

Monday, 20 April 2020

Privacy protections must be built into COVID-19 tracking app

All comments to be attributed to Law Council of Australia President, Ms Pauline Wright.

While the Law Council of Australia acknowledges the government's desire to improve the efficiency of COVID-19 contact tracing arrangements through the roll out of a tracing app, the privacy settings of any such app will require careful scrutiny, with many in the community understandably hesitant about the collection of their personal information by the government.

The Law Council believes that both our health and our privacy can be protected if we are careful and there must be a balance between legitimate efforts to protect public health and individuals' right to privacy.

If privacy protections are built-in to the app, it will provide the public with greater confidence. There must also be strict limits on what kind of data can be collected and the uses to which it can be put and there must be clear limits about how long data can be kept and when it must be deleted. It must also be made clear how the collection of data be limited to ensure that only the required or necessary data points to address COVID-19 are being collected.

The Law Council commends the government's announcement of their intention to publicly release a privacy impact assessment for the app before it is rolled out, as well as the source code to be utilised by the app. Open source enables the source code to be independently inspected and audited, and this is something we would vigorously support.

We understand that the government is working with the Australian Signals Directorate and some members of the private cyber security industry on the security of storage arrangements for data transmitted by the app.

However, the Law Council is concerned that a number of important policy details have not yet been provided, which will be material to the ability of Australians to give their informed consent to the collection and use of their personal information.

While it is likely that many of these details would be addressed in a privacy impact statement, it is imperative that a particularly important that a comprehensive privacy impact statement is released publicly, as a matter of urgency, and that Australians are given an opportunity to comment.

Only then will Australians be able to make an informed decision about whether to use the app.

As with any measure taken to combat the pandemic, the functionality of the app should be proportionate to the risk posed by the pandemic and should be temporary, with clear time limits.

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