

SUBMISSION: Migration Amendment (Strengthening Biometrics Integrity) Bill 2015

To:

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Written evidence submitted by the **BIOMETRICS INSTITUTE LIMITED**, 1 April 2015

1. Executive Summary

- The Biometrics Institute is the independent and international impartial membership organisation with a now global membership of over 180 organisations
- The Institute promotes the responsible use of biometrics and provides best-practice guidance to its members about biometrics
- The Institute's submission focuses on the importance of the responsible use of biometrics and the need for guidance on privacy and potential issues around the use of children's biometrics.
- We outline the Biometrics Institute Privacy Guideline as an essential guide on biometrics and privacy and recommend that before implementing any changes to legislation which impinge on the collection, storage or usage of individual personal data especially in relation to biometrics, the Committee goes beyond its standard examination of privacy regulations and legislation and reviews our guideline.

2. About the Biometrics Institute and reason for submission

2.1. Who we are, why we were established and our universality

The Biometrics Institute represents over 180 International of which 35 are UK based organisations that use, supply or manage biometric services and technology. We have been established in 2001 in Australia but have now been operating in the UK since July 2011. More details can be found at www.biometricsinstitute.org.

2.2. Independence

Although the Institute has a membership composed of vendors, government agencies, transport companies, banks, airlines and universities (see [Member Register](#)), the Institute's constitution has been designed to ensure that its independence is secured; for example, vendors must remain a minority on the Board of Directors.

2.3. Responsible use of biometrics

Our primary purpose as an independent and international impartial organisation is to promote the responsible use of biometrics, especially the sensitive handling of privacy issues and the development of effective biometric technologies. We provide a forum for discussion and the sharing of information to apply best-practice for the use of biometrics. Our members and key stakeholders regularly discuss how biometric technologies can be used to manage identification or authentication of individuals in a responsible way.

The Biometrics Institute mission of promoting the responsible use of biometrics requires significant education and information programmes on technical, privacy and related social issues. Our information sessions and conferences around the world assist vendors, users and others to understand biometrics and their successful use.

Many of the issues our members consider are the same around the world and focus predominately on privacy, data protection and how to strengthen systems against potential vulnerabilities.

2.4. Reason for submission

We note the proposed amendments as:

“to: provide a single broad discretionary power to collect one or more personal identifiers from non-citizens and citizens at the border; enable flexibility on the types of personal identifiers that may be required, the circumstances in which they may be collected, and the places where they may be collected; enable personal identifiers to be provided by an identification test or by another way specified by the minister or an officer; enable personal identifiers to be required either orally, in writing, or through an automated system; enable personal identifiers to be collected from minors and incapable persons without the need to obtain consent, or require the presence of a parent, guardian or independent person during the collection; and remove redundant provisions.”

We have gained a lot of experience in guiding our members, for example, through a Biometric Privacy Guideline, a Privacy Awareness Checklist and a Biometric Vulnerability Assessment Checklist. We believe we are well placed to make a submission to the inquiry considering the organisations we represent and the work we have conducted over the past 14 years promoting the responsible use of biometrics. We also have access to a global network of experts who we have consulted about research into the use of biometrics of children. We would like to point the Committee to the Technical Report ISO is currently working on which provides useful insights into the issues around the use of biometrics for children.

2.5. Key principles required to manage privacy and biometrics

Privacy Guideline and Public Information

Before implementing any changes which impinge on the collection, storage or usage of individual personal data especially in relation to biometrics, the Institute recommends that the Committee goes beyond its standard examination of privacy regulations and legislation.

The Biometrics Institute’s Privacy Guideline is a useful guide to suppliers, consumers, users and managers of biometrics. It is deliberately designed to be applicable in many jurisdictions since technology has now made the international movement of personal data a reality and therefore a privacy risk. No country or department can afford to work on the basis that its citizens’ personal data will be retained within national borders.

The Privacy Guideline is not only a practical, comprehensible guide for managers but is a reference point for clients and citizens interacting with organisations that may be collecting, storing or transmitting personal data. The Guideline contains 17 principles of which we highlight 3 we consider the most important ones.

3. Research into the use of biometrics for children:

Information technology - Cross jurisdictional and societal aspects of implementation of biometric technologies - Biometrics and Children

ISO/IEC PDTR 30110.2

The International Standardisation Organisation (ISO) is currently developing a technical report which builds upon the general recommendations given in ISO/IEC 24714-1:2008, Information technology -- Biometrics -- Jurisdictional and societal considerations for commercial applications -- Part 1: General guidance.

It provides guidance for users of biometric recognition systems on specific requirements in relation to deployments where children are the main group of biometric capture subjects.

The use of biometrics for children poses several challenges while it could be a useful tool in fighting crime e.g. trafficking of children. In addition, some concerns have been raised due to the legal, social and ethical aspects encompassed.

This ISO document provides a survey of existing literature on the use of biometrics for children and offers recommendations oriented to the protection of children considering data protection, psychological and medical issues.

This includes:

“Two of the main conclusions of the report are that growth has limited influence on fingerprint recognition but image quality (in terms of low contrast and distortion effects) is the ultimate problem for child fingerprints, and image quality is strongly influenced by size. In every case the report suggest that alternative acquisition devices for fingerprints should be seriously considered in the future.

A series of studies are actually ongoing as concerns the use of face recognition for children.

According to some experts in ophthalmology, the iris starts achieving 90% stability in size only after six years of age. A normal iris starts assuming stability only by eight years.”

The document lists around 20 references in its literature review.

We would strongly recommend that the Committee reviews this report as the use of biometrics for children is creating challenges different from those of adults.

We have also been informed about this paper which may be of interest:

K. Jain, K. Cao and S. S. Arora, "Recognizing Infants and Toddlers using Fingerprints: Increasing the Vaccination Coverage", *IJCB*, Clearwater, Florida, USA, Sept. 29-Oct. 2, 2014.

http://www.cse.msu.edu/rgroups/biometrics/Publications/Fingerprint/JainCaoArora_RecognizingInfantandToddlersusingFingerprints_IJCB14.pdf

4. Contact

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