

UNCLASSIFIED



Australian Government
Australian Security
Intelligence Organisation



ASIO submission to the Parliamentary Joint Committee on Intelligence and Security

Inquiry into the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019

30 September 2019

UNCLASSIFIED

Introduction

1. The Australian Security Intelligence Organisation (ASIO) welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) inquiry into the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019.
2. Both the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019 will assist ASIO in its role of protecting Australia and Australians, by providing a means by which to verify identity and identify subjects of national security interest.
3. ASIO supports the submission to the PJCIS of the Department of Home Affairs and provides this submission to complement the Department's approach. The submission is divided into four parts:
 - Part 1—The security environment
 - Part 2—Identity-matching Services Bill 2019
 - Part 3—Australian Passports Amendment (Identity-matching Services) Bill 2019
 - Part 4—Oversight and safeguards.

Role of the Australian Security Intelligence Organisation

4. ASIO is Australia's national security intelligence service. Our purpose is to protect Australia from violent, clandestine and deceptive efforts to harm its people and undermine its sovereignty.
5. We deliver our purpose by focusing our efforts on three services: Counter, Shape and Build. We counter—through identification and mitigation—violent, clandestine or deceptive efforts to harm Australians and compromise Australian sovereignty, economic wellbeing and national security. We shape and inform efforts to foster institutional and community resilience, by providing Australian governments, law enforcement and industry with intelligence and advice to enable better decision-making in relation to security responses, policies and priorities. And we build capability across Australia's national security community by sharing our experience with partners and leading the development of intelligence capabilities.
6. ASIO's key strategic priorities are:
 - a. countering terrorism and the promotion of communal violence;
 - b. countering espionage, foreign interference and malicious insiders;
 - c. countering serious threats to Australia's border integrity; and
 - d. providing protective security advice to government and industry.
7. We harness our expertise in security, unique intelligence collection capabilities, strong national and international partnerships, and all-source intelligence analysis capabilities to provide trusted, actionable advice.

UNCLASSIFIED

8. ASIO's role and functions are determined by law. ASIO must act lawfully, in line with the provisions of the *Australian Security Intelligence Organisation Act 1979* (ASIO Act) and other relevant legislation and guidance. ASIO must also act with propriety: our activities must be conducted effectively, efficiently, ethically and without bias.
9. In protecting the nation and its interests from threats to security, ASIO operates under a comprehensive accountability framework, with robust and extensive oversight of both operational and non-operational activities.
10. ASIO's key oversight body is the Inspector-General of Intelligence and Security, an independent agency that scrutinises the operational activities of intelligence agencies to ensure they operate with propriety, according to law, consistent with ministerial guidelines and directives, and with due regard for human rights. The PJICIS, the Independent National Security Legislation Monitor and the Independent Reviewer of Adverse Security Assessments also provide wide-ranging oversight of ASIO's activities. Ministerial accountability is to the Minister for Home Affairs, who exercises all ministerial powers and functions under the ASIO Act except those that are explicitly with the Attorney-General.
11. ASIO engages fully with its oversight and accountability mechanisms to provide public assurance of the legality and propriety of ASIO's actions.

Part 1—The security environment

Terrorism in Australia

12. The national terrorism threat level for Australia remains PROBABLE—credible intelligence, assessed by security agencies, indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia. Since September 2014, when the national terrorism threat level was raised, there have been seven attacks and 16 major counter-terrorism disruption operations in response to potential attack planning in Australia.
13. ASIO assesses that the principal source of the terrorist threat remains Sunni Islamist extremism, emanating primarily from small groups and individuals inspired, directed or encouraged by extremist groups overseas. However, individuals motivated by other forms of extremism and ideology are also present onshore.

Espionage and foreign interference

14. Foreign interference is an enduring and increasingly complex feature of the security landscape in Australia. ASIO investigations have identified foreign interference operations directed at decision-makers in government and industry, the media, members of diaspora communities and commercial investment decision-makers.
15. ASIO assesses that the current scale of foreign intelligence activity against Australian interests is unprecedented.

UNCLASSIFIED

UNCLASSIFIED

Part 2— Identity-matching Services Bill 2019

Overview of use

16. ASIO is supportive of the Identity-matching Services Bill 2019, which provides the legislative framework enabling collection, use and disclosure of identity-related information, including facial images, to enhance national security, combat crime and increase service delivery opportunities. ASIO has worked closely with the Department of Home Affairs in the development of the National Facial Biometric Matching Capability (NFBMC), with regard to operational investigative opportunities as well as the requirement to protect lawfully obtained assumed identities.
17. ASIO intends to use the capability to assist in the verification of identity and identification of subjects relevant to security in a timely and accurate manner. Access to the biometric data shared via the NFBMC (initially Australian citizenship, visa data and all driver's licences nationally) will provide ASIO with the ability to use the Facial Verification Service and Facial Identity Service capability to support ASIO's investigative role across all of our mandated responsibilities.
18. The NFBMC will provide access to Commonwealth, state and territory government databases already legally accessed by ASIO to conduct identity verification and identification checks. The NFBMC will offer a centralised, timely and less resource intensive means by which to conduct these checks.

Part 3— Australian Passports Amendment (Identity-matching Services) Bill 2019

Overview of use

19. The legislative amendments enabled by the Australian Passports Amendment (Identity-matching Services) Bill 2019 will enable ASIO to access Australian travel document data via the NFBMC's identity-matching services.
20. As stated above, ASIO intends to use the capability to assist in the verification of identity and identification of subjects relevant to security in a timely and accurate manner. Access to the biometric data shared via passports being incorporated into the capability will provide ASIO with the ability to use both the Facial Verification Service and Facial Identity Service capabilities to support ASIO's investigative role across all our mandated responsibilities.

UNCLASSIFIED

UNCLASSIFIED

Part 4—Oversight and Standards

21. ASIO's internal policies and procedures will ensure appropriate thresholds and authorisations are adhered to in terms of access to, and subsequent use and storage of, NFBMC data.
22. ASIO's use of the capability will be subject to oversight from the Inspector-General of Intelligence and Security, as per paragraph 10. It will also be subject to the Attorney-General's Guidelines, which state that ASIO must obtain information in a lawful, timely and efficient way, in a means proportionate to the threat and via the least intrusive means possible in order to perform its statutory functions. The ability to clearly verify an individual's identity or identify an unknown individual is central to being able to make an accurate assessment as to their relevance to security.
23. ASIO's use of the capability will be subject to the Participation Agreement with the Department of Home Affairs, which is in the process of being agreed to by both parties.

Conclusion

24. Both the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019 will assist ASIO in its role of protecting Australia and Australians, by providing a means by which to verify and identify subjects of national security interest efficiently and accurately, including in time-critical situations.

UNCLASSIFIED