



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO

Roger Clarke
Chair
Australian Privacy Foundation
GPO Box 1196
SYDNEY NSW 2001

Dear Mr Clarke

Thank you for your letter dated 26 March 2008. Your continued concerns relating to the proposed use of Radio Frequency Identification (RFID) at the Alexander Maconochie Centre (AMC) are acknowledged. As you are aware, general information relating to the RFID system was included in my letter of August 2007. Below, I aim to address the further matters you raise.

To ensure that detainees, visitors, and custodial officers are safe, ACT Corrective Service (ACTCS) employees must be aware of the location of persons within a correctional facility at all times. You will note that this imposes a greater level of intrusion into privacy than that enjoyed by the general population. Nevertheless, it is necessary to maintain security and to ensure that the duty of care owed to both prisoners and the community is met. As a result, individuals will be monitored while inside the AMC. The information transmitted using RFID will be limited to the person's location. When adopted overseas, RFID has led to a decrease in the time and resources required for investigation of unlawful conduct within prisons. It is anticipated therefore, that this technology will allow more time to be allocated to case management, a key priority for ACTCS.

Privacy Impact Assessments (PIA) can serve as a useful tool in identifying privacy concerns and determining the most effective means to minimise them. This is a voluntary measure, which is not required under the *Privacy Act 1988*. The Privacy Commissioner's website notes "not every project will need a PIA". I do not consider the logging of a person's location while inside the AMC to warrant a PIA, as it is both necessary and relatively unintrusive in a correctional context.

I regret any inference that the Human Rights Commission (HRC) had provided formal advice on the use of RFID. The HRC has been aware of RFID technology since 2005 – the issue was raised at a Human Rights Working Group meeting and was also the subject of a meeting held later in 2005 during which ACTCS made a presentation to the HRC on how RFID worked and how it would be used. No objections to RFID were voiced at any time by the HRC.

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Please note that section 101 of the *Corrections Management Act 2007* (CMA) specifically provides for the use of personal monitoring devices that monitor a person's location at ACT correctional centres. The CMA was passed in accordance with section 37 of the *Human Rights Act 2004* (HRA) and has, therefore, been assessed as being compliant with the latter HRA.

The RFID system will log the location of detainees, staff, and certain visitors inside the AMC while incorporating a mechanism for raising an alarm. It will provide early warning of assault, attempted escape, theft, and other incidents that may threaten safety and security at the centre. The use of RFID is consistent with the "campus style" accommodation model to be adopted. This model aims to give detainees as much freedom as possible while ensuring the safety of all within the centre's boundaries. The AMC will be an open plan facility catering for both genders and all classifications of detainees. RFID has been employed in preference to visually intimidating fencing, bars, and razor wire. ACTCS, therefore, views it as a means to promote the spirit of the HRA.

The use of RFID will not replace other security measures. It will, therefore, not operate as a cost saving measure. To my knowledge, Civil Liberties Australia (CLA) has not raised this issue. I would be happy to address any concerns they may have should they wish to do so.

In the event that you require further information, please contact the Director of the AMC Project Office, Mr Barry Folpp on 6207 0374.

Thank you for raising your concerns with me.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S. Corbell', written over a vertical line that extends from the 'Yours sincerely' text.

Simon Corbell MLA
Attorney General

29.4.08