

Australian Privacy Foundation

Chair's Report

Roger Clarke
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1. Introduction

This is a report by the retiring Chair on the performance of the role during his term 2008-14. It is structured in accordance with the Chair's Handbook (which was developed in parallel with it).

A journalist called me on 24 September 2014 in relation to a particular matter, and, after the conversation diverted onto other matters, he wrote an article that captured some of what I had in mind to put in this report:

Colley A. (2014) 'Australian Privacy Foundation to lose long-term chair' itNews, 24 September 2014, at <http://www.itnews.com.au/News/392443,australian-privacy-foundation-to-lose-long-term-chair.aspx>, mirrored at <http://www.privacy.org.au/Media/itNews-140924.html>

2. Operational Responsibilities

2.1 Stimulation and Coordination

The Chair group needs to ensure that all elements of the organisation are getting on with business. This includes:

- *environmental scanning for opportunities to influence policy*
- *despatch of Requests For Analysis (RFAs) to the Committees / Board*
- *maintenance of templates for Policy Statements, Submissions, Media Releases, etc.*
- *checking with the Secretary about the handling of enquiries*
- *checking with the Treasurer about the handling of financial matters*
- *checking with the Treasurer about the handling of membership*
- *checking with the Technical Committee about web-site, email-alias and social media operations, including workflow arrangements to ensure efficient and timely updating and posting*

Areas in which contributions were made by the Chair include:

- Checks were made of Policy Statements, Submissions, Media Releases, etc., in particular where they had not been subjected to sufficient review from other Board members or were otherwise at risk of being of insufficient quality or unjustifiably inconsistent with prior policies
- Spasmodic checks were made with the Secretary about the handling of enquiries
- Spasmodic checks were made with the Treasurer about the handling of financial matters
- Spasmodic checks were made with the Treasurer about the handling of membership
- The longstanding Web Committee was complemented by a Social Media Committee, and the two were then merged into the Technical Committee
- The Requests For Analysis (RFAs) notion was established, in order to identify to the Committees and/or Board opportunities for influencing policy
- The Chair operated throughout the period as webmaster, performing virtually all maintenance and enhancement to the web-site and email-aliases
- Information resources were developed and maintained, especially of privacy-relevant laws, but also of oversight and regulatory agencies, and complaints avenues, and guidance as to what individuals can do to contribute to privacy protection

- Several attempts were made to enhance collaborative document preparation by means of a wiki, initially intended for Board and Committee members only, but with an eye to also operating some open pages where members and members of the public could make contributions
- Late in the term, the opportunity arose to applaud and encourage Social Media operations
- Internal guidelines were developed in relation to the handling of enquiries

Areas in which contributions were made by other Board members include:

- Environmental scanning for opportunities to influence policy was performed for many years by Nigel Waters, in his role as Policy Coordinator. It has been performed in a much more scattered manner subsequently, depending on all Board members to contribute
- Establishment and operation of a social media presence

Areas in which further measures are desirable include:

- Acquisition of resources for, and appointment of, a Policy Coordinator
- Establishment and operation of a bulletin board on which all current issues are identified, together with relevant sources, and contact-points at other organisations working on the topic. An outline specification exists
- Support for collaborative document preparation

2.2 Organisational Hygiene

The Chair group needs to ensure that all of the organisation's obligations are fulfilled. This includes:

- *financial management*
- *organisation and chairing of four Board meetings p.a.*
- *liaison with the Secretary about agenda items for Board meetings*
- *liaison with the Secretary about occasional Newsletters to the members and Advisory Board*
- *financial reporting, informally, quarterly to the Board*
- *organisation and chairing of one AGM p.a.*
- *liaison with the Secretary about agenda items for the AGM, incl. Board member retirements, nominations and elections*
- *financial reporting, formally, annually to the members*
- *filing with the NSW Office of Fair Trading, annually*

Areas in which contributions were made by the Chair include:

- A Board-member's Handbook was established
- A *modus operandi* for Board meetings was established that ensures that a minimum of Hours are wasted while Minutes are kept, and that is highly cost-effective. This involves IRC rather than tele-conferencing, benefits from preparing postings in advance for each agenda item, and features the initiation of each new agenda item prior to completion of the last
- An index-page for Newsletters was established, and about 3 Newsletters were distributed to members each year during the 8 years
- A Chair's Handbook was established

Areas in which contributions were made by other Board members include:

- Secretaryship generally, including establishment of a Secretary's Handbook
- Treasury generally, including revision of the Treasurer's Handbook
- Public Officer responsibilities in relation to on-time filing with the NSW Office of Fair Trading

Areas in which further measures are desirable include:

- Improved coordination and cross-support between the Treasurer and the Secretary in relation to membership administration
- Improved offerings for members in order to encourage higher renewal rates

2.3 Board and Committee Composition

The Chair group needs to ensure that the Board comprises enough and suitable people, and that Committees have a Chair and appropriate membership and are suitably active in their areas. This includes:

- *talent-spotting*
- *approaching potential Committee Chairs and Board members*
- *suggestions to Committee Chairs of potentially relevant members*
- *active search in order to sustain reasonable balance among the Board membership, re gender; State and Territory representation; urban, regional and rural representation; privacy-dimensions and privacy-issues; legal, technical and other expertise; etc.*

Areas in which contributions were made by the Chair include:

- Recruitment of about 16 individuals to the Board during the 8 years
- Maintenance of reasonable balance across most of the dimensions
- Recruitment of 6 Committee Chairs during the 8 years

Areas in which further measures are highly desirable include:

- More active development and use of Committees and Committee members

3. Visionary Responsibilities

This group of functions is concerned with organisational development and adaptation.

3.1 Organisational Strategy

The Chair group needs to:

- *sustain and adapt the vision of what APF is and can become*
- *maintain an appreciation of the organisation's Strengths, Weaknesses, Opportunities, Threats*
- *formulate approaches to address priority opportunities and threats*

Areas in which important initiatives were initiated by the Chair include:

- **Policy Statements**

The APF's approach was adapted from a strongly reactive stance of preparing Submissions in response to calls, to a partially proactive stance of preparing Policy Statements that declare policy in advance, and that can be used as a basis for shorter, less resource-intensive and more authoritative submissions, with inherent consistency over time.

By the end of 2014, there were 25 policy statements and 5 public advisory statements in place, together with 5 generic and 3 procedural policies.

- **Advisory Panel**

The APF's standing in the community was significantly strengthened through the appointment of a Patron, and an Advisory Panel, comprising 20 leading citizens. After the passing of Sir Zelman Cowen, we were able to attract Justice Michael Kirby and The Hon. Elizabeth Evatt as Patrons.

- **Expansion of the Board**

The Board was expanded, in two steps, from 10 to 18 members, and from 1 to 3 Vice-Chairs, in order to have more human resources available to apply to, in particular, policy activities.

- **Committees**

Five Committees were established, with Terms of Reference.

- **Relationships with Other Civil Society Organisations**

Associations with civil liberties organisations (NSW CCL, Liberty Victoria, QCCL and CLA) were pursued more consistently and with greater success, including prior exposure of draft submissions, and seven joint submissions.

Areas in which important initiatives were driven by other Board members include:

- **The Big Brother Awards**
These were conducted in 2009 and 2011.
- **The Zelman Cowen Essay Competition**
This was established in 2013, with support from Gilbert + Tobin.
- **Relationships with Consumer Organisations**
These were sustained by Board members with the requisite expertise.

Areas in which further measures are desirable include:

- **Funding**
Throughout its life, the APF has operated with very little funding, comprising:
 - membership and donations
 - Internet services sponsorships by iinet (1998-2002), and since early 2002 SublimeIP (services provided gratis for 12 years 2002-14, with a normal cost of c. \$800 p.a.)
 - Essay Prize sponsorship since 2013 by Gilbert + TobinTo provide Policy Coordination and priority research and drafting on a part-time professional basis would require funding of the order of \$20-50,000 p.a.
- **Member Services**
All that is available to members is an occasional newsletter, a mailing-list, a web-site, and a warm glow. Consideration can be given to delivering additional member services.
If more substantial services were provided to members, it would be feasible to conduct membership campaigns.
On the other hand, this does not warrant the diversion of a lot of resources, because the APF's primary contributions are not dependent on membership levels, and subscription fees are very low and hence increased membership would deliver very little extra funding.
- **Intern and Retiree Mobilisation**
Student projects, but more particularly interns and professional retirees, could assist with:
 - information resource development and maintenance
 - media monitoring and article-posting
 - privacy issues researchFor this to be achieved, however, it is necessary to establish a program and guidelines, and commit a proportion of Board members' time to mentoring and coordination.

3.2 Leadership

The Chair group needs to:

- *conceive measures to implement its strategies*
- *motivate individuals and groups to implement measures*
- *perform some of the actions needed to implement the measures, particularly those that require experience or expertise that only the Chair group possess*
- *respond positively to initiatives by others*
- *provide support to initiatives by others*

Areas in which contributions were made by the Chair include:

- The recruitment of 3 Patrons
- The recruitment of 20 members of the Advisory Panel
- Rule changes to achieve expansion of the Board
- Terms of Reference for Committees, and recruitment of Chairs
- Communications with civil liberties organisations
- Many of the Policy Statements

- A small number of submissions
- Verbal evidence to a number of Parliamentary Committees
- Participation in consultation sessions with some government agencies and industry associations

Areas in which contributions were made by other Board members include:

- The recruitment of 2 Patrons
- Communications with consumer organisations
- Participation in Working Groups of government agencies and industry associations
- Some of the Policy Statements
- Vast numbers of submissions
- Verbal evidence to a considerable number of Parliamentary Committees
- Participation in consultation sessions with many government agencies and industry associations
- Big Brother Award processes
- The Zelman Cowen Essay Competition processes

Areas in which further measures are desirable include:

- Development of a framework for supervising and supporting volunteer resources, in particular interns and retirees, but to some extent also student projects

3.3 Succession

The Chair group needs to:

- *sustain and adapt the portfolio of roles and expertise that make up the APF as a whole (Board, Exec, Committee Chairs, Committee members, policy-areas, policy-topics, infrastructure, etc.)*
- *ensure that each role and category of expertise is covered by multiple people*
- *provide informal mentoring to promising newcomers, in order to assist them to move into new areas and roles*

Areas in which contributions were made by the Chair include:

- Recruitment, encouragement and negotiations in relation to Officer positions
- Stimulation of the creation and updating of Secretary's and Treasurer's Handbooks
- Creation of Board-members' and Chair's Handbooks
- Informal mentoring

Areas in which contributions were made by other Board members include:

- Creation and updating of Secretary's and Treasurer's Handbooks
- Informal mentoring

Areas in which further measures are highly desirable include:

- More systematic mentoring of newcomers to the Board and Committees