



**Australian  
Privacy  
Foundation**

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<http://www.privacy.org.au>

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2 March 2011

The Hon. John Robertson MLC  
The Minister for Transport  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

cc. Mr J. McAteer, Acting NSW Privacy Commissioner

Dear Minister

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

We refer to the work being done by the Pearl Consortium, under contract to the NSW Government, on the design and delivery of an electronic transport ticketing system.

The APF acknowledges that there may be significant benefits for all concerned in a scheme like this. However, previous projects have had a major flaw from a privacy perspective, and we request your assurance that the new design will address this issue satisfactorily.

The human right to freedom of movement within one's own country requires that people be able to travel anonymously, including on public transport. This has always been respected in the NSW transport network. In addition, people want to avoid their travel patterns being stored in a government database, because to many this is very sensitive personal data. Features such as this are expensive to retro-fit, but inexpensive if designed in from the outset.

Would you please confirm that:

- the scheme is required to support anonymous travel;
- such data as is gathered will not be personally identifiable; and
- your Government will ensure that the delivered product conforms with that Requirement.

Thank you for your consideration.

Yours sincerely

Roger Clarke  
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## **Australian Privacy Foundation**

### **Background Information**

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, SubCommittees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, SubCommittees and Reference Groups comprise professionals who bring to their work deep experience in privacy, information technology and the law.

The Board is supported by a Patron (Sir Zelman Cowen), and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <http://www.privacy.org.au/Papers/>
- Resources <http://www.privacy.org.au/Resources/>
- Media <http://www.privacy.org.au/Media/>
- Current Board Members <http://www.privacy.org.au/About/Contacts.html>
- Patron and Advisory Panel <http://www.privacy.org.au/About/AdvisoryPanel.html>

The following pages provide outlines of several campaigns the APF has conducted:

- The Australia Card (1985-87) <http://www.privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <http://www.privacy.org.au/Campaigns/CreditRpting/>
- The Access Card (2006-07) [http://www.privacy.org.au/Campaigns/ID\\_cards/HSAC.html](http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html)
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>