

Our Reference 2006-434-1

The Secretariat Office
.au Review Committee
Department of Communications, Information Technology and the Arts
GPO Box 2154
CANBERRA ACT 2601

Dear Sir / Madam

RE: Review of the structure and operation of the .au Internet domain
Discussion Paper

I refer to the Discussion Paper (the Paper) dated 24 October 2006 seeking public comments regarding the .au Internet domain. In reviewing the Paper we note its intent is to consider in broad terms whether the current structure and operation of the .au Internet Domain is appropriate, competitive and progressive.

The Office does not intend to comment specifically on the issues raised in the Paper. However we would like to provide some comments about privacy issues that could emerge in an online environment and what steps can be taken to identify, assess and control these risks.

Protection of personal information

The *Privacy Act 1988* (the Act) is overarching legislation that regulates the handling of personal information that is collected, used and disclosed and stored by public sector agencies and private sector organisations. Personal information is defined within the Act as

“...information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”.

The definition has been broadly defined and in technology neutral terms so that it is relevant irrespective of the form in which personal information is collected, used, disclosed or stored. In particular, the Act could apply to pieces of data that, through data matching mining or linking, can identify or point to a specific individual.

Section 5 - Policy development and enforcement

Technological advances in the area of data mining and data matching are enhancing the capacity for analysis and synthesis of large amounts of data and as the online environment continues to evolve, the ability to identify individuals from seemingly small pieces of data will also increase. The Office suggests that the .au Domain Administration (auDA) Board, panel members and stakeholders should be aware of the impact these developments may have in relation to the privacy of individuals' personal information.

The Office notes that the auDA Board consults with advisory panels and key stakeholders to assist in the development and review of their policies. In our view and bearing in the mind the technical

nature of some of the issues involved, the range of consultative bodies and stakeholders appears to provide reasonable representation of different stakeholder interests. Further it is noted that, where appropriate, the panel members will consult with the general Internet community.

Developing and reviewing policies, new technologies and relationships provides the auDA Board with an opportunity to identify when and where personal information is being collected and how it should be handled to ensure that individuals' personal information is appropriately protected. The Office suggests that auDA Board could consider imposing a requirement on panel members and stakeholders to consult with members of the Internet community where it is identified that personal information is being collected.

The Office released a Privacy Impact Assessment ("PIA") Guide on the 29 August 2006 to assist Australian and ACT Government agencies in determining the impact new proposals could have on individuals' privacy. While the PIA is targeted at government agencies, the principles in the PIA can be readily applied to private sector organisations. The PIA Guide helps users to integrate privacy into new proposals they are considering by working through some practical steps.

We would suggest that the auDA Board, its' panel members and stakeholders may benefit from using the PIA Guide to identify whether data that could identify individuals is being collected as a result of routine administration activities, and then, whether the existing data handling practices are adequate to ensure protection of individuals' personal information. A copy of the PIA Guide is available at <http://www.privacy.gov.au/publications/PIA06.doc>.

The Internet environment is a dynamic and constantly evolving environment. For these reasons the Office would recommend that auDA policies have a formal review period and that panel members and terms of reference for the reviews take account of privacy issues.

We appreciate the opportunity to respond to the Paper and trust that our comments will assist and .au Review Committee.

If you wish to discuss these matters further, please contact Linda King on (02) 9284 9820 or via email LindaKing@privacy.gov.au or Michael Frommer on (02) 9284 9653 or via email MichaelFrommer@privacy.gov.au.

Yours sincerely

Andrew Solomon
Director, Policy
November 2006