



New South Wales  
Council for  
Civil Liberties



Queensland Council  
for Civil Liberties



Australian  
Privacy Foundation

19 October 2011

Mr J. McAteer, Acting NSW Privacy Commissioner

Dear Mr McAteer

**Re: Biometrics**

As you're aware, there's a current surge of activity by technology companies, trying to sell biometrics products to organisations of all kinds.

APF has published policy statements as follows:

- on Biometrics generally (Apr 2008, rev. Oct 2011), at: <http://www.privacy.org.au/Papers/Biometrics.html>
- on Biometrics in the Workplace (Oct 2011), at: <http://www.privacy.org.au/Papers/Biometrics-Wkplace.html>
- on Identity Scanning by Registered Clubs (Sep 2008), at: <http://www.privacy.org.au/Papers/ClubIDScans.html>

We believe that it's vital for the nation's Privacy Commissioners to publish clear and authoritative guidance on these matters that is designed to significantly influence organisational practices.

The personal data aspects of biometric schemes fall within your formal powers. We appreciate, however, that, in relation to aspects that threaten privacy of the physical person and privacy of personal behaviour, you may need to express your documents using somewhat different language.

Nonetheless, we submit that you are able to express positive statements about:

- the many seriously privacy-invasive aspects of biometrics
- the necessity of strong justification for the use of biometrics
- the likely breach of privacy laws if justification is not demonstrated
- the necessity of measures to mitigate negative privacy impacts
- the strong advisability of conducting privacy impact assessments of proposed new applications of biometrics, and of publishing the PIA report in time to influence decision-making
- the critical need for effective consultation processes with affected individuals and their representatives and advocates

We would appreciate your advice as to whether and when you will publish such guidance.

Thank you for your consideration.

Yours sincerely

Cameron Murphy, Chair NSW Council for Civil Liberties  
Spencer Zifcak, Chair Liberty Victoria  
Michael Cope, Chair Queensland Council for Civil Liberties  
Dr Kristine Klugman, Chair Civil Liberties Australia  
Dr Roger Clarke, Chair Australian Privacy Foundation