



Australian Government

Office of the Australian Information Commissioner



Victorian Privacy Network presentation

The privacy challenges of contact tracing

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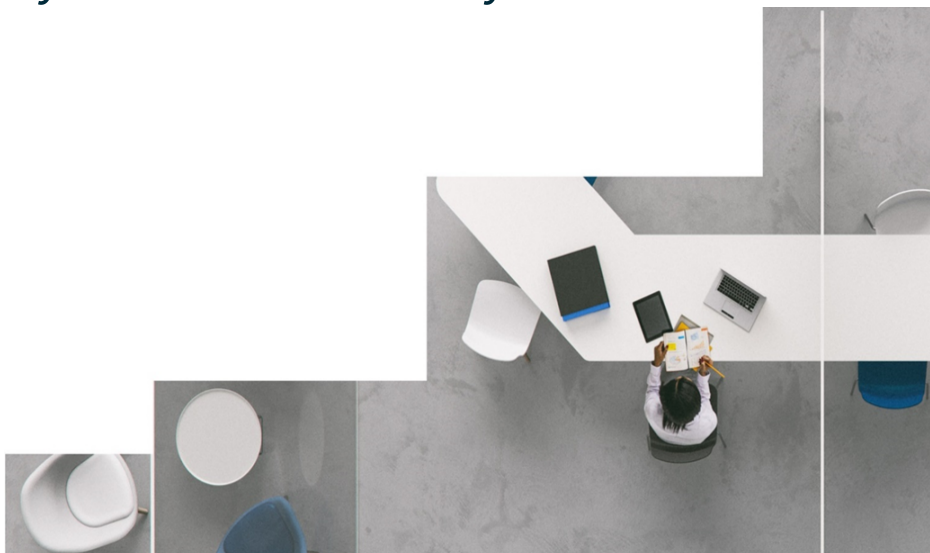


Overview

Part 1: The privacy challenges of contact tracing

Part 2: The broader privacy landscape

- Australian Community Attitudes to Privacy Survey 2020
- Privacy law reform





The purpose of contact tracing

- Sharing information in a privacy-protective way has been critical to arresting the progress of COVID-19 and protecting public health
- A broad response requiring government agencies, health authorities, business and communities, and regulators
- Key principles have never been more important: the need to ensure handling of personal information is transparent, and reasonably necessary, through taking a privacy-by-design approach. And ensuring any concessions are time limited
- Technology and data have a significant role to play
- If we want the public to embrace these new technologies, then they must be able to trust them



Co-ordinated COVID-19 privacy response

- National COVID-19 Privacy Team involving Australian and state and territory privacy regulators
- International exchange of information through the Global Privacy Assembly and other international forums
- OAIC COVID Taskforce providing guidance to Commonwealth government agencies and business





COVIDSafe app – a legislated solution

- Legislation provides the strongest form of protection
- Voluntary
- Personal information collected can only be used for purposes related to undertaking contact tracing
- It's a criminal offence to misuse data collected through the app
- Data holdings are time limited and must be deleted when no longer needed.
- COVID app data must always be handled in accordance with the requirements of the Privacy Act
- These privacy controls should provide the Australian community with a high level of assurance



OAIC's regulatory oversight

- Expanded regulatory oversight role to ensure personal information is handled in accordance with legislative requirements
- Breaches of COVIDSafe app data must be notified to the OAIC
- Proactively auditing the system to identify privacy risks and expanded powers to compel information and documents
- Individuals can also make complaints to the OAIC about the handling of their personal information within the COVIDSafe system
- Monitor the operation of the privacy aspects of the system and report every six months



Collection of information by venues

- Many Australian businesses and venues now have to record details of their patrons for contact tracing purposes
- These obligations stem from Directions or Orders made in some States and Territories that set out that contact information of customers and visitors must be sought as a condition of particular businesses reopening





The challenge for business

- Only collect the personal information required under the relevant State or Territory Direction or Order. The more information that is collected, the greater the risk of a data breach
- Notify individuals before you collect their personal information
- Store it securely
- Only provide the information to relevant health authorities who undertake contact tracing activities, when requested to do so
- Destroy the information once it is no longer reasonably necessary for the purpose of contact tracing



QR code developers

- Developers have moved quickly to help Australian businesses and venues comply with these requirements by developing apps and QR codes
- Inconsistent privacy practices among the technological solutions
- Developers need to build privacy safeguards by design in their products
- The OAIC has been providing guidance, talking to industry bodies
- They should have no doubt as to what we expect from their products
- Generating confidence in the process is key



Challenges

- Different State and Territory directives
- New technologies
- The scope of the Privacy Act



The way forward

- Coordination is key
- Nationally consistent framework for businesses and venues collecting personal information
- Harmonisation of public health orders
- OAIC is continuing to engage industry bodies to make it clear what the responsibilities of their members are, and what constitutes best privacy practice



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Australian Community Attitudes to Privacy Survey



What is ACAPS?

- Provides longitudinal information on the attitudes Australians hold regarding key privacy issues, their experiences and perspectives towards misuse of personal data, as well as actions taken to protect their privacy
- Surveyed 2,866 unique respondents aged 18 years and over
- Examines a wide range of privacy issues including data practices, digital platforms, children's privacy, artificial intelligence, biometric and location data, privacy regulation
- Additional survey in April to understand COVID-19 impact on privacy attitudes



ACAPS 2020 highlights

85%

have a clear understanding of why they should protect their personal information



49%

say they don't know how to do this





ACAPS 2020 highlights

87%

want more control
and choice over the
collection and use of
their personal
information

97%

consider privacy
important when
choosing a digital service





ACAPS 2020 highlights





ACAPS 2020 highlights





ACAPS 2020 highlights

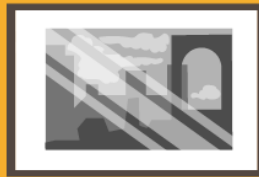




ACAPS 2020 highlights

70%

see the protection
of personal
information as a
major concern in
their life



Australians trust social media
the least with their personal
information





ACAPS 2020 highlights



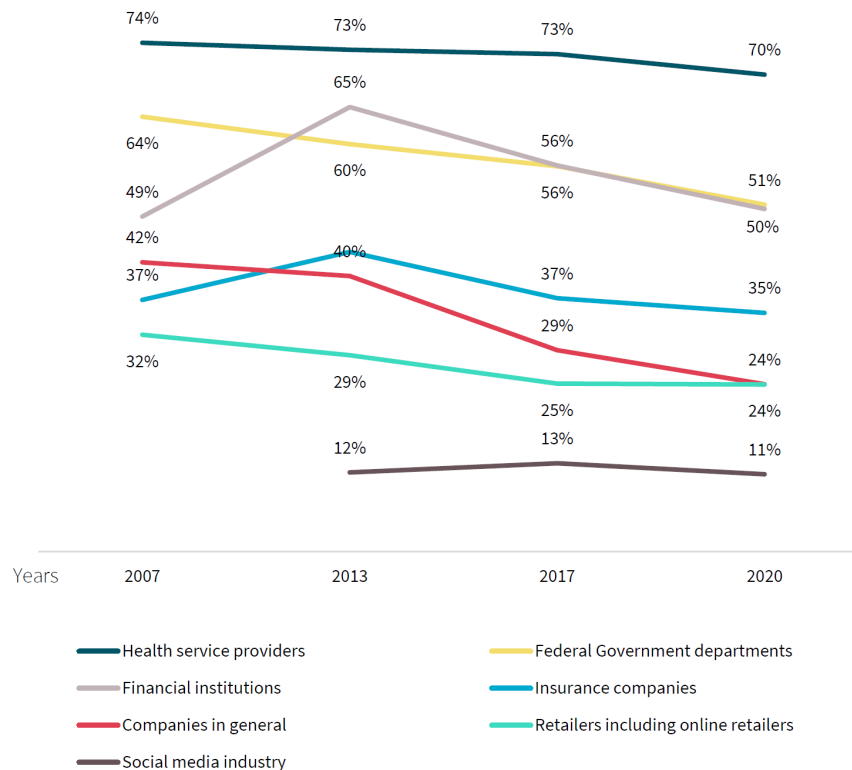


Trust in personal information handling

Since 2007, there has been a general downward trend in trust in most organisation types:

- Trust in Federal Government departments is down 14%
- Trust in companies in general is down 13%

Proportion of Australians considering each organisation trustworthy from 2007 to 2020

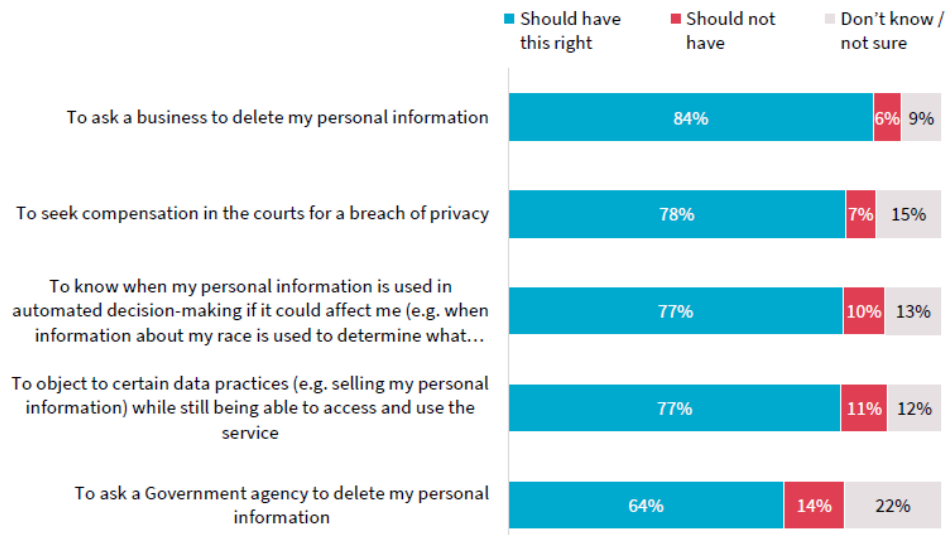




Privacy legislation

Australians want to be protected against harmful practices, and 84% believe it is a misuse when personal information is used in ways that cause harm, loss or distress

Privacy rights Australians believe they should have

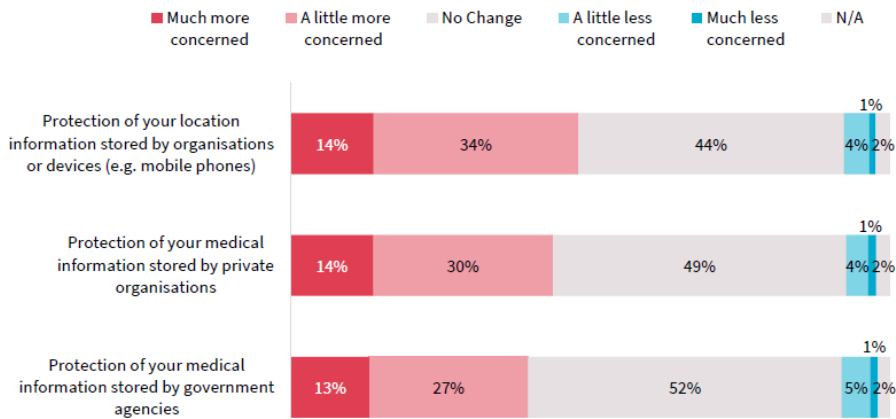




Privacy during COVID-19

Half of Australians feel their privacy is more at risk in the COVID-19 environment, and 60% accept that some short-term privacy concessions must be made to address the health crisis

How privacy concerns have changed in the context of COVID





How the OAIC will use the findings

- The findings demonstrate the importance of our work to uphold and promote privacy rights and deliver regulatory action that meets community expectations
- ACAPS will inform our input into the upcoming Privacy Act review
- The findings are being used to shape our regulatory priorities
- The report provides important signposts for policy makers, regulators, businesses, community organisations and everyone with an interest in protecting privacy



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Review of the Privacy Act



Review of the Privacy Act – the four pillars

- Global interoperability
- Enabling privacy self-management
- Organisational accountability
- A contemporary approach to regulation





Privacy regulatory priorities

- Online platforms and social media
- Security of personal information
- Consumer Data Right
- COVID-19 personal information handling practices



Ready for the challenge

- Maintain trust and confidence
- Be agile in response
- Emerge from the pandemic in a stronger position





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Questions?