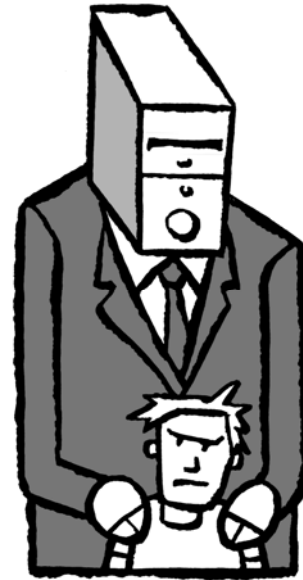




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**Big Brother Awards 2004**

## **MEDIA RELEASE**

### **Australia's worst privacy invaders named and shamed - Roads ministers definitely *not* Australians' Idols**

EMBARGOED until 9 am AEST Thursday 25 November 2004.

[www.privacy.org.au/bba/](http://www.privacy.org.au/bba/)

At a dinner in Sydney this week, the Australian Privacy Foundation (APF) announced the 2004 winners of Australia's annual *Big Brother Awards*, affectionately known as the 'Orwells'.

"The votes are in for the winners of the Big Brother Awards, but let's not forget the losers – all Australians whose privacy rights are being eroded or ignored or invaded" said APF spokeswoman and MC for the event, Anna Johnston.

"The almost clean sweep by politicians was particularly disappointing given that we expect them to put in place the laws and institutions to protect our privacy. As in 2003, when the Lifetime Menace award went to then federal Attorney-General Daryl Williams, the question is raised 'Who watches the watchers?' " said Ms Johnston.

#### **And the winners are ...**

**Lifetime Menace:**

**Carl Scully, NSW Minister for Roads**

**People's choice:**

**Queensland Smartcard Drivers Licence**

**Greatest corporate invader:**

**Major political parties**

**Worst Public Agency or Official:**

**Bob Debus, NSW Attorney-General**

**Most invasive technology:**

**Biometric passports**

**Best Privacy Guardian:**

**John Pane, Australia Post's Chief Privacy Officer**

**Details follow:**

## Big Brother Awards 2004 – the judging

The judges for the 2004 Big Brother Awards were:

- Ms Wendy Bacon, Associate Professor in Journalism, University of Technology, Sydney
- Ms Elizabeth Beal, Director of the Communications Law Centre, Victoria
- Mr Chris Puplick, former Australian Senator and former NSW Privacy Commissioner

In introducing the judges, Ms Johnston said: “The protection of privacy is serious business. Respect for people’s personal information and their private space is an essential element of the trust needed to sustain relationships in this ‘Information Age’”.

“The Orwells allow the Privacy Foundation to show the lighter side of human rights work, while also highlighting the need for more public debate about initiatives which have negative privacy impacts.”

## Big Brother Awards Winners 2004

**Lifetime Menace** - for a privacy invader with a long record of profound disregard for privacy

**Winner: Carl Scully, NSW Minister for Roads**

Carl Scully was nominated for numerous privacy invasions, including:

- proposing the introduction of an identity card for non-drivers
- introducing new toll-roads with no provision for anonymous use (e.g. the new Cross-City Tunnel and Western Sydney Orbital Link Road will only allow e-tags, which collect information about the movements of all vehicles, including casual users)
- the expanded use of Safe-T-Cam, originally designed to monitor heavy vehicle usage, to capture ordinary passenger vehicles
- (as former Minister for Transport) proposing the introduction of transport ‘smart cards’ which would allow the government to track the movements of pensioners and students

However two particular items concerned the judges:

- renegeing on a promise to leave existing toll roads as having a cash (and thus anonymous) option – the Sydney Harbour Tunnel is due to go cash-free next month; and
- on the NSW Roads & Traffic Authority website < [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) > under *myRTA.com*, you can find out anybody's demerit points, so long as you know their surname, driver's licence number and card number - all of which are visible on the licence you hand over to the desk clerk at your video store; bank; post office; or pub

“People should be alerted to the ease with which personal data such as demerit points is now in the hands of every store clerk or bank clerk who has copied a driver’s licence” said judge Chris Puplick.

“Fairly soon NSW drivers will realise they can no longer drive around Sydney without Big Brother knowing their every move” said MC Anna Johnston. “And public transport may not be much better if identifiable smart cards are introduced. If you want to travel across the harbour anonymously we recommend swimming.”

**People's Choice** - for the individual or organisation most frequently nominated by the public

**Winner: Queensland Transport, for its proposed smartcard driver's licence**

(See [www.stopidcard.com](http://www.stopidcard.com))

“The Queensland Government’s proposal to introduce a smartcard driver’s licence which records and stores personal information has clearly won the most number of public nominations as an unwelcome threat to the privacy of individuals” said judge Elizabeth Beal.

“In terms of the Queensland Government’s attitude to personal privacy, it’s a case of ‘terrible today and appalling tomorrow’” said judge Chris Puplick.

“The members of the public nominating this scheme were clearly concerned about the enormous potential for abuse of a system which looks, feels and smells like an identity card in disguise” said MC Anna Johnston. “The fact that Queensland still has no privacy laws regulating State government behaviour was also a factor.”

**Greatest Corporate Invader** - for a corporation that has shown a blatant disregard of privacy

**Winner: Major political parties**

Both the Labor and Liberal parties, which operate increasingly as big businesses selling a product, were declared winners for a pattern of behaviour including:

- exempting themselves from privacy laws affecting all other big businesses, including the new Spam Act which is designed to control unsolicited electronic marketing
- successive failures to limit their own use of electoral roll data
- abuse of postal vote arrangements - sending out material that includes an official AEC postal vote application form, but with a ‘reply paid’ envelope that actually directs the form back to party headquarters (so they can capture personal details before sending it on)

Prime Minister John Howard won a special mention for hiring the company Net Harbour to conduct political spamming, and for calling home telephones and leaving recorded messages, in the lead-up to the recent Federal election.

Awards judge Elizabeth Beal said “The Liberal Party has shown a blatant disregard for the privacy of individuals by passing anti-spamming laws, and then using Spam itself.” Fellow judge Wendy Bacon also viewed the Liberals as contenders for the award as they demonstrated “a solid record of self-interested hypocritical actions”.

**Dishonourable mention: telecommunications companies and their regulator**

In mid 2004 Telstra, Optus and Comindico were found by the Australian Communications Authority (ACA) to have been illegally disclosing silent and other blocked calling numbers to internet service providers (ISPs), in breach of the Telecommunications Act 1997. Although the offence carries a penalty of heavy fines or imprisonment, the ACA is taking no action to prosecute the offences, nor even direct the offenders to comply with the law from now on. Instead, it is limiting its enforcement actions to powder-puff measures under the associated Industry Code.

Judge Wendy Bacon noted “there can be all sorts of extremely serious reasons for individuals having silent numbers. This is an outrageous unlawful and unethical invasion of privacy that could actually place people in danger”.

**Worst Public Agency or Official** - for a government agency or official that has shown a blatant disregard for privacy

**Winner: NSW Attorney General Bob Debus**

NSW Attorney General Bob Debus was nominated for:

- a failure to appoint a permanent and independent Privacy Commissioner since the position became vacant more than 18 months ago
- for introducing legislation seeking to abolish the independent statutory Office of the Privacy Commissioner (which was thwarted by the unprecedented combined opposition of the Coalition, minor parties and all the independents in the Legislative Council)
- then for standing by as the Office of the Privacy Commissioner was gutted by a Departmental-imposed 'restructure' and budget cuts, even as new privacy legislation was commencing

Awards judge Wendy Bacon noted that “on-going acts to destroy the public sector are undermining years of constructive reform. This has broad negative impacts on the possibility of further public education and reform in the future”.

Fellow judge Chris Puplick described having an Attorney General unable to stand up for the integrity and independence of a Privacy Commissioner’s Office as “about as useful as a third nostril”.

**Most Invasive Technology** - for a technology that is particularly privacy invasive

**Winner: Biometric Passports**

The planned introduction by the Department of Foreign Affairs and Trade (DFAT) of biometric passports for all Australians, just because they will eventually be needed for people travelling to the United States, was a clear winner this year.

Award judge Chris Puplick noted “Australia appears to have caught the American virus of panic and suspicion. Not only are these devices technologically unproven but so is the idea that these devices could actually catch determined terrorists. This false portrayal of security is in the interests of no-one other than the manufacturers of biometric passports”.

This judgment is backed up by recent criticism in the US itself of the international standard now being implemented.

**The ‘Smith’ Award for Best Privacy Guardian** - for a meritorious act of privacy protection or defence

**Winner: John Pane, Chief Privacy Officer for Australia Post**

John Pane was nominated for this positive award in recognition of his considerable efforts to address the privacy concerns of post office box and locked bag customers following the use of their information for an Australia Post promotion earlier this year.

Awards judge Chris Puplick noted “it’s good to know that there are genuine privacy guardians who take their responsibilities seriously.” Fellow judge Elizabeth Beal noted “it is commendable to find an example of demonstrated understanding of legal obligations and a willingness to promptly rectify identified breaches.”

*Note:* This is the first presentation of a ‘Smith’ award – named after Orwell’s rebellious hero, Winston Smith, who struggled against the nightmarish regime of Big Brother. The ‘Smiths’ awards also recalls Ewart Smith, the man who stopped the Australia Card. The name also acknowledges the common use of the name ‘Smith’ as a pseudonym, a practical step towards the right to anonymity acknowledged in privacy principles.

## About the awards

The *Big Brother Awards* are for corporations, public officials and governments that have shown a blatant disregard for privacy. The awards also feature categories for individuals and organisations who have made a major positive contribution to protecting the privacy of Australians.

Each year, the national members and affiliated organisations of Privacy International present the Big Brother Awards to government and private sector organisations which have done the most to threaten personal privacy in their countries. Since 1998, over 50 ceremonies have been held in 16 countries.

See <http://www.bigbrotherawards.org/>

The Big Brother Awards have no relationship to the TEN Network TV program of the same name.

## About the Privacy Foundation

The Privacy Foundation was founded in 1987 as a last-ditch stand against the proposed Australia Card national identity system and has continued to be an advocate for privacy issues since that time. The APF aims to represent the public interest across a wide range of issues including the privacy of people’s bodies, homes, health records, email, internet usage, spending habits and communications.

The APF’s website at [www.privacy.org.au](http://www.privacy.org.au) is a significant resource for any person who has an interest or issue that concerns privacy. It includes a comprehensive directory of relevant organisations, membership information, analysis of current privacy issues, APF submissions, catalogues of privacy laws, a list of Board members, a history of the APF and media contact points for various issues.

*- end of release -*

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**Contacts for other APF issues:** John Corker (APF Chair) - 0402 474 628 or [chair@privacy.org.au](mailto:chair@privacy.org.au) or Nigel Waters (APF Public Officer) - 0407 230 342

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