

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number: IQ20-000088

Question Subject: Law council recommendations regarding legislation

Type of Questions: Question in Writing

Questioner: Senator Gallagher

Question:

In a media statement on 5 May 2020, the Law Council recommended that “the legislation should prescribe the core parameters or minimum design specifications of the COVIDSafe app and data store themselves, rather than leaving them to be determined from time-to-time. For example, the legislation should provide that the app must operate on a strictly voluntary, opt-in basis at all times, with accessible mechanisms for users to ‘opt out’”.

(a) What is your response to this recommendation?

(b) What are the likely consequences / implications of implementing this recommendation?

(c) What is the Government's position on this recommendation?

Answer:

This question relates to the Privacy Amendment (Public Health Contact Information) Bill 2020 for which the Attorney General's Department has primary responsibility. The Attorney General's Department will respond to this question.

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Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number: IQ20-000090

Question Subject: Recommendations supported by the Law Council

Type of Questions: Question in Writing

Questioner: Senator Gallagher

Question:

The Law Council also supported “prohibitions on creating and using ‘derivative data’ from data that has been collected by the app; and reverse engineering or re-identifying data that has been ‘de-identified’”.

- (a) What is your response to this recommendation?
- (b) What are the likely consequences / implications of implementing this recommendation?
- (c) What is the Government's position on this recommendation?

Answer:

This question relates to the Privacy Amendment (Public Health Contact Information) Bill 2020 for which the Attorney General's Department has primary responsibility. The Attorney General's Department will respond to this question.

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Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number:IQ20-000095

Question Subject: Recommendations to make amendments to the Privacy Amendment (Public Health Contact Information) Bill 2020

Type of Questions: Question in Writing

Questioner: Senator Gallagher

Question:

The Law Council also recommended that the Privacy Amendment (Public Health Contact Information) Bill 2020 be amended to include:

- provisions requiring the Privacy Commissioner to inspect and certify that the data deletion obligations at the end of the app's period of operation have been complied with;
- periodic reporting obligations while the app is operational, with these reports tabled in Parliament; and
- streamlined arrangements to manage the interaction of investigations by the Privacy Commissioner with law enforcement investigations of offences for breaching the prohibitions on the use of data, under which the Commissioner is not obliged to discontinue investigations.

In respect of each of these recommendations:

- (a) What is your response?
- (b) What are the likely consequences / implications of implementing the recommendation?
- (c) What is the Government's position on the recommendation?

Answer:

This question relates to the Privacy Amendment (Public Health Contact Information) Bill 2020 for which the Attorney General's Department has primary responsibility. The Attorney General's Department will respond to this question.

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Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

06 May 2020

PDR Number:IQ20-000098

Question Subject: Privacy Amendment (Public Health Contact Information) Bill 2020 - data store administrator

Type of Questions: Question in Writing

Questioner: Senator Gallagher

Question:

In respect of the "data store administrator" concept in the Privacy Amendment (Public Health Contact Information) Bill 2020:

- (a) Why was the inclusion of this concept, which would allow the "data store administrator" to be changed from time to time, considered necessary or desirable?
- (b) Does the Secretary of the Department of Health intend to appoint one agency or multiple agencies to act as the "data store administrator" for different purposes? If so, please provide details.

Answer:

- a) This question relates to the Privacy Amendment (Public Health Contact Information) Bill 2020 for which the Attorney General's Department has primary responsibility. The Attorney General's Department will respond to this question.
- b) The Bill provides for the Department of Health to be the data store administrator unless the Acting Secretary determines a particular agency to undertake all or some of that role. The Acting Secretary intends to appoint the Digital Transformation Agency to act as the data store administrator through a notifiable instrument.

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Department of Health

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Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number:IQ20-000105

Question Subject: Minister briefing on recommendations

Type of Questions: Question in Writing

Questioner: Senator Gallagher

Question:

How many Australians aged over 65 have downloaded the COVIDsafe app?

Answer:

The Department of Health does not have access to the information sought as access to data is limited by law.

The total number of COVIDSafe registrations, at 6:30am on Monday 11th of May, was 5.52 million.

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Department of Health

Senate Select Committee on COVID-19

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PDR Number: IQ20-000146

Question Subject: BlueTrace protocol

Type of Questions: Written

Questioner: Katy Gallagher

Question: Has the Department of Health been in direct contact with the developers of the BlueTrace protocol in Singapore? If so, when? If not, why not?

Answer:

No.

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Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number: IQ20-000147

Question Subject: Potential flaws with COVIDSafe app

Type of Questions: Written

Questioner: Katy Gallagher

Question: Has the Department of Health or any other Commonwealth agency identified any flaws with the COVIDSafe app that have not yet been addressed? If so:

- (a) What is the flaw?
- (b) Will the flaw be addressed?
- (c) How will the flaw be addressed?
- (d) When will the flaw be addressed?

Answer:

A number of minor issues have been identified since the release of the COVIDSafe app and are being remedied by the DTA.

- The quality of the Bluetooth connectivity is variable in some instances. There are performance issues as the app moves further into the background; this can also be influenced by the operating environment of the phone. Older phones can have reduced battery capacity which can impact the Bluetooth signal. The reduced performance will be addressed through a software update.
- Continuous Glucose Monitoring (CGM) apps may experience Bluetooth interference when using the COVIDSafe app. CGM apps may be prone to interference from a variety of other applications that are also using Bluetooth. We are currently investigating the issue and early investigations indicate it is isolated to CGM apps. To date, no other similar issues have been raised. Work will continue to identify a suitable rectification approach.
- Users with an overseas phone number cannot currently register within the COVIDSafe app, even if they live in Australia. This issue will be addressed through a software update.
- A user experience issue was identified for State Health Officials accessing the COVIDSafe National Data Store which rendered the interface incorrectly. This issue was rectified on Monday 11 May.

The App will continue to improve in subsequent releases, in accordance with the iterative process being used to develop the App. The DTA is also working with Apple and Google to understand the improvements they are making to Bluetooth and will consider incorporating their changes if they provide improved Bluetooth connectivity.

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

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Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number: IQ20-000148

Question Subject: Updates to COVIDSafe app

Type of Questions: Written

Questioner: Katy Gallagher

Question:

In respect of each update to COVIDSafe, why was the update considered necessary or desirable?

Since the COVIDSafe app was released on 26 April 2020, what updates have been made to the app (noting that subsequent versions of the app have been released since 26 April 2020)?

Answer:

DTA have the responsibility for developing the app and have provided the following update on the release.

The COVIDSafe app has been updated once by the DTA as of 11 May 2020. The update included:

- A design update, including a stronger preface was added to the "upload" user flow to explain to users the upload process and requirements.
- Consistency improvements to the user interface
- Minor registration issues associated with the name field (Android & IOS)
- Notification issues where app could appear to loop to registration screen (IOS)
- Crash fixes for the Android version of the App

The update was considered desirable to improve the user experience of the app and improve the ease of registration. It also improved user understanding of when to upload their contacts data, including by clarifying the wording around this functionality. Improvements to resolve system stability are desirable to improve the performance of the App.

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6 May 2020

PDR Number: IQ20-000150

Question Subject: Contract tracing app

Type of Questions: Written

Questioner: Katy Gallagher

Question: What Commonwealth agency or minister first raised the idea of a contact tracing app?

On what date was the idea of a tracing app first raised?

Answer:

Initial development work on the App which would become the COVIDSafe App was undertaken by the Department of Home Affairs.

Home Affairs began work on or around 23 March 2020.

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6 May 2020

PDR Number: IQ20-000151

Question Subject: List of Commonwealth agency involvement of app development

Type of Questions: Written

Questioner: Katy Gallagher

Question: Please provide the Committee with a list of each Commonwealth agency that has been involved in the development and implementation of the COVIDSafe app along with:
(a) the date on which the agency's involvement began and, if relevant, when the agency's involvement concluded; and
(b) an explanation of what the agency did (or is continuing to do).

Answer:

The lead agencies for the COVIDSafe application are the Department of Health and Digital Transformation Agency (DTA). The Department of Health is the policy owner of the COVIDSafe app. Since 6 April 2020, the DTA has been responsible for the technical design and development of the application.

The Australian Cyber Security Centre, Australian Signals Directorate, Attorney-General's Department provide specialist advice, skills and capability for the development of the application.

Early development was undertaken by the Department of Home Affairs. The Department of Home Affairs undertook this work in support of the Department of Health and the DTA who were undertaking urgent work developing the Coronavirus Australia application and updating the australia.gov.au website. The Department of Home Affairs concluded its involvement in the application on or around 3 April.

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Department of Health

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6 May 2020

PDR Number: IQ20-000152

Question Subject: List of foreign Government or entity

Type of Questions: Written

Questioner: Katy Gallagher

Question: Please provide the Committee with a list of each foreign government agency or entity (e.g. Singapore's Government Technology Agency) that has been involved in the development and implementation of the COVIDSafe app along with:
(a) the date on which the agency's involvement began and, if relevant, when the agency's involvement concluded; and
(b) an explanation of what the agency did (or is continuing to do).

Answer:

The Department of Health is the policy owner of the COVIDSafe app. DTA has the role of developing the app.

The Department of Health have had no contact with Singapore's Government Technology Agency; however, the DTA have advised that they have been in contact with the agency during March and April 2020.

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Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

6 May 2020

PDR Number: IQ20-000153

Question Subject: List of non-government organisations and individual app involvement

Type of Questions: Written

Questioner: Katy Gallagher

Question:

Please provide the Committee with a list of each non-government organisation or individual (e.g. Amazon Web Services) that has been involved in the development and implementation of the COVIDSafe app along with:

- (a) the date on which the individual or organisation's involvement began (or will begin) and, if relevant, when the involvement concluded (or is likely to conclude);
- (b) an explanation of what the individual or organisation did (or is continuing to do);
- (c) how much the individual or organisation has been, or will, be paid by the Commonwealth; and
- (d) the Austender contract notice number for the relevant agreement between the individual or organisation and the Commonwealth.

Answer:

The Department of Health engaged one organisation, Maddocks, across two contracts.

Contract 1

- (a) The contract engagement period was from 14 April 2020 - 20 April 2020 - as part of a broader contract for legal services on COVID-19 related issues.
- (b) Provision of legal services in respect of the Privacy Impact Assessment
- (c) \$46,421 (including GST)
- (d) Austender contract reference is CN3666202-A1

Contract 2

- (a) The contract engagement period was 20 April 2020-24 April 2020
- (b) Provision of a Privacy Impact Assessment in respect of the COVID-19 tracing APP
- (c) \$50,930 (including GST)
- (d) Austender contract reference is CN 3675294