



18 June 2020

National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000

For submission via: <https://www.ntc.gov.au/transport-reform/ntc-projects/government-access-vehicle-generated-data>

Dear Sir/Madam

GOVERNMENT ACCESS TO VEHICLE-GENERATED DATA

This is a submission to the National Transport Commission (NTC) on its Discussion Paper on government access to vehicle-generated data. The discussion paper proposes options to improve government access to vehicle generated data, noting that a suitable data access framework is currently lacking. Establishing a data exchange partnership between industry and government is the preferred option in the paper, while improved road safety has been identified as a key need that could be addressed through greater access to vehicle-generated data.

In November 2018, I provided comments in a submission to the NTC's discussion paper on Regulating Government Access to C-ITS and Automated Vehicle Data. While the scope of the present discussion paper is different, many of the comments provided with regard to the application of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act) remain relevant here.

Privacy legislation and personal information

The PPIP Act outlines how NSW public agencies manage personal information. Agencies that are bound by the PPIP Act are NSW public sector agencies, statutory authorities, universities, NSW local councils, and other bodies whose account are subject to the Auditor General. When NSW government agencies handle personal information, they are required to comply with the Information Protection Principles (IPPs) under the PPIP Act. The IPPs cover the collection, use and disclosure of personal information. The PPIP Act does contain exemptions from the IPPs for law enforcement and other limited purposes.

The discussion paper notes that it may be possible to identify a user from some vehicle-generated data, which would be considered as personal information. This includes location data, unique identifiers, such as vehicle identification numbers, and disaggregated raw data. The regulation of any privacy implications for Commonwealth government agencies and private sector organisations would be covered by the *Privacy Act 1998*. However, it is likely that state and territory transport and law enforcement agencies would also require access to vehicle-generated data to support road safety initiatives. Where this data includes personal information, NSW government agencies would need to ensure their compliance with the IPPs.

Data exchange partnership between industry and government

There is a compelling public interest in ensuring government access to data that could improve road safety. I note the proposed principles to underpin any potential data exchange partnership include:

- National consistency, including in relation to data definitions and standards
- Minimising the amount of data needed to achieve an outcome
- Encouraging 'opt-in' to services
- Protecting sensitive personal data

These principles align with a 'privacy by design' approach, ensuring that privacy considerations are embedded in the design of any proposed data sharing framework.

I note that a policy paper is expected in late 2020, setting out the NTC's major policy positions in relation to government access to vehicle-generated data. I would appreciate being kept informed as further details of any model for sharing vehicle-generated data are developed.

I hope these comments are of assistance to you.

Yours sincerely



Samantha Gavel
Privacy Commissioner