AUSTRALIAN PRIVACY FOUNDATION
2013 FEDERAL ELECTION SURVEY

1. Does your Party commit to requiring the conduct of Privacy Impact Assessments (PIAs) on all projects that have significant potential to negatively impact people's privacy?

Yes. The Australian Greens believe that a Privacy Impact Assessment should be carried out on all projects that could negatively impact the right to privacy or that would set a precedent for future impacts. The Greens believe that the right to privacy is a crucial civil liberty, particularly in today's increasingly digitalised world in which masses of personal data has the potential of being electronically intercepted and collected.

2. Does your Party commit to the creation of a privacy right of action within the first year of the new Parliament?

The Australian Greens support the creation of a privacy right of action within the first year of a new Parliament. The Greens believe that a privacy right of action would need to be drafted carefully to ensure that the right to privacy was balanced with the right to freedom of speech and also with the public interest, however a privacy right of action for individuals should be created to incorporate Australia's international human rights obligations (Article 12 of the Universal Declaration of Human Rights). The Greens have publicly supported the Australian Law Reform Commission's recommendation to legislate a cause of action for serious invasion of privacy and initiated an inquiry into the adequacy of protections for the privacy of Australian's online.

3. Does your Party commit to requiring every organisation to establish and maintain information security safeguards commensurate with the sensitivity of the data?

Yes. The Australian Greens believe that all organisations should establish and maintain information security safeguards which adequately match the level of sensitivity of the data. Furthermore, all organisations should be transparent with their members about their security safeguards and their data breach handling protocols.

4. Does your Party commit to a mandatory notification scheme for data breaches?

Yes. The Australian Greens believe that if a data breach occurs, the victim of that breach must be notified in order to minimise the harm caused and to restore the individual's control over their personal information. The Greens also believe that all organisations which collect personal data must be transparent in their handling of data breaches and that mandatory notification scheme should be enforced so that non-compliance would be judged as an

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"interference with privacy" which would enable the individual who has suffered the breach and lack of notification to take remedial action if necessary.

5. Does your Party commit to ensuring that the Privacy Commissioner's decisions about complaints are subject to appeal to the judicial system?

The Australian Greens support the fact that if citizens are not satisfied with the decisions of the Privacy Commissioner they can apply for judicial review.

6. Does your Party commit to an independent Review of the performance of the Privacy Commissioner's functions?

The Australian Greens believe that period independent reviews benefit and improve the functionality of all government agencies, statutory authorities and government regulators.

7. Does your Party commit to the repeal of the many unnecessary and unjustified features of post-2001 counter-terrorism legislation?

Since 2001, the Australian Greens have consistently advocated for anti-terrorism laws to preserve people's civil liberties. In 2009, Senator Ludlam introduced a Private Senators Bill that removed 12 of the most egregious parts of the anti-terrorism laws. In 2013, the Australian Greens maintain our call to repeal aspects of the law that get the balance between human rights and national security completely wrong. The Criminal Code, the Crimes Act and the ASIO Act need amendment, and some legislation needs to be re-examined altogether for relevance and appropriateness. We are working with civil liberties stakeholders, campaigners and academics to bring these issues before the parliament.

8. Does your Party commit to sustaining freedom from surveillance of people's online behaviour, communications and reading habits, by rejecting the recent proposals relating to 'data retention' and to the 'filtering' of Internet traffic?

The Australian Greens believe that the regulation of the Internet must be transparent, accountable and protective of privacy, freedom of speech and access to information. There is a fine line between ensuring cyber security and the regulation of illegal or dangerous content and jeopardising civil liberties and human rights - both online freedom and online security must be balanced carefully, otherwise both will be jeopardised.

The Australian Greens strenuously opposed the internet filter proposed by the government in 2010, rejected the scheme because it not only failed to protect children online but would also infringe upon all citizens' right to privacy, setting a dangerous precedent for possible future internet censorship in Australia. The Australian Greens also definitively reject the data retention proposal for similar reasons.

Although the Greens acknowledge the need to allow intelligence and policing agencies to use data and communication interception methods if an individual is implicated in a crime

and there is a warrant to do so, we do not condone the mandatory data retention of all citizens for up to two years, which would treat all Australians like suspects, not citizens. This approach of treating citizens as guilty until proven innocent reflects a broader militarisation of the internet which began after the 2001 September 11 attacks. The Greens believe that it is vital that Australia does not follow America's lead of continuously reducing civil liberties and the privacy of their citizens in the name of national security.

In February this year Media and Communications spokesperson for the Greens, Senator Scott Ludlam, brought to the attention of the Senate that of the 5,463 submissions to the National Security Inquiry, 98.9% of submissions were decisively against the data retention proposal. Senator Ludlam also presented to the Senate a petition of 1447 signatures demanding the abandonment of the data retention scheme, and called on the government to heed the public's serious concerns about the proposal.

In June 2013, Senator Ludlam introduced a Private Senators Bill, the Telecommunications Amendment (Get A Warrant) Bill 2013 that would return Australian law enforcement and intelligence agencies to normal warrant procedures before accessing a person's private data.

9. Does your Party commit to the withdrawal of the power of the Australian Bureau of Statistics to impose mandatory participation in ABS surveys?

The Australian Greens believe that many government policies and programs rely on accurate statistics, particularly those collected through the Census every five years. The ABS should undertake Privacy Impact Assessments on all surveys and participation in all but the Census should be voluntary.

10. Does your Party commit to the conduct of a meaningful evaluation of Body Scanners in Australian airports?

Yes, the Australian Greens would support such an evaluation. The Greens support improvements to airport security where the government has proven those measures are required, effective and have sufficient safeguards. However, the Government's 2012 the Aviation Security Transport (Screening) Bill, failed these standards. The Labor Government and Coalition joined to vote down Greens' amendments that allowed passengers to opt out full body scans and choose frisking instead; ban ionising backscatter x-rays; and ensure rigorous compliance with health regulations for any new scanning technologies. See [link]

11. What commitments is your Party making in relation to the regulation of privacy intrusive behaviour by social media services such as Google and Facebook?

The Australian Greens believe that privacy intrusive behaviour of social media services should be regulated to protect the individual's privacy. Senator Ludlam objected to Google reading users email transactions in order to sell targeted advertising displayed alongside individuals Gmail accounts during the 2011 Greens-led inquiry into online privacy.

12. Does your Party commit to the establishment of effective protections against abuses of privacy by the media?

The Australian Greens are staunch supporters of the establishment of protections against abuses of privacy by the media, and support the model for a tort of privacy as outlined by the Australian Law Reform Commission.

13. Does your Party commit to ensuring that all visual surveillance (such as CCTV, Automated Number Plate Recognition and through the use of drones) complies with the key principles of Justification, Proportionality, Transparency, Mitigating Measures, Controls and Audit?

The Australian Greens believe that all visual surveillance must comply with principles of justification, proportionality, transparency, mitigating measures, control and audit and that a PIA should be completed before new methods of visual surveillance are implemented.

14. Does your Party commit to implementation of Law Reform Commission recommendations in relation to substance abuse testing, within the first year of the new Parliament?

The Australian Greens consider drug tests in the workplace to be a serious invasion of privacy that should not be used routinely but only when justified in professions where health and safety may otherwise be at risk. The Australian Greens are therefore broadly supportive of the APF position.

15. Does your Party commit to regulation of the use of biometrics, including genetic data? See the APF Policy Statements on Biometrics and Biometrics in the Workplace

The Australian Greens do not have a policy on biometrics in the workplace but support privacy impact assessments before the rollout of biometric systems that could compromise employee privacy. The Greens would support a Parliamentary inquiry into regulation of biometric technology.

16. Does your Party commit to ensuring that clear and effective protections exist for all personal health care data?

The Australian Greens take the privacy and protection of Australians' health data seriously and raised the issues of privacy during the debate over the legislation enabling the Personally Controlled Electronic Health Record system.

The Australian Greens believe that any organisation that is collecting or accessing PCEHR data must be required to implement appropriate systems, training and audits to safeguard sensitive data; and we support mandatory data breach disclosure and remedies consistent with the APF position.

The Greens are open to some use of aggregate data by health researchers but only if the data can be completely anonymised and only after public consultation and a thorough Privacy Impact Assessment has been carried out.

17. Does your Party commit to preventing the export of personal data to data havens that provide less protection than Australia does?

The Australian Greens strenuously opposed Australia's accession to the European Cybercrime Convention because it allows the export of personal information to data havens. The personal data protection offered in Australia is barely adequate but standards are far lower in other jurisdictions.

18. What commitments is your Party making in relation to the regulation of mobile device tracking?

According to the annual Telecommunications (Interception and Access) Act report, there were 293,501telecommunications data requests granted in 2011-12. The number of law enforcement requests for access to personal data without a warrant appears to be growing rapidly. The Australian Greens believe that this is unacceptable and that warrant authorisation for data requests – which includes mobile device tracking - must be introduced.

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