



Office of the Information Commissioner
Queensland

Submission to the Queensland Parliamentary Transport and
Public Works Committee

INQUIRY INTO TRANSPORT TECHNOLOGY

September 2018

The Office of the Information Commissioner (OIC) is an independent statutory authority. The statutory functions of the OIC under the *Information Privacy Act 2009* (Qld) (IP Act) and *Right to Information Act 2009* (RTI Act) include commenting on the administration of privacy and information access in the Queensland public sector environment. This submission does not represent the views or opinions of the Queensland Government.

Overview

1. The OIC welcomes the opportunity to provide a short submission to the Transport and Public Works Committee's Inquiry into Transport Technology. OIC's comments are aimed at drawing the Committee's attention to potential privacy implications relevant to –

Term of Reference (c) – emerging technological factors impacting on transport networks into the future, such as driver aid technology and 'driverless car' technologies.

2. The OIC notes the potential of driver aid technology and 'driverless car' technologies to improve personal and public safety, increase flexibility of travel, and enhance individuals' mobility. While embracing these benefits, policy makers must be aware of the vast amounts of personal information that are generated by these systems and ensure that legal, policy and operational frameworks mitigate risks of any potential privacy-incursions.
3. As the Committee is no doubt aware, the National Transport Commission (NTC) is currently undertaking a significant reform program to prepare Australia for more automated road vehicles.¹ Relevantly, one of the NTC's current projects is to assess whether Australia's current information privacy framework applying to government collection and use of information is sufficient given the significant developments in transport technology. The NTC will shortly release a discussion paper on government access to automated vehicle data which may be of particular interest to the Committee.²

Type of data generated

4. As any vehicle is driven, information or data is broadcast or displayed in a number of ways. Driver aid and driverless car technologies greatly increase the amount of data generated. Types of data include³ –
 - Vehicle registration numbers which are identifiable through automatic plate number recognition systems, law enforcement cameras and safety cameras
 - Vehicle attributes such as make and model, and vehicle manufacturer information systems including unique identifiers
 - Accident information retrieval systems
 - Navigation and driver assistance devices which generate and retain data on location and movements

¹ See <https://www.ntc.gov.au/roads/technology/automated-vehicles-in-australia/>

² <https://www.ntc.gov.au/current-projects/regulating-government-access-to-c-its-and-automated-vehicle-data/>

³ Austroads, Privacy Impact Assessment (PIA) for Cooperative Intelligent Transport System (C-ITS) data messages, March 2017, accessed via https://austroads.com.au/publications/traffic-management/ap-c100-17/media/AP-C100-17_PIA_for_CITS_data_messages.pdf, pp 12-13.

- Bluetooth devices monitored by remote sensors in congestion management and traffic analysis systems
 - Mobile devices that can generate and store a broad scope and type of data; and
 - Electronic tags for toll roads, employee systems, rental cars etc., and electronic vehicle and driver log books.
5. Much of this information is personal information⁴ and is shared in Cooperative Intelligent Transport Systems (C-ITS), like that which will be trialled in Queensland in 2019. C-ITS involves the use of wireless communications and real-time information sharing (between vehicles and with roadside infrastructure, back-end centres and personal devices) to enable vehicle and transport applications to work together.
 6. Much of this data relates to the movement of a vehicle in relation to other vehicles, traffic congestion, and road infrastructure such as traffic lights. However, the data generated can also be an individual's personal information. For example, real time location data, in-car camera footage, audio recording, behaviour patterns, frequently attended locations, consumer preferences (such as regular appointments, favourite restaurants, music choices, air conditioning settings) and biometric information such as fingerprint entry, which has been identified by the NTC as a likely feature. As the degree of 'driverless-ness' of a vehicle increases, so too does the volume of data it generates.

Why privacy is important – for individuals and consumer confidence

7. Privacy breaches can lead to devastating consequences for individuals, for example, the tracking and location of a domestic violence victim. Some commentators even argue that location data is 'deserving of special protection due to safety/security concerns given it can disclose an individual's current position as well as their movements'.⁵
8. Personal information can also be exploited for commercial purposes with many commercial sectors increasingly using personal information for data analytics and marketing. Governments need to be alert to the potential for use of data in this way.
9. Further, any access by law enforcement agencies to data generated by 'driverless car' technologies needs to be transparent and subject to rigorous oversight through a range of regulatory frameworks, including appropriate legislative constraints on access to this data.
10. Privacy breaches can also lead to reduced levels of consumer confidence. Low levels of consumer confidence may slow the take up rates of technologies that could make road travel safer. Recognising the importance of privacy considerations in acceptance by end-users, advisors to vehicle manufacturers in the European Union are encouraging them to 'rethink their fundamental approach to privacy and establish it as a core tenet of their business'.⁶

⁴ Ibid, p16. Section 12 of the IP Act defines personal information as '*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*'.

⁵ Warren, David et al, All roads lead to the internet: privacy in the age of autonomous vehicles, May 2018, accessed at <http://www.corrs.com.au/thinking/insights/all-roads-lead-to-the-internet-privacy-in-the-age-of-autonomous-vehicles/>

⁶ Bearing Point Institute, *Connected cars and privacy: shifting gear for GDPR?*, accessed via <https://www.bearingpoint.com/en-us/our-success/thought-leadership/connected-cars-and-privacy-whos-in-the-driving-seat/>.

Privacy by design

11. The IP Act regulates how Queensland government agencies, including local government, public universities and Hospital and Health Services, and public authorities manage personal information. It places obligations on all Queensland government agencies to collect, store, secure, use and disclose personal information in accordance with the Information Privacy Principles (IPPs).
12. In summary, the IPPs require –
 - That the collection of personal information is lawful and fair
 - That the collection of personal information should be done with the knowledge of the individual
 - That collection, use and disclosure of personal information are limited to the purpose for which the information was collected
 - That documents containing personal information are protected from loss and unauthorised access or use
 - That personal information is accurate.
13. These principles should be embedded in legal, policy and operational systems that involve personal information. This can be aided by undertaking Privacy Impact Assessments (PIAs), which are systematic assessments of a project that identify impacts on the privacy of individuals, and set out recommendations for managing, minimising or eliminating that impact.
14. PIAs should be conducted early in the policy process and should be revisited frequently as projects mature.

Right to Information

Queensland's RTI Act also needs to be considered in this context as it provides a right of access to government held information. Vast amounts of data could be generated by these new transport technologies which Government may be required to provide access to in accordance with the legislative framework of the RTI Act.

The OIC appreciates the Committee's consideration of this submission and is available to provide further information or assistance as required.