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Information is a commodity, and its exchange is a matter for national laws. The degree of precision needed to regulate the exchange of paper records is no analogy for the genuine need to control the exchange of electronically stored, and in some cases electronically generated, digital records. Internationally, this is a key policy issue - a recent American survey disclosed that 84% of Americans surveyed were concerned about the impact on the Internet on data privacy [Chilton Research Services, PA USA, April 1997].

Foreign companies hoping to trade in Australia through electronic banking and broadband services may find the want of data protection an impediment to business - both through dangers to their own nationals' privacy and through the sanctions for breach of international trade obligations.

Outsourcing

At home, the Government has found an early test of its policy with the moves to outsource data services from the Ministry of Veterans Affairs - seen as a first step in privatising all record management. There is an inherent conflict between the requirements of Federal law to declare information and the removal of the capacity of the individual to check the accuracy of that data and to verify the use to which the data is put.

Data which is presently covered under the Privacy Act is not so protected once its management becomes a matter for contract with the Government, less so as such contracts are claimed to be too commercially sensitive to be released.

In the meantime, the Privacy Commissioner, Moira Scollay, is meeting with business and consumer groups to attempt to meet the Government's policy objective of having a voluntary code of practice for 'fair and responsible handling of personal information'. Such a code will include restrictions on unnecessary collection of information, duties of informing people of the purpose of the information database, a right to access and correct inaccurate data, security guidelines and limitations on the unauthorised use of collected information. □

Details of the Campaign for Fair Privacy Laws and the developments in the campaign are available online at <http://www.efa.org.au/Issues/Privacy/Welcome.html>.