Privacy

New technologies, same responsibilities

Carole Fleeman
Office of the Victorian Privacy Commissioner

Victorian privacy regulators

Office of the Victorian Privacy Commissioner (Privacy Victoria)

- Privacy awareness and education

- Receive and conciliate complaints

- Advise government on legislation and policy

- Audits

- Compliance notices
- Monitor developments in technology

Office of the Health Services Commissioner

Privacy and technology

Privacy laws were introduced in Victoria over 10 years ago because of the impact of technological change.

- Huge increase in the volume of info collected and stored

- Electronic information is more vulnerable and fluid

- Collection and use can be less transparent

What information might be collected and recorded about you on an average day?

What about in the very near future?

Augmented reality glasses

Billboards featuring…you!

Pay as you drive car insurance

Technological change is happening very rapidly – new technologies can be privacy enhancing but can also bring privacy risks.

Basic themes of privacy

Privacy laws only apply to <u>identifying information about people</u>

- Openness and transparency

- Proportionality

- Purpose governs use

- Individual participation

What are your privacy responsibilities?

- **Standing Directions of the Minister for Finance** – 3.4.13 Information Collection and Management – consider statutory obligations under the *Information Privacy Act*

- The **10 Information Privacy Principles (IPPs)** set the standard for handling information about people (customers and staff):

  - Collection

    - Collect the minimum amount of information necessary

    - Provide notice to people about what will happen with their information

  - Use and disclosure

    - Generally only disclose for the purpose the information was provided

  - Data quality and security

Common problems

- **Data security**
  - Lost files, swipe cards, laptops, USB sticks
  - Access control – can staff access only the information they need for their current role?
  - Emails - containing sensitive information or sent to wrong address
  - Placing personal information online
- **Disclosure**
  - Disclosure to the wrong person or disclosure of too much information
  - Inconsistent procedures concerning disclosure
  - Disclosure without proper collection notice

Common problems

- **Data quality**
  - Out of date postal addresses
  - Incorrect spelling of names and mixing up of client records

- **Collection**
  - Collecting unnecessary information
  - Not providing notice to people about what will happen with their information

- **Outsourcing**
  - Engaging contractors without considering privacy

What's the cost of a privacy breach?

To an organisation –

- Damage to reputation
- Time investigating and responding to a breach
- Costs involved in changing procedures, IT systems etc
- Compensation payments

What's the cost of a privacy breach?

- **UK council fined £80,000 for failing to secure an email.**

- Ponemon Institute conducts independent research concerning data breaches in the private sector –

    - "Data breaches involving outsourced data are common and costly."

    - **2009 AUS study - the average organisational cost of a data breach, including activities intended to prevent a loss of customer trust is $1.97 million**

    - Annual studies conducted in UK and US – frequency, size and cost of breaches all increasing

What's the cost of a privacy breach?

To a person whose privacy has been breached –

- Damage to reputation

- Embarrassment, humiliation etc

- Risk of identity theft

- Loss of income, job

- Exposure to domestic violence or other crime

Case studies

Current issues in privacy in Victoria

Portable storage devices (USB keys, tablets, smartphones etc)

"If you lose a laptop, you can't do your work. If you lose a USB stick, nobody will ever know about it." (Larry Ponemon)

Cloud computing

"While cloud computing can sound cheap and attractive, the potential risks might outweigh the benefits" (Victorian Privacy Commissioner)

Social networking

"Organisations have found that social media can be used to enhance transparency in government processes and increase engagement with the community. However, there are privacy concerns that need to be identified and addressed. (Victorian Privacy Commissioner)

Implementing new technologies

- Consider privacy early in the planning

- Undertake a Privacy Impact Assessment (PIA)

   PIAs are used to assess the privacy impact of a proposed project and identify ways in which any negative impacts can be mitigated and any positive impacts enhanced

- Consult with Privacy Victoria as needed

EPIC FAIL
Because ordinary failure just wasn't enough.

More information

Privacy Victoria

www.privacy.vic.gov.au

1300 666 444

Victorian Health Services Commissioner

www.health.vic.gov.au/hsc

8601 5200

Federal Privacy Commissioner

www.privacy.gov.au

1300 363 992