

20 June 2013

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House Canberra ACT 2600

Dear Chair

RE Privacy Amendment (Privacy Alerts) Bill 2013.

Civil Liberties Australia shares the concerns of other civil society groups over the short timeframe for lodging a submission on this important Bill. Civil Liberties Australia is aware of the draft submission lodged by the Australian Privacy Foundation and supports their position on the Privacy Amendment (Privacy Alerts) Bill 2013.

Civil Liberties Australia would also like to draw the Committee's attention to proposed section 26ZE. Civil Liberties Australia believes this definition of 'Harm' is too limited and ignores that a loss of personal information, including login passwords or usernames, from one service provider (or entity) may compromise other services due to duplicate passwords or common email address.

For example, if the username or password a person uses to log into Facebook is compromised it may be possible for a third party to break into other services which use the same login details. As hacked passwords and usernames are frequently 'dumped' online, and become available to anyone, this future attack may not even be committed by the individual responsible for the original unauthorised access.

While it is best online security practice to avoid using common passwords, this rule is more honoured in the breach than in the observance.

This 'harm to identity' may not result in any tangible or immediate economic, reputational or financial harm. As such, it may not be captured by the meaning of the word 'Harm' in s 26ZE. In the context of this submission 'identity' means the unique informational qualities a person uses to authenticate their identity: username, password, biometric information, date of birth, postcode etc... Civil Liberties Australia proposes that this clause be amended so that 'harm to identity' (however phrased) is also specifically listed as a recognised harm.

Notwithstanding our concerns, we believe this Bill represents a worthwhile first step and should be supported. Thank for you for considering our Submission.

Yours sincerely

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President

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