



**Australian
Privacy
Foundation**

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10 February 2005

The Hon Michael Costa MLC
Minister for Roads, Economic Reform and Ports

BY FAX (02) 9228 5699

Re: Photo Card Bill

Dear Minister,

We recently wrote to you about the privacy implications of the Photo Card Bill. In our letter of 25 January we requested a meeting with you to discuss the model proposed in the Bill, and our suggested alternative.

We are very disappointed that we have not received a reply from you to date.

We have therefore prepared the attached analysis of the Bill which sets out for you the basis of our concerns. Also attached is a list of questions for which we respectfully seek answers.

The Australian Privacy Foundation does not disagree with the legitimate objective of assisting those members of the community who face some difficulty in life without drivers' licences. However we believe the model proposed in the Bill will not achieve those objectives – and that it furthermore has significant privacy implications for all NSW residents, that must be addressed.

The core of our concerns are:

- the Bill will not resolve the issue of equitable access to services for all
- the scheme will make identity cards compulsory in effect, if not in law
- the Bill allows the establishment of a 'total population' centralised identity database
- the Bill places virtually no limits on what information may be placed on the central database, nor with whom it may be shared
- the model effectively creates a 'unique identifier' for each NSW resident over the age of 16, facilitating the tracking and profiling of individuals by both government and business
- the model poses increased risks to the personal safety of people who hold either drivers' licences or the new Photo Cards
- there is a significant risk the model will undermine efforts to tackle identity theft and fraud

We have met with community organisations such as NCOSS, who we believe share many of these concerns about the Bill. We understand NCOSS is also seeking to meet with you on this issue, and we would be pleased to participate in a joint briefing if that is acceptable to you.

We look forward to a response to our questions about the Bill, and hope that you will accept our request for a meeting.

Yours faithfully

Anna Johnston
Chair, Australian Privacy Foundation

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CC: Mr John Brogden MP, Leader of the Opposition
Mr Don Page MP, Shadow Minister for Roads
MLCs on the cross-bench

About the Australian Privacy Foundation

The Australian Privacy Foundation is the main non-governmental organisation dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues which pose a threat to the freedom and privacy of Australians.

Since 1987 the Foundation has led the defence of the rights of individuals to control their personal information and to be free of excessive intrusions. For further information see www.privacy.org.au

Since 2003 the Australian Privacy Foundation has also hosted the Australian *Big Brother Awards*, which are presented around the world to corporations, public officials and governments that have shown a blatant disregard for privacy, and those who have done the most to threaten personal privacy in their countries.