

April 23, 2022

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Dear Ms Buttrose and colleagues,

Re: Open Letter: Mandatory ABC registration to watch iView

I refer to your letter of 8 March 2022 and the APF's response of 13 March. Our response was attached to an email sent to yourself and your colleagues over a month ago; it addressed the points raised in your letter, and explained why we continue to conclude that there is no justification for refusing permission for those Australians who may be unwilling or unable to register to simply continue to enjoy access to 'their ABC' via iView without registration. We seek your advice as to when (or if) we might expect a response from the Corporation to the issues raised in this letter.

Beyond the very real concern about personal privacy, this intrusive and unnecessary new registration requirement also has other very significant public policy implications. Extreme personalisation has already delivered real damage to society, including to public health and to democracy itself. Moreover, the wider population is becoming ever more aware of the damage, even if it isn't very clear on what can be done about it. There is no justification for the ABC contributing even to the potential of making matters worse.

The implementation of compulsory registration to continue using iView was scheduled to begin in March. We would prefer to understand the ABC's thinking as much as possible before the registration requirement results in exposure of many reluctant or uninformed viewers to the hazards involved in the scheme without resolution of its key factual, technical and policy aspects, and thus without them being able to provide properly informed consent.

Particular queries arising from new research

Your letter of 8 March indicates at points 7 and 8 that the ABC registration process offers opt-out options for promotions and personal recommendations, in addition to the deletion of user accounts upon request. But recent investigations by respected IT security researcher Vanessa Teague appear to show that "the iView system currently sends detailed information about each viewer's choices to several third-party companies" such as Tealium, Google and Facebook, associated with data that can personally identify a user in the form of "a hash of their email address" ('ABC iView Data Sharing - Who's Watching What You Watch', <<https://www.youtube.com/watch?v=20bqzIoB-Fw>>, 14 March 2022). It appears that would-be viewers, including children, cannot opt-out of this data sharing practice, even if they were aware of it.

We seek your urgent advice as to whether this is indeed the case. We would also appreciate a full list of the third-party commercial entities who can receive this sort of iView usage data about registered users, which jurisdictions those entities are based in or controlled from, and all the specific data elements that are exported to them.

The technical transfer to commercial third party data exploitation and advertising businesses is exacerbated by recent revelations about the ways in which political campaigners are now using ‘micro-targeting’ on Google and Facebook platforms to deliver candidate messages to individual voters (Ariel Bogle and Casey Briggs, ‘How political parties are using microtargeting to sway voter choices ahead of the federal election’, ABC News (online), <<https://www.abc.net.au/news/2022-04-06/political-parties-leverage-microtargeting-forfederal-election/100958682>>, 6 April 2022.)

This immediately relevant election scenario bears out APF concerns raised with you in mid-March that effect that the ABC’s new mandatory online registration process can potentially contribute to the sort of psychographic profile of every Australian that foreign commercial surveillance businesses seek to create so they can tout access to its insights to advertisers as intelligence input for their efforts to manipulate individual online users’ views and preferences. It provides an obvious example of why this profiling matters.

This new practice of exporting usage data to third-party commercial entities, in some cases offshore, also has further potential to erode the level of trust the community places in the reliability of the ABC, and undermines the Corporation’s Charter obligation to maintain ABC independence and integrity. (‘Appendix 1. ABC Charter and the Duties of the Board’, Duties of the Board 1(b), *ABC Annual Report 2018-19* <<https://www.transparency.gov.au/annualreports/australian-broadcasting-corporation/reporting-year/2018-2019-77>>.)

So as well as the matters raised in our letter of 13 March, we also seek your further advice about this data export process, including the background questions above plus the following:

- a) the degree to which iView users are being informed about this export of usage data to Tealium, Google, and/or Facebook (what are they told, if anything?); and
- b) the nature of restrictions or compliance arrangements, if any, on the contracts with your iView usage data customers as to the uses to which these ‘insights’ into individuals’ habits and preferences can be put: can data recipients or their customers, in the terms of your agreement with them, use iView usage data for marketing and advertising efforts to change election outcomes? And how do you audit compliance with any restrictions?

Yours sincerely,
Australian Privacy Foundation
David Vaile, Chair

Dr Juanita Fernando, Vice Chair