

## CONSUMER DATA RIGHT BOARD: 23 August 2022

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Chair and DSB to consider, including: to join relevant accessibility fora; an accessibility, usability, and inclusivity capability within the DSB to support standards development; a proposal for CX accessibility standards; and tactical recommendations regarding the consent flow.

Upon finalisation of the Accessibility Improvement Plan, the DSB intends to publicly release the report and consult on a response to the complete list of recommendations on GitHub. This consultation will identify the impacts and appropriateness of the recommendations before proposing any specific standards to be consulted on, if appropriate.

### Attachments

**Attachment A: 4.1.1 CDR Accessibility Obligations Background Report**

*July 2022*

# *Accessibility obligations and conventions framework for the Data Standards Chair*

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# Purpose statement

## About this report

The Data Standards Chair (**Chair**), as an official of the Department of the Treasury (**Treasury**), commissioned PwC's Indigenous Consulting (**PIC**), together with the Centre for Inclusive Design (**CFID**), to provide a report of their obligations for accessibility, including the future direction of these obligations, as they may relate to Data Standards.

## Objectives

The objectives of developing this report are to:

- provide the Chair clear insights into their obligations and related conventions for Accessibility, Usability, and Inclusivity;
- outline at a high level the interlinkages between Accessibility, Usability and Inclusion; and
- identify potential future directions in Accessibility, to guide decision making in forthcoming research work related to improving Accessibility.

## Scope of the report

The report documents:

- details of the obligations of the Chair related to Accessibility, Usability, and Inclusivity;
- a summary of current design standards, policies and frameworks;
- potential future directions of accessibility standards;
- benefits and risks related to compliance; and
- recommendations to improve Accessibility, Usability, and Inclusivity within the Consumer Data Right (**CDR**).

The scope of this report does not include a comprehensive legal review.

A draft version of this report was issued to Treasury in May 2022, with significant feedback being received from members of the Data Standards Body.

The updated final version shared with Treasury on 10 June 2022.

## Intended audience

The Data Standards Chair is the primary owner and audience of this report, and they can use the report to guide decision about future actions that will allow Data Standards development to continue to comply with responsibilities in relation to Accessibility, Usability, and Inclusivity. The Chair may also share the report within CDR and publish it to external stakeholders to guide consultation and decision making, at their discretion.

## Executive Summary

Informed consent is central to the operation of the Consumer Data Right (**CDR**). The legislative function of the Data Standards Chair (**Chair**), an Official of the Treasury, is to make and review Data Standards that define the format and process for how consumer data is accessed, with consent. If the process by which a consumer grants consent is inaccessible, then their Right is also inaccessible.

Legislation codifies the obligation for the Chair to provide equal access for use of the Data Standards, and to promote the interpretation of equal access of use for implementations based upon the Data Standards. This obligation emanates from the *Disability Discrimination Act 1992* (**DDA**) and is supported by edicts from the Australian Human Rights Commission (**AHRC**).

Accessibility standards are clearly outlined in W3C's Web Content Accessibility Guidelines (**WCAG**). Australian legislation and policy require compliance. To meet Accessibility obligations, the Chair should adopt WCAG to support delivering the CDR.

In relation to the operation of the CX Guidelines, the GOLD Design System provides a framework, and a set of tools, to help designers and developers build Australian Government products and services more easily. This system has been used to develop the CDR CX Guidelines and incorporates the *Usability* and *Accessibility* standards in alignment with the Digital Transformation Agency (**DTA**)'s Digital Service Standard (**DSS**). This system, however, does not fully support the functionality sought for the CDR, as reflected in the CX Guidelines. This means that certain portions of the CX Guidelines are not supported by the framework, and/or set of tools, that would have otherwise assisted and guided designers and developers with implementing them.

It is unlikely that the GOLD Design System will develop the components required to support the CX Guidelines and related CDR implementations. The Chair should consider addressing divergence from GOLD in order to support delivering a more accessible CDR consent model.

Accessibility is clearly a key part of ensuring that all Australians can access the CDR, but it does not cover all needs. Considering Accessibility together with Usability through an inclusive design lens gives a more holistic picture of what the Chair can do to ensure Australians can access their rights under CDR.

In contrast to Accessibility obligations, which are clearly outlined in international and national legislation, policy, and standards, neither Usability nor Inclusion have accepted conventions which clearly articulate responsibilities to decision makers. As the Chair, and the Data Standards Body (**DSB**), consider embedding equal access of use across the CDR consent model, research should be considered in order to support the development of a framework for the CDR which considers Usability and Inclusion.

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# Recommendations

## **Recommendation 1**

*Whilst the CX Standards already mandate certain WCAG criterion, the Chair should consider more extensively incorporating WCAG into the Data Standards, the Data Standards artefacts themselves, and related products, to address their legislative obligations for Accessibility, including by:*

- 1.1 Maintaining compliance with the current version.*
- 1.2 Having regard for WCAG's further guidance, especially:*
  - 1.2.1 Mobile Accessibility;*
  - 1.2.2 Cognitive Accessibility;*
  - 1.2.3 Personalisation; and*
  - 1.2.4 Pronunciation.*
- 1.3 Determining the Level of compliance (A/AA/AAA) required for each Success Criteria, which may involve consulting with:*
  - 1.3.1 AHRC*
  - 1.3.2 DTA*
  - 1.3.3 ABA; and*
  - 1.3.4 AER/ESC*

## **Recommendation 2**

*Given the current reliance upon a Design System which is not fit-for-purpose, the Chair addresses the divergence from the GOLD Design System. Options may include:*

- 2.1 Advocating for Design System Au, an open-source community, to build the necessary modules;*
- 2.2 Seeking funding for these modules to be built, and advocate for their adoption into the GOLD Design System;*
- 2.3 Acquiring the GOLD Design System as part of the function(s) of the Chair, and/or DSB.; or*
- 2.4 (Preferred) Developing an independent Data Standards Design System that focusses on the needs of data sharing, and consent models, but incorporates components from other systems, such as the GOLD Design System where appropriate. This Design System would also include authentication in its scope.*

*As suggested in the Inquiry into Future Directions for the CDR (see pp.188-191), option 2.4 could, if appropriate, support consistent data sharing methods across the economy.*

## **Recommendation 3**

*The Chair commissions a scoping-study into the development of Usability and Inclusivity framework(s) with the intent of addressing their legislative obligations*



# Understanding Accessibility, Usability, and Inclusivity obligations

The legislative function of the Data Standards Chair (**Chair**), an Official of the Treasury, is to make and review Data Standards that define the format and process for how consumer data is accessed under the Consumer Data Right (**CDR**), with their consent. Informed consent is central to the operation of this Right. If the process by which a consumer grants consent is inaccessible, then their Right is also inaccessible.

## *Equal access for use describes equity of access for digital products and services*

*Equal access of use* is an objective measure. Just like information security, this concept can be defined, tested and verified. And as a concept, it provides solid benchmarks for the Chair to clearly communicate to CDR participants, and regulators.

*Equal access of use* is defined the same in both the European <sup>1</sup> and Australian Standards. <sup>2</sup> It refers to a digital product or service affording *equal access of use* when the digital product or service meets two functional performance statements:

- a Enable any user to locate, identify, operate functions, and to access the information provided, regardless of their physical, cognitive or sensory abilities.
- b Maintain the privacy and security of any user at the same level regardless of the accessibility features of the content or service.

In order to comply with relevant legislative requirements, the Data Standards need to address both these performance statements, which is partly achieved – in terms of Accessibility - through compliance with the W3C's Web Content Accessibility Guidelines (**WCAG**). <sup>3</sup>

### **The World Wide Web Consortium (W3C)**

*The W3C is the main international standards organisation for the World Wide Web.*

## *The Chair's obligations to ensure equal access for use is codified in legislation*

Legislation codifies the obligation for the Chair to provide *equal access for use* of the Data Standards, and to promote the interpretation of *equal access of use* for implementations based upon the Data Standards. This obligation emanates from the *Disability Discrimination Act 1992 (DDA)*.

The DDA states that, "It is unlawful for a person who performs any function or exercises any power under a Commonwealth law or for the purposes of a Commonwealth program or has any other responsibility for the administration of a Commonwealth law or the conduct of a Commonwealth program, to discriminate against

<sup>1</sup> ETSI EN 301 549 - V3.2.1 - Accessibility requirements for ICT products and services

<sup>2</sup> AS EN 301 549:2020 - Accessibility requirements for ICT products and services

<sup>3</sup> <https://www.w3.org/WAI/standards-guidelines/wcag/>

*another person on the ground of the other person's disability in the performance of that function, the exercise of that power or the fulfilment of that responsibility.”<sup>4</sup>*

This legislative requirement for Accessibility, Usability, and Inclusivity equally applies to the powers and functions of the Chair, and the Data Standards Body (DSB), which has the sole function of assisting the Chair.

### *Closing the Gap data access target*

The Closing the Gap framework acknowledges the ongoing strength and resilience of Aboriginal and Torres Strait Islander people in sustaining the world's oldest living cultures.

Closing the Gap is underpinned by the belief that when Aboriginal and Torres Strait Islander people have a genuine say in the design and delivery of policies, programs and services that affect them, better life outcomes are achieved. This framework also recognises that structural change in the way governments work with Aboriginal and Torres Strait Islander people is needed to close the gaps across numerous socio-economic, wellbeing and cultural indicators.

In 2020, new targets were committed to Closing the Gap, including the development of Target 17, which states, “People have access to information and services enabling participation in informed decision-making regarding their own lives.”<sup>5</sup> This Closing the Gap target aligns with the Australian Government Open Data commitments,<sup>6</sup> of which the CDR is a key component.

Closing the Gap is an important framework for the Chair, and DSB, to keep in mind when considering the Accessibility, Usability, and Inclusivity of the Data Standards.

### *Access is a Human Right*

*“Accessibility to banking is a fundamental human right.”*

*Anna Bligh AC CEO, Australian Banking Association, 2018<sup>7</sup>*

The Australian Human Rights Commission (AHRC) states, “The provision of information and online services through the web is a service covered by the DDA. Equal access for people with a disability in this area is required by the DDA.”<sup>8</sup>

(See **Appendix 1** for detail on the Rights of Persons with Disabilities.)

The AHRC advice on the application of the DDA states equal access of use applies universally across society, including, “professional services, banking, insurance or financial services, ... telecommunications services, ... or government services; sale or rental of real estate; or administration of Commonwealth laws and programs.”<sup>9</sup>

<sup>4</sup> Disability Discrimination Act 1992 Part 2 Division 2 Section 29: Administration of Commonwealth laws and programs

<sup>5</sup> <https://www.closingthegap.gov.au/national-agreement/targets>

<sup>6</sup> <https://www.pmc.gov.au/public-data/open-data>

<sup>7</sup> [https://www.ausbanking.org.au/wp-content/uploads/2019/05/Accessibility\\_Principles\\_for\\_Banking\\_web.pdf](https://www.ausbanking.org.au/wp-content/uploads/2019/05/Accessibility_Principles_for_Banking_web.pdf)

<sup>8</sup> World Wide Web Access: Disability Discrimination Act Advisory Notes ver 4.1 (2014) | Australian Human Rights Commission

<sup>9</sup> Ibid

The AHRC further advises that this applies to any individual or organisation irrespective: <sup>10</sup>

- of the digital format the information and/or service is provided, and/or
- whether provided for payment or not.

Consequently, expressing the requirement of equal access for all in the Data Standards is consistent with extant expectations placed upon all existing, and potential, CDR participants.

The AHRC considers that all digital goods or services should achieve a minimum conformance with WCAG level AA success criteria in order to afford equal access of use. Additionally, the AHRC advises, some digital goods or services may need to achieve conformance with at least some higher-level AAA success criteria. <sup>11</sup>

Consequently, how the Data Standards should meet different levels of each WCAG success-criteria (A/AA/AAA) needs to be determined. The Chair may decide to liaise with the AHRC in this regard.

A failure to provide Data Standards that afford equal access of use could exclude and discriminate against people with a disability, and doing so would breach the DDA; create reputational, program, and implementation risks for officials, the program, and the government; as well as negatively impacting businesses, and communities in Australia.

### ***The Australian Human Rights Commission (AHRC)***

*The AHRC is the accredited national human rights institution (NHRI) for Australia. The Commission has a role engaging with UN human rights mechanisms, to promote and protect human rights both in Australia and within the international human rights arena.*

### ***Accessibility, Usability and Inclusion***

Clearly Accessibility is a key part of making sure that all Australians can access the CDR, but it does not cover all needs. Considering Accessibility together with Usability through an Inclusive design lens gives a more holistic picture of what the Chair can do to ensure Australians can access their rights under CDR. Accessibility, Usability and Inclusion are all required under equal access for use.

Designing for **Accessibility** primarily addresses the needs of people with disabilities. Web accessibility means that people with disabilities can equally perceive, understand, navigate, and interact with websites and tools. It also means that they can contribute equally without barriers. <sup>12</sup> Accessibility standards are clearly outlined in WCAG. Legislation and policy require compliance.

Designing for **Usability** means ensuring that digital products and services are effective, efficient, and satisfying for the people who use them. Usability includes user experience (UX) design. Unlike Accessibility, Usability does not explicitly consider the needs of vulnerable users.

<sup>10</sup> World Wide Web Access: Disability Discrimination Act Advisory Notes ver 4.1 (2014) | Australian Human Rights Commission

<sup>11</sup> Ibid

<sup>12</sup> <https://www.w3.org/WAI/fundamentals/accessibility-usability-inclusion/>

Designing for **Inclusion** means creating products and services that support people of all backgrounds and abilities to successfully achieve desired outcomes. Inclusion addresses a broad range of issues including:<sup>13</sup>

- accessibility for people with disabilities;
- access to and quality of hardware, software, and Internet connectivity;
- computer literacy and skills;
- economic situation;
- education;
- geographic location;
- culture;
- age, including older and younger people; and
- language.

Unlike Accessibility, neither Usability or Inclusion have accepted international or Australian conventions which clearly articulates responsibilities to decision makers. As the Chair, and the DSB, consider embedding *equal access of use* across the CDR consent model, they should consider Inclusion in a broad sense. This will align with requirements under DDA, WCAG, and the Australian Government Digital Service Standards.

Adopting this approach would require research in order to develop a framework for Usability and Inclusion, particularly with regard to vulnerable consumers. Such an approach would also align with priorities raised by the Assistant Treasurer Jones, Minister for the CDR, back in 2019, when he noted the potential impact of the CDR on vulnerable consumers needs to be monitored,<sup>14</sup> and that more needed to be done in order to ensure that vulnerable CDR consumers are not discriminated against.<sup>15</sup>

This approach is also broadly reflected in the DSB's Consumer Experience (CX) Research<sup>16</sup>, which has adopted a 'no edge-case' approach in order to support the design of a more Accessible, Usable and Inclusive CDR.

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<sup>13</sup> <https://www.w3.org/WAI/fundamentals/accessibility-usability-inclusion/>

<sup>14</sup> Mr Stephen Jones (2019) [Treasury Laws Amendment \(Consumer Data Right\) Bill 2019, Second Reading](#) (13:20)

<sup>15</sup> Mr Stephen Jones (2019) [Treasury Laws Amendment \(Consumer Data Right\) Bill 2019, Second Reading](#) (17:01)

<sup>16</sup> CX Research (2020) [Phase 3: Round 6, p.10](#)



# Current Design Standards, Policies and Frameworks

Multiple design standards exist that describe accessibility requirements, as well as supporting policies and frameworks which guide implementation. Those most relevant to the CDR are described here.

## *Web Accessibility Initiative (WAI)*

The W3C's WAI develops the international standards for Accessibility. The WAI works through an agreed process designed to ensure broad community input that encourages consensus development.

WCAG was developed through the W3C WAI process with the intent to provide a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.

The WCAG standards have 13 guidelines. The guidelines are organized under 4 principles: *Perceivable, Operable, Understandable, and Robust*. For each guideline, there are testable success criteria. The success criteria are at three levels: A, AA, and AAA.

WCAG 2.0 is approved as an ISO standard: ISO/IEC 40500:2012. ISO/IEC 40500 is exactly the same as the original WCAG 2.0. The content of ISO/IEC 40500 is freely available<sup>17</sup>

WCAG 2.0 and WCAG 2.1 are both existing standards. WCAG 2.1 does not deprecate or supersede WCAG 2.0. The WCAG 2.2 draft is scheduled to be finalized by September 2022. W3C encourages the use of the most recent version of WCAG when developing or updating content or accessibility policies.

Whilst the W3C's WCAG is the most widely known and referenced component of the W3C Accessibility Standards, there is also supplemental guidance and technical specifications on such areas as Cognitive Accessibility Guidance, which is consistent with, and would strengthen, the application of the CDR's CX Principles:

Principle 3: The CDR is Comprehensible; and

Principle 4: The CDR is Simple and Empowering.

Consequently, the Chair, and the DSB, should review the W3C's guidance in light of their respective obligations. This review should especially include: Mobile Accessibility<sup>18</sup>, Cognitive Accessibility,<sup>19</sup> Personalisation,<sup>20</sup> and Pronunciation.<sup>21</sup>

<sup>17</sup> <http://www.w3.org/TR/WCAG20>

<sup>18</sup> <https://www.w3.org/WAI/standards-guidelines/mobile/>

<sup>19</sup> <https://www.w3.org/WAI/cognitive/>

<sup>20</sup> <https://www.w3.org/WAI/personalization/>

<sup>21</sup> <https://www.w3.org/WAI/pronunciation/>

## Australian Government Digital Service Standard (DSS)

The Digital Transformation Agency (DTA) outlines the Australian Government commitments to accessibility in their DSS.<sup>22</sup>

### **Digital Service Standard 9: Make it accessible**

*Ensure the service is accessible and inclusive of all users regardless of their ability and environment.*

*“You also have a legal requirement to ensure your service is **usable** and **accessible** to people with disabilities (see the Disability Discrimination Act 1992). Australian Government agencies are required to meet the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, which includes Level A (see mandate in Web Accessibility National Transition Strategy). You are strongly encouraged to meet WCAG 2.1 Level AA which will provide a more accessible experience. Conforming to WCAG 2.1 means you also conform with 2.0.”<sup>23</sup>*

The DSS applies to Australian Government services that are:

- public facing;
- owned by non-corporate Commonwealth entities;
- new informational or transactional services (designed or redesigned after 6 May 2016); and
- existing high-volume transactional services.

The CDR’s Data Standards are an Australian Government service, and therefore fall under the DSS. The Chair, and the DSB, should satisfy themselves of their requirements to harmonise with the DSS; especially with regards to the Data Standards influencing the DSS. (See GOLD Design System.)

## Australian Standards

In 2020 Standards Australia released AS EN 301 549:2020<sup>24</sup>, *Accessibility requirements for ICT products and services*. It specifies requirements for information and communications technology to be accessible for people with disabilities. This standard is identical to the European standard of the same name, which is mandatory for European public entities to follow. This standard is harmonised with WCAG.

## The Australian Banking Association’s (ABA’s) Accessibility Principles

ABA’s *Accessibility Principles for Banking Services*<sup>25</sup> invokes compliance with an alternate principles-based Accessibility framework: *the Principles for Universal Design*. (See **Appendix 2** for detail.) The ABA also maintain *Guiding Principles for Accessible Authentication*.<sup>26</sup>

<sup>22</sup> <https://www.dta.gov.au/help-and-advice/digital-service-standard/digital-service-standard-criteria>

<sup>23</sup> <https://www.dta.gov.au/help-and-advice/digital-service-standard/digital-service-standard-criteria/9-make-it-accessible>

<sup>24</sup> <https://www.standards.org.au/standards-catalogue/sa-snz/other/it-040/as--en--301--549-colon-2020>

<sup>25</sup> <https://www.ausbanking.org.au/priorities/accessibility/>

<sup>26</sup> [https://www.ausbanking.org.au/wp-content/uploads/2020/05/ABA-Guiding\\_Principles\\_for\\_Accessible\\_Authentication.pdf](https://www.ausbanking.org.au/wp-content/uploads/2020/05/ABA-Guiding_Principles_for_Accessible_Authentication.pdf)

### *Existing requirements – Energy example*

As new sectors and use cases are designated for the CDR, the Chair will need to have regard for the accessibility standards and conventions already required of these participants. For example, in the energy sector, the Australian Energy Regulator (**AER**) and Victorian Government Essential Services Commission (**ESC**) both released Vulnerability Strategies at the end of 2021, which reflects the AER's second objective to "*Reduce complexity and enhance accessibility for energy consumers*"<sup>27</sup> and the ESC's second objective to ensure "*Services we regulate are more responsive, inclusive and accessible.*"<sup>28</sup>

The Chair, and the DSB, should compare the requirements for designated CDR sectors – and/or industries involved in designated use cases – against the Accessibility standards they adopt for the CX Data Standards.

### *GOLD Design System*

GOLD Design System<sup>29</sup> provides a framework and a set of tools to help designers and developers build Australian Government products and services more easily. The system incorporates the usability and accessibility standards aligned with the Digital Transformation Agency (**DTA**)'s Digital Service Standard (**DSS**)<sup>30</sup>. Originally developed by the DTA it is now supported by an open-source community (Design System Au).<sup>31</sup>

The GOLD Design System<sup>32</sup> has been used to develop the CX Guidelines, and incorporates the Usability and Accessibility standards in alignment with the Digital Transformation Agency (DTA)'s Digital Service Standard (**DSS**). This system, however, does not fully support the functionality sought for the CDR, and reflected in the CX Guidelines. This means that certain portions of the CX Guidelines are not supported by the framework, and/or set of tools, that would have otherwise assisted and guided designers and developers with implementing them.

It is unlikely that the GOLD Design System will develop the components required to support the CX Guidelines, and related CDR implementations. The Chair should consider addressing divergence from GOLD in order to support delivering a more accessible CDR consent model. Options may exist to support the evolution of the GOLD Design System to incorporate divergences necessary for CDR, and other consent models more broadly. This could include participation by the DSB in the GOLD Design System, or the acquisition of the GOLD system by the Chair or DSB. While the active participation of the DSB in the Design System Au community may be valuable, however, it may also result in the DSB taking on responsibilities for GOLD Design System components that are not related to data sharing and consent models.

A more compelling option may be for the Chair to consider an independent Data Standards Design System. Similar to the approach taken in the Data Standards, which makes reference to external standards such as FAPI and WCAG, a Data Standards Design System could be specifically developed for the purpose of supporting consent models while also incorporating external standards and patterns, such as the GOLD Design System. This approach could maintain consistency with the GOLD Design System where appropriate, while maintaining the flexibility to refer to other standards and components where preferable.

<sup>27</sup> <https://www.aer.gov.au/retail-markets/guidelines-reviews/consumer-vulnerability-strategy>

<sup>28</sup> <https://engage.vic.gov.au/building-strategy-regulate-consumer-vulnerability-mind>

<sup>29</sup> GOLD Design System <https://github.com/designsystemau/gold-design-system>

<sup>30</sup> <https://www.dta.gov.au/help-and-advice/about-digital-service-standard>

<sup>31</sup> Design System Au <https://designsystemau.org/>

<sup>32</sup> <https://gold.designsystemau.org/>

An independent Data Standards Design System could have applications beyond the CDR, and, as suggested in the *Inquiry into Future Directions for the CDR* (see pp.188-191)<sup>33</sup>, could support consistent data sharing methods across the economy.

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<sup>33</sup> <https://treasury.gov.au/sites/default/files/2021-02/cdrinquiry-final.pdf>



## Future directions and requirements in accessibility

### *Compliance requires constant monitoring as obligations will change over time*

As with most international standards, accessibility standards evolve over time. Changes in web standards have and will continue to place additional requirements of what constitutes *equal access of use*. As with previous changes in web standards this will lead to changes in obligations.

Changes in standards are driven by:

- The W3C commitment to ongoing improvements in accessible experiences for people with disabilities; and
- A need to respond to new information types and ways of interacting with internet connected technologies.

Outlined below are three key changes in accessibility requirements relevant to the Chair, and the DSB:

### ***Immediate horizon change: WCAG 2.2***

The W3C's upcoming release of WCAG 2.2 in September 2022 will incorporate 9 additional success criteria<sup>34</sup> to what is currently included in WCAG 2.1. The additional criteria raise the minimum requirements of what constitutes *equal access of use*.

#### ***WCAG 2.2 Success Criterion 3.3.7: Accessible Authentication (Level A)***

*“For each step in an authentication process that relies on a cognitive function test, at least one other authentication method is available that does not rely on a cognitive function test, or a mechanism is available to assist the user in completing the cognitive function test.*

*Examples of mechanisms include:*

- 1) support for password entry by password managers to address the memorization cognitive function test, and*
- 2) copy and paste to help address transcription cognitive function test.”*

Both the European and Australian Standards bodies have already advised of plans to update EN 301 549 to reflect the additional success criteria of WCAG 2.2. Similarly, the AHRC has communicated that its advice on web accessibility is out of date and has commenced initiatives to update their advice. An update in AHRC advice would in turn trigger an update by agencies that rely on that advice, such as DTA, and their DSS.

<sup>34</sup> <https://www.w3.org/WAI/standards-guidelines/wcag/new-in-22/>

## Near horizon change: Personalisation Standards

The W3C's draft technical specifications on personalisation<sup>35</sup> provides the semantic structure,<sup>36</sup> vocab,<sup>37</sup> and syntax<sup>38</sup> for the personalisation interactions with web content. Such personalisation would improve the usability of the information and service, lower cognitive-load and strengthen consent.

These personalisation standards allow users to change how numeric information is represented, and/or change text to symbols. For example, people who have difficulty understanding numbers ("dyscalculia") could chose to have a temperature of 5°C replaced with a picture of a person wearing a hat, scarf, and mittens, and the text "very cold". As another example, people with severe language impairment who cannot read text, could choose to use symbols to represent content.

If the CDR's current Data Language Standards employed personalisation, for example by providing meaningful pictures and/or descriptive text on the consent screen, then the Accessibility, Usability, and Inclusivity of this consent would be improved.

## Longer-term horizon change: WCAG 3

The W3C has commenced work on the successor to WCAG 2.2 to be known as W3C Accessibility Guidelines 3.0 (**AG3**)<sup>39</sup>. A review of available information from the W3C's Accessibility Guidelines Working Group<sup>40</sup> indicates that:

- whilst currently an incomplete draft, it is anticipated for completion date sometime in 2026.
- it will be very **different** from previous versions of WCAG, including a different structure, different conformance model as well as a broader scope, beyond just web content.

The Chair and the DSB need to be aware that the eventual release of AG 3 will require resourcing to update and manage compliance of these new accessibility requirements within the Data Standards, as well as to educate CDR Participants and CDR Agencies to monitor and enforce new requirements.

## Considerations for the Chair

As the context for the CDR further expands, the ongoing assessment of compliance with Accessibility standards will also increase in scale. Therefore, deciding on a suitable standard now is an important part of preparing for the future. A principles-based standard, such as WCAG, may scale better with the expansion of the CDR, particularly if these standards are maintained in order to reflect emerging technology and shifts in international attitudes. Selecting such an Accessibility standard would provide the heavy lifting for the Chair, and the DSB.

<sup>35</sup> <https://www.w3.org/WAI/personalization/>

<sup>36</sup> *Semantic structure* refers to an organisation that represents meaning.

<sup>37</sup> *Vocabulary* is commonly defined as "all the words known and used by a particular person."

<sup>38</sup> *Syntax* is how words combine to form larger units such as phrases and sentences.

<sup>39</sup> <https://www.w3.org/TR/wcag-3.0/>

<sup>40</sup> <https://www.w3.org/WAI/standards-guidelines/wcag/wcag3-intro/>

## Benefits and risks related to compliance

### *Trust is crucial*

The CDR gives consumers more control over their data, enabling them to access and share data with a view to accessing better products and services. Therefore, the success of the CDR relies on the trust of consumers and service sector partners who provide these services. Providing *equal access for all* and considering accessibility throughout product and service design will build trust with users. Conversely, a failure to consider accessibility risks losing trust with users. Once that trust is eroded, it is difficult to rebuild. Therefore, the Chair should consider Accessibility carefully in order to build and maintain ongoing trust with consumers.

### *The Chair is a corporate leader*

The CDR is designed to be economy-wide; therefore what decisions the Chair makes influences stakeholders across sectors. Consequently, the Chair holds a position of influence, and can affect positive change in order to support outcomes for all Australians, including sending a clear message regarding Inclusivity.

### *Non-compliance comes with several risks*

There are several risks for not complying with accessibility obligations:

- **Negative publicity or public perception of the CDR:** recent publicity relating to the airline industry demonstrates that poor accessibility experiences can generate negative publicity for large organisations.<sup>41</sup>
- **Legal action:** given the legislative obligations under DDA, the Chair and/or DSB could risk legal action related to not providing *equal access for all*. The AHRC keeps a register of similar decisions under DDA.<sup>42</sup>
- **Secondary effects for sector organisations:** where the Chair is providing products and services for others to use, they may risk acquired liability. Those organisations may expect that the Chair, and DSB, have considered accessibility before providing those resources for others to use.

### *Compliance can offer wide-ranging benefits*

Compliance delivers benefits because consumer diversity is the norm not the exception. Each consumer possesses their own unique combination of attributes such as ability (physical, sensory and cognitive), language, culture, gender, age and other forms of human difference. Understanding the differences and common needs will allow the CDR to support the delivery of better and more equitable products and services. Particular benefits of complying with accessibility obligations include:

- **Drives innovation:** Accessibility features in products and services often solve unanticipated problems for a broader group of users, rather than only those with identified accessibility needs.
- **Improves Usability:** Accessibility features are essential for some and useful for all.
- **Increases uptake:** More Australians can benefit from the CDR and build trust and confidence with the scheme, rather than those who are most likely and able to adopt it because do not experience the same barriers to access.

<sup>41</sup> Airports and airlines on notice after people with disability speak out about humiliating treatment <https://www.abc.net.au/news/2022-05-16/reports-of-disability-discrimination-at-australian-airports/101070802>

<sup>42</sup> DDA: Register of Court decisions <https://humanrights.gov.au/our-work/disability-rights/dda-court-decisions>



## ***Appendices***

Appendix A United Nations Convention on the Rights of Persons with Disabilities (CRPD)	14
Appendix B Principles of Universal Design	15



## **Appendix A      United Nations Convention on the Rights of Persons with Disabilities (CRPD)**

Australia is 1 of 185 countries that have ratified the *United Nations Convention on the Rights of Persons with Disabilities*<sup>43</sup>. The CRPD asserts a range of fundamental rights and freedoms that people with a disability enjoy as members of society including:

- Article 4: (1)(g) requires signatories to “Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet”.
- Article 9: requires signatories to take “appropriate measures to ensure to persons with disabilities access, on an equal basis with others, ...., to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public.
- Article 21: requires signatories to take “all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.”

---

<sup>43</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

## Appendix B Principles of Universal Design

The authors, a working group of architects, product designers, engineers and environmental design researchers, collaborated to establish the following Principles of Universal Design to guide a wide range of design disciplines including environments, products, and communications. These seven principles may be applied to evaluate existing designs, guide the design process and educate both designers and consumers about the characteristics of more usable products and environments.<sup>44</sup>

### *PRINCIPLE ONE: Equitable Use*

The design is useful and marketable to people with diverse abilities.

#### **Guidelines**

- Provide the same means of use for all users: identical whenever possible; equivalent when not.
- Avoid segregating or stigmatizing any users.
- Provisions for privacy, security, and safety should be equally available to all users.
- Make the design appealing to all users.

### *PRINCIPLE TWO: Flexibility in Use*

The design accommodates a wide range of individual preferences and abilities.

#### **Guidelines**

- Provide choice in methods of use.
- Accommodate right- or left-handed access and use.
- Facilitate the user's accuracy and precision.
- Provide adaptability to the user's pace.

---

<sup>44</sup> <https://ncaonline.org/principles-of-universal-design/>

***PRINCIPLE THREE: Simple and Intuitive Use***

Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

**Guidelines**

- Eliminate unnecessary complexity.
- Be consistent with user expectations and intuition.
- Accommodate a wide range of literacy and language skills.
- Arrange information consistent with its importance.
- Provide effective prompting and feedback during and after task completion.

***PRINCIPLE FOUR: Perceptible Information***

The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

**Guidelines**

- Use different modes (pictorial, verbal, tactile) for redundant presentation of essential information.
- Provide adequate contrast between essential information and its surroundings.
- Maximize "legibility" of essential information.
- Differentiate elements in ways that can be described (i.e., make it easy to give instructions or directions).
- Provide compatibility with a variety of techniques or devices used by people with sensory limitations.

***PRINCIPLE FIVE: Tolerance for Error***

The design minimizes hazards and the adverse consequences of accidental or unintended actions.

**Guidelines**

- Arrange elements to minimize hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded.
- Provide warnings of hazards and errors.
- Provide fail safe features.
- Discourage unconscious action in tasks that require vigilance.

***PRINCIPLE SIX: Low Physical Effort***

The design can be used efficiently and comfortably and with a minimum of fatigue.

**Guidelines**

- Allow user to maintain a neutral body position.
- Use reasonable operating forces.
- Minimize repetitive actions.
- Minimize sustained physical effort.

### ***PRINCIPLE SEVEN: Size and Space for Approach and Use***

Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

#### **Guidelines**

- Provide a clear line of sight to important elements for any seated or standing user.
- Make reach to all components comfortable for any seated or standing user.
- Accommodate variations in hand and grip size.
- Provide adequate space for the use of assistive devices or personal assistance.

Please note that the Principles of Universal Design address only universally usable design, while the practice of design involves more than consideration for usability. Designers must also incorporate other considerations such as economic, engineering, cultural, gender, and environmental concerns in their design processes. These Principles offer designers guidance to better integrate features that meet the needs of as many users as possible.

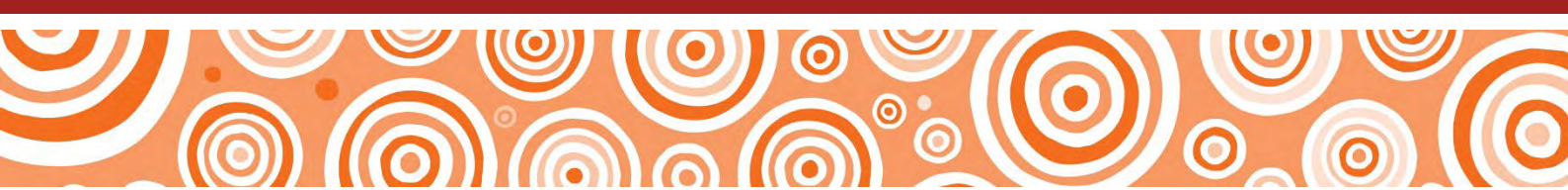


***[www.pwc.com.au/pic](http://www.pwc.com.au/pic)***

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## CONSUMER DATA RIGHT BOARD: 23 August 2022

### AGENDA ITEM 4.3

#### Benefits management update

Lead: Phil Schofield, Director Program Management Office, Treasury

#### Recommendations

That the Consumer Data Right Board:

1. Note the update on activities to develop a CDR benefits management framework.

#### Background

In March 2022 Treasury and Value Management Consulting (VMC) reported to the Board on progress of work to establish a framework for the realisation of CDR Benefits.

Phase 1 of this work has been completed. VMC delivered a set of benefits management documents to help the program identify, measure and track the outputs and outcomes of the program, including:

- an end-to-end outcomes map with validated lead indicators and benefit measures
- a benefits realisation management framework that captures indicators and measures
- identification of possible metrics for early reporting for the current use of CDR data availability.

VMC has now commenced work on Phase 2.

#### Key Issues

#### Phase 2 update

The objectives of Phase 2 include:

- validating measures of CDR long-term strategic outcomes and benefits
- reviewing and updating practical reporting measures to align more closely with ideal measures of CDR success
- socialising and validating the CDR value proposition and measures of success.

Work on this phase has commenced with VMC undertaking seven consultation sessions with members of the Data Standards Advisory committee in July and August (refer **Appendix A**). Consultations were held with data holders in both banking and energy sectors, data recipients and consumer advocacy groups. From these sessions a range of thinking has been captured on specific measures with suggestions of where it will be valuable for the program to focus.

#### Next Steps

VMC are developing a draft benefits scorecard that will bring together key measures to be tracked that have been identified through Phase 1, as well as insights from recent consultation for Phase 2. The first prototype of the scorecard is expected to be delivered in August.

Treasury will reform the Benefits Working Group with representation from all CDR agencies to oversee the ongoing development and iteration of the benefits scorecard.

A key challenge will be to consider how shortcomings in benefits metrics available from existing reporting sources might be addressed.

#### Attachments

Nil

CONSUMER DATA RIGHT BOARD: 23 August 2022

APPENDIX A — SUMMARY OF PHASE 2 CONSULTATION SESSIONS

Stakeholder	Sector	Organisation	Meeting date
s 22	ADR	s 22	Mon 25 Jul
s 22	ADR	s 22	Thu 28 Jul
s 22	ADR	s 22	Thu 28 Jul
s 22	DH – Banking	s 22	Tue 2 Aug
s 22	DH – Banking	s 22	
s 22	DH – Banking	s 22	
s 22	Banking	s 22	Tue 2 Aug
s 22	Banking	s 22	
s 22	Consumer	s 22	Mon 1 Aug
s 22	Consumer	s 22	
s 22	Consumer	s 22	
s 22	DH – Energy	s 22	Thu 4 Aug
s 22	DH – Energy	s 22	
s 22	DH – Energy	s 22	
s 22	DH – Energy	s 22	
s 22	DH – Energy	s 22	

**OAIC - Commissioner**

**From:** ALCHIN,Renee  
**Sent:** Thursday, 18 August 2022 5:01 PM  
**To:** OAIC - Commissioner  
**Cc:** FALK,Angelene; HAMPTON,Elizabeth; GHALI,Sarah; CHRISTENSEN,Emi; ARCHBOLD,Lisa; ANNETTS,Fiona  
**Subject:** [FOR APPROVAL] GPA Awards 2022 [SEC=OFFICIAL]  
**Attachments:** RE: GPA Global Privacy and Data Protection Awards 2022 Entries – Shortlisting [SEC=OFFICIAL]; RE: [FOR CLEARANCE BY COB MONDAY 18 JULY]: Voting to shortlist entries for the GPA Global Privacy and Data Protection Awards 2022

Snapshot	
Due date	COB Monday 22 August 2022
Topic for clearance	Voting on the shortlisted entries for the GPA Global Privacy and Data Protection Awards 2022
Product (e.g. brief / submission)	Email
Length / no. of pages	
External party?	Yes – GPA Secretariat
Clearance & consultation	Lisa Archbold, Emi Christensen
Final Clearance by	Commissioner

Dear Commissioner

Online voting for the GPA Awards 2022 has opened. The OAIC's votes will need to be provided by **COB Monday 22 August 2022**.

#### Proposed voting for GPA Awards 2022

You will recall that we previously voted to shortlist entries as part of our role on the ExCo, as per the attached emails. We were required to shortlist two entries per category. We also previously prepared an Executive Brief providing an analysis on the shortlisting: [D2022/015130](#).

We are now required to vote for each category. In each category we can vote for one entry.

For three of the categories that the OAIC voted to shortlist, only one of our shortlisted entries made the final. For these categories, we recommend voting for the one that we shortlisted.

For Category A, both of our shortlisted entries made the final. We recommended voting for our first shortlist (A3 "Data Crew"). We then recommend voting for A12 "Privacy Pursuit" (who was our other Category A shortlisted entry that made the final) in Category 5 – the People's Choice Award.

In summary, we recommended voting as per the following list:

**Category A: Education and Awareness** - As both of our shortlisted entries have made the final, we recommend voting for our first shortlist (A3 "Data Crew") in Category A. We then recommend voting for our other shortlisted entry in this category who also made the final, A12 "Privacy Pursuit" in the People's Choice category.

- A3: Turkish Personal Data Protection Authority – KVKK – "Data crew"



**Category B: Innovation** - For this category, only one of our shortlisted entries made the final, so we recommend voting for this entry.

- B4: Commission for Personal Data Protection (Bulgaria) – “GDPR in your pocket”

**Category C: Accountability** - For this category, only one of our shortlisted entries made the final, so we recommend voting for this entry.

- C3: Office of the Privacy Commissioner of Canada – joint guidance for police use of facial recognition technology

**Category D: Dispute Resolution and Enforcement** - For this category, only one of our shortlisted entries made the final, so we recommend voting for this entry.

- D1: Superintendence of Industry and Commerce (Colombia) on behalf of the Privacy/Data protection authorities: Office of the Privacy Commissioner for Personal Data, (Hong Kong), Office of the Privacy Commissioner of Canada, Norwegian Data Protection Authority (Datatilsynet), and Superintendence of Industry and Commerce (Colombia) – “Transnational Case Map”.

**People’s Choice Award** – Voting recommended as per Category A

- A12: Information and Privacy Commissioner of Ontario – “Privacy Pursuit!”

## Next steps

Voting closes on Monday 22 August 2022.

Please review and clear our proposed voting **by COB Monday 22 August**.

Please let us know if you have any questions.

Regards  
Renee



**Renee Alchin** | Adviser, Systems and Security  
Regulation and Strategy Branch  
Office of the Australian Information Commissioner  
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+61 2 9984 4152 | [Renee.Alchin@oaic.gov.au](mailto:Renee.Alchin@oaic.gov.au)

**From:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Sent:** Tuesday, 16 August 2022 5:11 AM

**To:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Subject:** GPA Awards 2022

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Colleagues:

I hope this mail find you well.

Please find below some important information for your consideration.

**1. Launch of online vote for GPA Members of the 2022 Global Privacy and Data Protection Awards.**  
**2. Deadline extension Giovanni Buttarelli Awards.**

**1. Launch of online vote for GPA Members of the 2022 Global Privacy and Data Protection Awards.**

Online vote for entries shortlisted by the Executive Committee is open from August 15 until August 22, 2022.

Remember that entry information can be found at the following link: [Global Privacy and Data Protection Awards 2022 – Global Privacy Assembly](#)

Please note:

- Each authority has **one** vote in each category,
- Authorities are not permitted to vote for their own entries.
- Submit your vote by close of business, **Monday 22 August**.

Please cast your vote by completing the online survey here: <https://forms.office.com/r/UFHMTLmkJg>

**2. Deadline extension Giovanni Buttarelli Awards.**

The GPA Executive Committee is pleased to announce the extension of the deadline for the second edition of the "GPA Giovanni Buttarelli GPA Award", to be presented in October 2022.

The nomination period has been extended to GPA members and observers until September 9, 2022.

More information on the process, the eligibility criteria and the nomination form can be found on the GPA website: [Global Privacy Assembly \(GPA\) 'Giovanni Buttarelli Award' – Global Privacy Assembly](#)

Thank you for your kind consideration of the information above, please contact the Secretariat if you have any queries.

Best regards,

Mariana Gómez  
The Secretariat



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**OAIC - Commissioner**

**From:** OAIC - Commissioner  
**Sent:** Monday, 18 July 2022 8:58 PM  
**To:** VAYZER,Iris; FALK,Angelene; LIDBETTER,Samantha; OAIC - Executive Assistant  
**Cc:** HAMPTON,Elizabeth; GHALI,Sarah; CHRISTENSEN,Emi; ARCHBOLD,Lisa  
**Subject:** RE: [FOR CLEARANCE BY COB MONDAY 18 JULY]: Voting to shortlist entries for the GPA Global Privacy and Data Protection Awards 2022

Thank you Iris for the careful analysis. I agree with your recommendations with one change as set out below. While the Albanian entry has great merit, I will focus our vote on areas that directly align with delivering GPA resolutions, (such as on children's privacy).

Can you please revise and submit.

The document contains very useful and inspiring information on the work undertaken by other DPAs, it would be useful to share more broadly within the OAIC (with the shortlisting column deleted). In any event can you bring the Canadian NDB tool to the attention of David and Clare G please for noting and consideration?

Thank you  
 Angelene

---

**From:** VAYZER,Iris <Iris.Vayzer@oaic.gov.au>  
**Sent:** Friday, 15 July 2022 11:26 AM  
**To:** OAIC - Commissioner <commissioner@oaic.gov.au>; FALK,Angelene <Angelene.Falk@oaic.gov.au>; LIDBETTER,Samantha <Samantha.Lidbetter@oaic.gov.au>; OAIC - Executive Assistant <executiveassistant@oaic.gov.au>  
**Cc:** HAMPTON,Elizabeth <Elizabeth.Hampton@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; CHRISTENSEN,Emi <Emi.Christensen@oaic.gov.au>; ARCHBOLD,Lisa <Lisa.Archbold@oaic.gov.au>  
**Subject:** [FOR CLEARANCE BY COB MONDAY 18 JULY]: Voting to shortlist entries for the GPA Global Privacy and Data Protection Awards 2022

Snapshot	
Due date	COB Monday 18 July
Topic for clearance	Shortlisting of entries for the GPA Global Privacy and Data Protection Awards 2022
Product (e.g. brief / submission)	Executive brief: <a href="#">D2022/015130</a> .
Length / no. of pages	37 pages
External party?	Yes – GPA Secretariat
Clearance & consultation	Lisa Archbold, Emi Christensen
Final Clearance by	Commissioner

Dear Commissioner

The GPA has opened voting to shortlist entries for the GPA Global Privacy and Data Protection Awards 2022. We will need to provide our votes to the Secretariat by **COB Monday 18 July**.

The awards are to be presented at the Closed Session in October of this year and have been divided into 4 categories, with an additional fifth category of the 'People's Choice Award' which will include all shortlisted entries under the first four categories. The OAIC has two votes per award category.

**Recommended shortlisted entries**



Category	OAIC proposed shortlist	2021 winners
Education and Awareness	<ol style="list-style-type: none"> <li>1. Turkish Personal Data Protection Authority – KVKK</li> <li>2. <del>Information and Data Protection Commissioner of Albania</del> 2 Information and Privacy Commissioner of Ontario for Privacy Pursuit (because of alignment with Resolution)</li> </ol>	European Data Protection Supervisor
Innovation	<ol style="list-style-type: none"> <li>1. Information Commissioner's Office UK</li> <li>2. Commission for Personal Data Protection (Bulgaria)</li> </ol>	Commission Nationale de l'Informatique et des Libertés (CNIL), France
Accountability	<ol style="list-style-type: none"> <li>1. Office of the Privacy Commissioner for Bermuda (PrivCom)</li> <li>2. Office of the Privacy Commissioner for Canada</li> </ol>	Information Commissioner's Office (ICO), UK
Dispute Resolution and Enforcement	<ol style="list-style-type: none"> <li>1. Superintendence of Industry and Commerce (Colombia) on behalf of the Office of the Privacy Commissioner for Personal Data, (Hong Kong) Office of the Privacy Commissioner of Canada, the Norwegian Data Protection Authority (Datatilsynet) and the Superintendence of Industry and Commerce (Colombia)</li> </ol>	Office of the Privacy Commissioner of Canada, Office of the Information and Privacy Commissioner of Alberta, Office of the Information and Privacy Commissioner of British Columbia, and Commission d'accès à l'information du Québec (Joint entry) People's Choice Award: Gibraltar Regulatory Authority

We have prepared an Executive Brief setting out a more detailed analysis of each of the entries under each category and the rationale for our recommendations at [D2022/015130](#) and attached.

#### Next steps

Review and clear proposed recommendations for shortlisting candidates by COB Monday 18 July.

Please let us know if you have any questions.

Kind regards

Iris



**Iris Vayzer** | Adviser

Regulation and Strategy

Office of the Australian Information Commissioner

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W: +02 9942 4081 | M: **s 47E(d)** | [iris.vayzer@oaic.gov.au](mailto:iris.vayzer@oaic.gov.au)

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**OAIC - Commissioner**

---

**From:** VAYZER,Iris  
**Sent:** Wednesday, 20 July 2022 9:57 AM  
**To:** Global Privacy Assembly  
**Cc:** CHRISTENSEN,Emi; ARCHBOLD,Lisa; OAIC - International  
**Subject:** RE: GPA Global Privacy and Data Protection Awards 2022 Entries – Shortlisting [SEC=OFFICIAL]

Dear Secretariat team

Thank you for granting the OAIC with an extension to submit our shortlisting votes for the GPA Global Privacy and Data Protection Awards 2022.

We have set out our shortlisting preferences below.

**Category A: Education and Awareness**

- A3: Turkish Personal Data Protection Authority – KVKK – “Data crew”
- A12: Information and Privacy Commissioner of Ontario – “Privacy Pursuit!”

**Category B: Innovation**

- B1: Information Commissioner’s Office (UK) – Children’s Code guidelines
- B4: Commission for Personal Data Protection (Bulgaria) – “GDPR in your pocket”

**Category C: Accountability**

- C5: Office of the Privacy Commissioner for Bermuda (PrivCom) – “Mid-Atlantic Privacy Compass”
- C3: Office of the Privacy Commissioner of Canada – joint guidance for police use of facial recognition technology

**Category D: Dispute Resolution and Enforcement**

- D1: Superintendence of Industry and Commerce (Colombia) on behalf of the Privacy/Data protection authorities: Office of the Privacy Commissioner for Personal Data, (Hong Kong), Office of the Privacy Commissioner of Canada, Norwegian Data Protection Authority (Datatilsynet), and Superintendence of Industry and Commerce (Colombia) – “Transnational Case Map”.

Kind regards  
 Iris



**Iris Vayzer** | Adviser  
 Regulation and Strategy  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](https://www.oaic.gov.au)  
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**From:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>  
**Sent:** Saturday, 9 July 2022 11:45 AM  
**To:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>  
**Subject:** GPA Global Privacy and Data Protection Awards 2022 Entries – Shortlisting

**Category B: Innovation** - For this category, only one of our shortlisted entries made the final, so we recommend voting for this entry.

- B4: Commission for Personal Data Protection (Bulgaria) – “GDPR in your pocket”

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## Next steps

Voting closes on Monday 22 August 2022.

Please review and clear our proposed voting **by COB Monday 22 August**.

Please let us know if you have any questions.

Regards  
Renee



**Renee Alchin** | Adviser, Systems and Security  
Regulation and Strategy Branch  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](https://www.oaic.gov.au)  
+61 2 9984 4152 | [Renee.Alchin@oaic.gov.au](mailto:Renee.Alchin@oaic.gov.au)

**From:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Sent:** Tuesday, 16 August 2022 5:11 AM

**To:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Subject:** GPA Awards 2022

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**2. Deadline extension Giovanni Buttarelli Awards.**

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Please note:

- Each authority has **one** vote in each category,
- Authorities are not permitted to vote for their own entries.
- Submit your vote by close of business, **Monday 22 August**.

Please cast your vote by completing the online survey here: <https://forms.office.com/r/UFHMTLmkJg>

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More information on the process, the eligibility criteria and the nomination form can be found on the GPA website: [Global Privacy Assembly \(GPA\) 'Giovanni Buttarelli Award' – Global Privacy Assembly](#)

Thank you for your kind consideration of the information above, please contact the Secretariat if you have any queries.

Best regards,

Mariana Gómez  
The Secretariat





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**OAIC - Commissioner**

**From:** KING,Elizabeth  
**Sent:** Thursday, 18 August 2022 12:45 PM  
**To:** FALK,Angelene; OAIC - Commissioner  
**Cc:** HAMPTON,Elizabeth; GHALI,Sarah; CASTALDI,Andre; WESTON,Diana  
**Subject:** For urgent clearance by COB today: website update on the COVIDSafe app and determination of the end of the COVIDSafe app data period [SEC=OFFICIAL]  
**Attachments:** Privacy update on the COVIDSafe app.DOCX; RE: urgent consultation on OAIC website guidance on the COVIDSafe app [SEC=OFFICIAL]; RE: End of COVIDSafe data period [SEC=OFFICIAL]  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Snapshot	
Due date	COB Thursday 18 August (flexible deadline)
Topic for clearance	Website update on the COVIDSafe app regarding the determination of the end of the COVIDSafe data period
Product (e.g. brief / submission)	Website update (2 pages - <a href="#">D2022/017346</a> )
External party?	No, although we consulted AGD and the Department of Health and Aged Care
Clearance & consultation	Consultation: AGD and Department of Health and Aged Care Clearance: Diana Weston, Acting Director, Andre Castaldi and Sarah Ghali (Acting Assistant Commissioners), Libby Hampton, Deputy Commissioner
Final Clearance by	Commissioner, Angelene Falk

Hi Angelene

In light of the Minister for Health and Aged Care's [determination](#) that the COVIDSafe app is no longer required, we have prepared an update to be published on our website which explains this process and what happens next.

Please find saved and attached the website update, for your clearance: [D2022/017346](#). This is a clean copy which incorporates the feedback we received from AGD and the Department of Health and Aged Care.

We are keen to publish this update before the end of the week and would greatly appreciate any feedback by COB today if possible, to allow some time for publication tomorrow.

#### Consultation

We have consulted with AGD and the Department of Health and Aged Care in relation to this website update and have incorporated the feedback we received.

See feedback from:

- Department of Health and Aged Care - [D2022/017486](#) and attached
- AGD - [D2022/017590](#) and attached.

#### Next steps

- I will send a website publication request to Strategic Communications to publish this update **ASAP by the end of the week**, with a request to also delete the following pieces of COVID-19 guidance from our website:
  1. [Privacy obligations regarding COVIDSafe and COVID app data](#)

2. [Guidance for state and territory health authorities regarding COVIDSafe and COVID app data](#)
  3. [The COVIDSafe app and my privacy rights](#) and same guidance in [different languages](#)
- I will send a finalised version of the update back to the Department of Health and Aged Care so they can see how we implemented the feedback we received, including from AGD, prior to publication.

Very happy to discuss if you have any questions.

Kind regards

Lizz



**Elizabeth King** | Assistant Director  
Regulation & Strategy Branch  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
+61 2 9942 4133 | [elizabeth.king@oaic.gov.au](mailto:elizabeth.king@oaic.gov.au)

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**Australian Government**

**Office of the Australian Information Commissioner**

## Privacy update on the COVIDSafe app

The Minister for Health and Aged Care (the Minister) has determined that the COVIDSafe app is no longer required to prevent or control the entry, emergency, establishment or spread of COVID-19 in Australia.

The determination commenced on 16 August.

### The purpose of a determination

A legal framework of privacy protections was established in 2020 under Part VIIIA of the *Privacy Act 1988* (the Privacy Act) to protect COVID app data.

This includes a requirement for a determination to be made once the Minister is satisfied that the COVIDSafe app is no longer required or likely to be effective in preventing or controlling the spread of COVID-19 in Australia.

The Minister received a recommendation from the Commonwealth Chief Medical Officer, supporting the decision to end the COVID app data period, as required by the Privacy Act.

### What happens now that a determination has been made

The National COVIDSafe Data Store administrator (the Department of Health and Aged Care):

- must not collect any COVID app data, and
- must not make the COVIDSafe app available to be downloaded.

As soon as reasonably practicable after the commencement of the determination, all COVID app data must be deleted from the National COVIDSafe Data Store (NCDS).

The Department of Health and Aged Care is currently in the process of ensuring that all COVID app data collected from users is deleted from the NCDS and no COVID app data will be retained.

The Department of Health and Aged Care will advise COVIDSafe app users that COVID app data can no longer be collected through the app, and that users should uninstall the app from their devices.

Once all COVID app data has been deleted from the NCDS, COVIDSafe app users will be informed that has occurred through updates to the Department of Health and Aged Care's [COVIDSafe website](#).

### What does this mean for COVIDSafe app users?

Individuals who have downloaded the COVIDSafe app and who registered as a user do not need to take any steps to ensure their COVID app data is deleted from the NCDS.

The Department of Health and Aged Care will ensure that any data that was collected from users of the COVIDSafe app will be permanently deleted.



However during decommissioning, COVIDSafe app users may receive push notifications and SMS texts informing them that the COVIDSafe app is no longer in use and will be encouraged to uninstall the app from devices. Uninstalling the COVIDSafe app will ensure that COVID app data is deleted from an individual's personal device.

Individuals are encouraged to follow [advice](#) from the Department of Health and Aged Care in relation to uninstalling the app from their device.

Importantly, this process relates specifically to the COVIDSafe app and **does not** impact on other, ongoing public health measures in relation to COVID-19 – for example, other contact tracing processes or requirements to provide personal information to support the ongoing public health response.

### Privacy oversight

The Office of the Australian Information Commissioner (OAIC) has an independent oversight function of the COVIDSafe app under the Privacy Act and is actively monitoring and regulating compliance with important privacy protections.

The OAIC is empowered to conduct assessments to ensure that the privacy protections in Part VIII A of the Privacy Act are being complied with.

The OAIC will undertake an assessment to provide assurance that the COVIDSafe app information management requirements have been met following the Minister's determination.

**OAIC - Commissioner**

---

**From:** s 47E(d) Nicole s 47E(d)  
**Sent:** Tuesday, 16 August 2022 1:58 PM  
**To:** KING,Elizabeth  
**Cc:** BAKER,Heath; WESTON,Diana; s 47E(d)  
**Subject:** RE: urgent consultation on OAIC website guidance on the COVIDSafe app [SEC=OFFICIAL]  
**Attachments:** Privacy update on the COVIDSafe app- DoHAC input 160822.docx

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Elizabeth,

Thank you for the opportunity to review the draft update to the OAIC website guidance on COVIDSafe.

Our suggested input is in track change in the attachment.

This has been approved through our Executive Rebecca Fealy, Assistant Secretary, Data and Analytics Branch.

If you have any questions or concerns, please don't hesitate to contact me.

Kind Regards

Nicole s 47E(d)  
**Assistant Director – Data Access Enablement Section**

Health Economics Research Division | Data and Analytics Branch  
 Australian Government, Department of Health and Aged Care  
 s 47E(d)  
 PO Box 9848, Canberra ACT 2601, Australia

*The Department of Health and Aged Care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.*

---

**From:** KING,Elizabeth <Elizabeth.King@oaic.gov.au>  
**Sent:** Tuesday, 16 August 2022 10:21 AM  
**To:** s 47E(d) Nicole s 47E(d)  
**Cc:** BAKER,Heath <Heath.Baker@oaic.gov.au>; WESTON,Diana <Diana.Weston@oaic.gov.au>  
**Subject:** urgent consultation on OAIC website guidance on the COVIDSafe app [SEC=OFFICIAL]

Hi Nicole

I work in the Health and Technology policy team in the Regulation and Strategy branch of the OAIC, and I am looking for the best contact in the Department of Health and Aged Care to review some draft guidance that we are planning to publish on our website in relation to the recent developments regarding the COVIDSafe app.

s 47F

My team has drafted an update (attached) which we intend to publish on our website by the end of the week, and we are keen to ensure alignment with the messaging from the Department in relation to the Minister's determination of the end of the COVIDSafe data period.

We are seeking urgent feedback by COB tomorrow, Wednesday 17 August, to allow for publication by the end of the week.

Could you please advise if you are the best contact for this consultation, or if there is someone else in the Department that I should contact?

I would be very happy to discuss if you'd like to give me a ring on 02 9942 4133.

Kind regards

Lizz



**Elizabeth King** | Assistant Director  
Regulation & Strategy Branch  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
+61 2 9942 4133 | [elizabeth.king@oaic.gov.au](mailto:elizabeth.king@oaic.gov.au)

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**OAIC - Commissioner**

**From:** s 47E(d) Stephanie s 47E(d)  
**Sent:** Wednesday, 17 August 2022 12:45 PM  
**To:** KING,Elizabeth  
**Cc:** s 47E(d) Daniel; s 47E(d) Julia; WESTON,Diana; GHALI,Sarah  
**Subject:** RE: End of COVIDSafe data period [SEC=OFFICIAL]  
**Attachments:** ILU comments - Privacy update on the COVIDSafe app (004).DOCX

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**OFFICIALOFFICIAL**

Hi Lizz

Thanks for sending this through! We've reviewed and made changes in the attached, mainly to streamline some of the content and move some the user-centred information more to the fore.

We also suggest checking in with the Department of Health on the wording around what users have to do/do not have to do to ensure there is no confusion for people, for example about data held on their personal devices (as the COVIDSafe privacy policy seems to indicate) and data held elsewhere (i.e. such as the NCDS). We'd like the message to be as clear as possible.

Thanks and happy to discuss!

Stephanie

Stephanie s 47E(d)  
 Legal Officer | Information Law Unit  
 Attorney-General's Department

✉ s 47E(d) ☎ s 47E(d)



**From:** KING,Elizabeth <Elizabeth.King@oaic.gov.au>  
**Sent:** Tuesday, 16 August 2022 9:12 AM  
**To:** s 47E(d) Daniel s 47E(d); WESTON,Diana <Diana.Weston@oaic.gov.au>  
**Cc:** s 47E(d) Stephanie s 47E(d); s 47E(d), Julia s 47E(d); GHALI,Sarah <Sarah.Ghali@oaic.gov.au>  
**Subject:** RE: End of COVIDSafe data period [SEC=OFFICIAL]

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Hi Dan

Please find attached a draft version of our website update regarding the COVIDSafe app.

We would be grateful for any comments from a policy perspective by COB tomorrow, Wednesday 17 August.

We will also be sending a draft version for comments to the Department of Health and Aged Care.

Kind regards

Lizz

---

From: s 47E(d) Daniel s 47E(d)  
Sent: Monday, 15 August 2022 5:22 PM  
To: KING,Elizabeth <[Elizabeth.King@oaic.gov.au](mailto:Elizabeth.King@oaic.gov.au)>; WESTON,Diana <[Diana.Weston@oaic.gov.au](mailto:Diana.Weston@oaic.gov.au)>  
Cc: s 47E(d) Stephanie s 47E(d) Julia s 47E(d) GHALI,Sarah  
<[Sarah.Ghali@oaic.gov.au](mailto:Sarah.Ghali@oaic.gov.au)>  
Subject: RE: End of COVIDSafe data period [SEC=OFFICIAL]

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Hi Lizz

Thank you very much for the update. It would be great if you could send a draft through when it's ready.

Cheers

Dan

From: KING,Elizabeth <[Elizabeth.King@oaic.gov.au](mailto:Elizabeth.King@oaic.gov.au)>  
Sent: Monday, 15 August 2022 4:44 PM  
To: s 47E(d) Daniel s 47E(d) WESTON,Diana <[Diana.Weston@oaic.gov.au](mailto:Diana.Weston@oaic.gov.au)>  
Cc: s 47E(d) Stephanie s 47E(d) Julia s 47E(d); GHALI,Sarah  
<[Sarah.Ghali@oaic.gov.au](mailto:Sarah.Ghali@oaic.gov.au)>  
Subject: RE: End of COVIDSafe data period [SEC=OFFICIAL]

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Hi Dan

Thank you for your email and for the update in relation to the Minister's determination and the implications for Part VIIIA of the Privacy Act.

We intend to publish an update on our website by the end of this week which advises of the Minister's determination and explains what happens next in terms of deletion of COVID app data from the National COVIDSafe Data Store, as required by Part VIIIA. The update will also advise that the OAIC will undertake an assessment to provide assurance that the COVIDSafe app information management requirements have been met, consistent with the reference in the Minister's press release.



As part of the update we will indicate that these developments relate to the COVIDSafe app only and do not impact on other, ongoing public health measures in relation to COVID-19. We also intend to remove our COVIDSafe guidance pages from the website once we have published the update, to avoid confusion for the community.

We would be happy to share a draft version of this update with you later this week prior to publication.

Please feel free to contact myself or Diana Weston (copied) if you have any questions.

Kind regards

Lizz

---

**From:** s 47E(d) Daniel s 47E(d)  
**Sent:** Thursday, 11 August 2022 12:26 PM  
**To:** KING,Elizabeth <[Elizabeth.King@oaic.gov.au](mailto:Elizabeth.King@oaic.gov.au)>; FONSECA,Kellie <[Kellie.Fonseca@oaic.gov.au](mailto:Kellie.Fonseca@oaic.gov.au)>  
**Cc:** s 47E(d) Stephanie s 47E(d) Julia s 47E(d)  
**Subject:** End of COVIDSafe data period

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Hi Lizz and Kellie

As you are probably aware, the Health Minister has made a determination under section 94Y of the *Privacy Act 1988* regarding the [end of the COVIDSafe data period](#). Based on the repeal provisions in Schedule 2 of the [Privacy Amendment \(Public Health Contact Information\) Act 2020](#), the determination means that Part VIIIA of the Privacy Act will be repealed at the end of 90 days after 16 August 2022 (i.e. 14 November 2022).

I understand the Attorney-General's Office has spoken with Libby Hampton, and subsequently included this reference in the Health Minister's [press release](#):

The Office of the Australian Information Commissioner, the independent national regulator for privacy, will undertake an assessment to provide assurance that the COVIDSafe app information management requirements have been met following the Health Minister's determination.

We wanted to touch base to see if you had plans to release any information regarding the determination on the OAIC's website so as to inform both APP entities and the general public who may seek out more information about what this means from a privacy perspective?

Thanks and happy to discuss further!

Kind regards  
 Dan

Daniel s 47E(d) (he/him)  
 Acting Director, Information Law Unit  
 Attorney-General's Department  
 T: s 47E(d) E: s 47E(d)

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**Australian Government**

**Office of the Australian Information Commissioner**

## Privacy update on the COVIDSafe app

The Minister for Health and Aged Care (the Minister) has determined that the COVIDSafe app is no longer required to prevent or control the entry, emergency, establishment or spread of COVID-19 in Australia.

The determination commenced on 16 August.

### The purpose of a determination

A legal framework of privacy protections was established in 2020 under Part VIII A of the *Privacy Act 1988* (the Privacy Act) to protect COVID app data.

This includes a requirement for a determination to be made once the Minister is satisfied that the COVIDSafe app is no longer required or likely to be effective in preventing or controlling the spread of COVID-19 in Australia.

The Minister received a recommendation from the Commonwealth Chief Medical Officer, supporting the decision to end the COVID app data period, as required by the Privacy Act.

### What happens now that a determination has been made

The National COVIDSafe Data Store administrator (the Department of Health and Aged Care):

- must not collect any COVID app data, and
- must not make the COVIDSafe app available to be downloaded.

As soon as reasonably practicable after the commencement of the determination, all COVID app data must be deleted from the National COVIDSafe Data Store (NCDS).

The Department of Health and Aged Care is currently in the process of ensuring that all COVID app data collected from users is deleted from the NCDS and no COVID app data will be retained.

The Department of Health and Aged Care will advise COVIDSafe app users that COVID app data can no longer be collected through the app, and that users should uninstall the app from their devices.

Once all COVID app data has been deleted from the NCDS, COVIDSafe app users will be informed that has occurred through updates to the COVIDSafe website.

### What does this mean for COVIDSafe app users?

Individuals who have downloaded the COVIDSafe app and who registered as a user do not need to take any steps to ensure their COVID app data is deleted from the NCDS.

The Department of Health and Aged Care will ensure that any data that was collected from users of the COVIDSafe app will be permanently deleted.

During decommissioning, COVIDSafe app users may receive push notifications and SMS texts informing them that the COVIDSafe app is no longer in use and will be encouraged to uninstall the app from devices. Uninstalling the COVIDSafe app will ensure that COVID app data is deleted from an individual's personal device.

Individuals are encouraged to follow [advice](#) from the Department of Health and Aged Care in relation to uninstalling the app from their device.

Importantly, this process relates specifically to the COVIDSafe app and **does not** impact on other, ongoing public health measures in relation to COVID-19 – for example, other contact tracing processes or requirements to provide personal information to support the ongoing public health response.

### Privacy oversight

The Office of the Australian Information Commissioner (OAIC) has an independent oversight function of the COVIDSafe app under the Privacy Act and is actively monitoring and regulating compliance with important privacy protections.

The OAIC is empowered to conduct assessments to ensure that the privacy protections in Part VIII A of the Privacy Act are being complied with.

The OAIC will undertake an assessment to provide assurance that the COVIDSafe app information management requirements have been met following the Minister's determination.



**OAIC - Commissioner**

**From:** BROWN,Rebecca  
**Sent:** Wednesday, 17 August 2022 9:47 AM  
**To:** FALK,Angelene; OAIC - Commissioner; HAMPTON,Elizabeth  
**Cc:** GHALI,Sarah  
**Subject:** [FOR REVIEW/NOTING] Comments on draft Government response to Social Media and Online Safety Inquiry [SEC=OFFICIAL]  
**Attachments:** Government response to Social Media and Online Safety Inquiry [SEC=OFFICIAL]  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Snapshot	
Due date	Thursday 18 August 2022
Fixed or flexible	Fixed
Topic for clearance	Comments on draft Government response to Social Media and Online Safety Inquiry
Product (e.g. brief / submission)	Paper <a href="#">D2022/017475</a>
Length / no. of pages	28 pages (we have only included comments on recs 3, 6, 10, 13 and 16)
External party?	Yes
Consultation/Clearance	Sarah Ghali
Responsible director	Rebecca Brown
Final Clearance by	Angelene Falk

Hi Angelene and Libby

We have been provided with a draft of the Government response to the [House Select Committee's Inquiry into Social Media and Online Safety](#) for input.

We have included comments in relation to the proposed response to recommendations 3, 6, 10, 13 and 16 (see [D2022/017475](#)).

AGD have also provided their draft comments for visibility (please see attached). I will also share our proposed comments with the ILU team.

Apologies for the tight turnaround but we will need to provide our comments by **midday Thursday 18 August**.

Please let me know if you would like to discuss.

Thanks  
 Beck



**Rebecca Brown** | A/g Director, Law Reform and Government  
 Regulation and Strategy Branch  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](https://www.oaic.gov.au)  
 +61 2 9942 4117 | [rebecca.brown@oaic.gov.au](mailto:rebecca.brown@oaic.gov.au)

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**OAIC - Commissioner**

**From:** ARCHBOLD,Lisa  
**Sent:** Tuesday, 16 August 2022 5:11 PM  
**To:** OAIC - Commissioner  
**Cc:** FALK,Angelene; GHALI,Sarah; CHRISTENSEN,Emi; LAMPE,Naomi; OAIC - Media  
**Subject:** [For clearance: COB: 22 August 2022] GPA September Newsletter - invitation to contribute [SEC=OFFICIAL]  
**Attachments:** 2020 Angelene Falk 1.jpg; 2020 Angelene Falk 2.jpg

Snapshot	
Due date	Monday 22 August 2022
Fixed or flexible	Fixed
If fixed, why?	Deadline requested by GPA Secretariat
Topic for clearance	GPA newsletter article on privacy and gender-based harms
Product (e.g. brief / submission)	Article: <a href="#">D2022/017105</a>
Length / no. of pages	2 (500 words)
External parties	Yes, published in GPA newsletter (online and circulated to members)
Clearance & consultation	Strategic Communications (Amy Kiely, Andrew Stokes), Law reform & Government (Naomi Lampe), Assistant Commissioner Sarah Ghali (a/g)
Responsible director	Emi Christensen
Final Clearance by	Commissioner

Hi Angelene

Further to my earlier email, we have now drafted an article to contribute to the upcoming GPA newsletter on privacy and gender based harms for your clearance: [D2022/017105](#).

We have drawn from your speech at the CyberCX and your interview for the Communications Law Bulletin International Women's Day issue. However, given the word limit of 500 words, we have tried to focus on one particular message – namely that the collection and use of personal information in data driven technologies can give rise to a number privacy harms, and accordingly a one-size-fits all approach will not work. We have also referred to the importance of regulatory collaboration (and the DP Reg) in addressing these types of harms.

Amy Kiely and Naomi Lampe have reviewed and provided feedback on this article, and this has been cleared by Emi Christensen and Sarah Ghali.

**Next steps and timing**

1. **Article** - Could you kindly clear the article for us to send to the Secretariat by **COB Monday 22 August 2022**?
2. **Photo** - Could you also let us know if you have a preference out of the two attached photos for us to submit to the GPA (we will use it for this article and for the GPA "memory book")?

Kind regards  
 Lisa

---

**From:** FALK,Angelene <[Angelene.Falk@oaic.gov.au](mailto:Angelene.Falk@oaic.gov.au)>  
**Sent:** Tuesday, 9 August 2022 7:29 PM  
**To:** ARCHBOLD,Lisa <[Lisa.Archbold@oaic.gov.au](mailto:Lisa.Archbold@oaic.gov.au)>; OAIC - Commissioner <[commissioner@oaic.gov.au](mailto:commissioner@oaic.gov.au)>

**Cc:** CHRISTENSEN,Emi <[Emi.Christensen@oaic.gov.au](mailto:Emi.Christensen@oaic.gov.au)>

**Subject:** RE: [For decision] GPA September Newsletter - invitation to contribute [SEC=OFFICIAL]

Ok sounds good, thanks Lisa!

---

**From:** ARCHBOLD,Lisa <[Lisa.Archbold@oaic.gov.au](mailto:Lisa.Archbold@oaic.gov.au)>

**Sent:** Tuesday, 9 August 2022 3:04 PM

**To:** FALK,Angelene <[Angelene.Falk@oaic.gov.au](mailto:Angelene.Falk@oaic.gov.au)>; OAIC - Commissioner <[commissioner@oaic.gov.au](mailto:commissioner@oaic.gov.au)>

**Cc:** CHRISTENSEN,Emi <[Emi.Christensen@oaic.gov.au](mailto:Emi.Christensen@oaic.gov.au)>

**Subject:** [For decision] GPA September Newsletter - invitation to contribute [SEC=OFFICIAL]

Hi Angelene

We have been approached by the GPA Secretariat to contribute a short article (500 words) for the GPA newsletter. The topic for the article is "How to protect against gender-based privacy infringements to help prevent the ongoing harms experienced by many individuals and communities around the world". The overarching theme of the newsletter is "Privacy, technology, and gender perspective: The intersection of data and gender".

We could put together an article based on [your interview](#) for the Communications Law Bulletin International Women's Day issue, and comments on how gender can influence privacy outcomes in the [CyberCX Privacy by Design Awards Dinner](#) speech. The key points we would cover are:

- The right to privacy is not gender neutral.
- There are various ways in which gender intersects with privacy regulation and the use of personal information.
- New technologies can disproportionately impact and lead to privacy harms for women, e.g. location tracking devices, facial recognition technologies.
- Examples of this include:
  - Gendered features of data sets used for AI can lead to bias against women.
  - Online micro-targeting based on gender can lead to exclusion of women from markets and opportunities.
  - Profiling of children and young people can result in harmful content being served based on the gendered interests perceived by algorithms.
- We continue to see improper disclosure of PI in family disputes and domestic violence contexts.
- These issues reinforce the need for privacy by design and preventing harms occurring at the outset.

## Recommendation

We have consulted with strategic communications, and we recommend submitting an article - it would be a good opportunity to discuss these issues in an international context, and we could then republish the material on our website and share through internal and external comms.

## Timing

The deadline to submit the article is 22 August – if you are happy for us to proceed, we will aim to get you a draft for consideration by end of next week.

Kind regards  
Lisa

---

**From:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Sent:** Tuesday, 9 August 2022 2:32 AM

**To:** ARCHBOLD,Lisa <[Lisa.Archbold@oaic.gov.au](mailto:Lisa.Archbold@oaic.gov.au)>

**Subject:** Fw: September Newsletter - invitation to contribute

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Dear Lisa:

I hope this email finds you well. I sent the below email to Commissioner Falk a couple of weeks ago but have not received a reply. I understand she must be very busy, but I was wondering if you could help me or if this is something Commissioner Falk would be interested in. I appreciate any assistance you can give. Thank you.

Warm regards,

Isabel

The Secretariat



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---

**From:** Global Privacy Assembly <[secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)>

**Sent:** 28 July 2022 22:37

**To:** [angelene.falk@oaic.gov.au](mailto:angelene.falk@oaic.gov.au) <[angelene.falk@oaic.gov.au](mailto:angelene.falk@oaic.gov.au)>

**Cc:** Haroldo Sánchez <[haroldo.sanchez@inai.org.mx](mailto:haroldo.sanchez@inai.org.mx)>; Mariana Gómez Rodríguez <[mariana.gomez@inai.org.mx](mailto:mariana.gomez@inai.org.mx)>; Laura Sofía Gómez Madrigal <[laura.gomez@inai.org.mx](mailto:laura.gomez@inai.org.mx)>; Isabel Gonzalez <[isabel.gonzalez@inai.org.mx](mailto:isabel.gonzalez@inai.org.mx)>

**Subject:** September Newsletter - invitation to contribute

Dear Ms. Falk:

I hope this email finds you well. My name is Isabel González and I have recently joined the Secretariat staff.

I am writing to invite you to contribute to the September edition of the GPA Newsletter. On this occasion the overarching theme of the newsletter is the importance of a gender perspective in data protection, and the title for the newsletter is "**Privacy, technology, and gender perspective: The intersection of data and gender**".

It would be our pleasure if you would agree to write a short text (500 words approx.) on **"How to protect against gender-based privacy infringements to help prevent the ongoing harms experienced by many individuals and communities around the world"**

In case you wish to send images to support your article, we kindly ask you they have a 300 DPIS resolution and are in JPG format. The deadline to submit your text is August 22nd.

We look forward to having your support and participation.

The Secretariat



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**OAIC - Commissioner**

**From:** CLOUDSDALE,Cate  
**Sent:** Tuesday, 16 August 2022 12:01 PM  
**To:** OAIC - Commissioner  
**Cc:** FALK,Angelene; OAIC - Determinations; HAMPTON,Elizabeth; STEVENS,David; OAIC - Legal  
**Subject:** For clearance - Determination - CP17/01570 - by 31 August 2022 [SEC=UNOFFICIAL]

Good afternoon Commissioner

Please see snapshot below seeking your clearance of a draft determination. All documents are on Resolve.

Your clearance is required by **31 August 2022**.

Due date	31 August 2022
Fixed or flexible	Flexible
Reason for due date	Please note that this is a <b>2017</b> matter, requiring resolution as soon as possible.
Topic for clearance	Determination CP17/01570
Product (e.g. brief / submission)	Executive brief containing draft determination for s 36 privacy complaint
Length / no. of pages	EB – 4 Product for clearance – 18
External party?	Yes
Clearance	Elizabeth Hampton, Deputy Commissioner
Consultation	David Stevens Assistant Commissioner
FYI	Legal Services (FYI)
Responsible director	Cate Cloudsdale, Director Investigations & Determinations
Prepared by	Cate Cloudsdale, Director Investigations & Determinations
Final decision	Angelene Falk Australian Information Commissioner and Privacy Commissioner
Attachments	<p>All documents on Resolve CP17/01570</p> <ul style="list-style-type: none"> <li>Executive brief - <b>*Att O</b></li> </ul> <p>For decision:</p> <ul style="list-style-type: none"> <li>Attachment A: Draft determination - <b>*Att A</b></li> </ul> <p>For information:</p> <ul style="list-style-type: none"> <li>Attachment B: Documents received prior to PV: <ul style="list-style-type: none"> <li>- <b>*Att Bi</b> – Respondent’s documents</li> <li>- <b>*AttBii</b> – Complainant’s documents</li> </ul> </li> <li>Attachment C: PV sent to parties - <b>*Att C</b></li> </ul>

- Attachment D – Correspondence in relation to extension of time requests to C \*Att D
- Attachment E – Documents received in response to PV – \*Att E

Thanks



**Cate Cloudsdale** | Director Privacy Determinations  
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