*This letter was drafted by Malcolm Crompton AM and is provided here so that others can adapt and reuse it.*

Mr David Anderson

Managing Director

Australian Broadcasting Corporation

GPO Box 9994

Sydney NSW 2001

Dear Mr Anderson

I am writing to you about the recent decision to gather viewing data from ABC viewers, requiring ABC viewers to log in to iView.

The decision is ill-considered, and I am asking that you reverse it.

This decision carries many downsides and there does not appear to be a Privacy Impact Assessment available.

The ABC is publicly funded. We should not pay with our data for content for which we have already paid. So far, the ABC has presented scant information about the use and sharing of such viewing data and any associated inferences which might be made about us.

The proposal has three significant negative impacts:

* First, the need to log in creates an access barrier which excludes younger children, the elderly, and others who have less familiarity with technology.
* Second, the data sharing is potentially harmful, and its use has not been transparently explained. Indeed, based on information currently available, any alleged ‘consent’ to its collection and use would not meet legal tests of consent within the terms of the Privacy Act 1988.
* Third, the role of a public broadcaster is to support a shared conversation among all Australians, encompassing people from a wide variety of backgrounds and views. ‘Personalised experiences’ are the opposite of this core goal.

**Is the individual adequately informed?**

The informal public statements by the ABC about data collection, use and sharing, fail the test of ensuring that “the individual is adequately informed”, one of the four pre-conditions spelt out by the Information and Privacy Commissioner before an interaction can be legally considered consent. The current statements by the ABC are incomplete for many reasons.

First, they give the impression that only minimal demographic information will be collected (such as postcode and year of birth). Your ‘Privacy Collection Statement’ mentions that some data is uploaded at registration and refers briefly to the sharing of ‘data we collect about your use of our digital services, including behavioural and location data’. It does not make clear that viewing data will continue to be uploaded whenever the logged-in person watches.

Second, many of the public statements do not even mention gathering viewing data or other types of personal information. For example, beyond the almost meaningless term ‘personalisation’, there is no mention of the inferences that will be drawn from the data and metadata that will be collected: how an individual will be classified nor the implications. Will an interest in a good wine show have an impact on inferences about political leanings, for example?

Third, all statements with a ‘such as’ or ‘including’ are statements implying no bounds whatsoever to the point being made: the information that will be collected, the inferences that will be made, the additional data that will be drawn in from other sources, with whom any of the data will be shared or the uses to which it will be put. Any points or lists after a ‘such as’ or an ‘including’ are merely examples of an unbounded appetite.

Finally, there are no statements about the limits put on any aspect of the data being handled. To give just one example, what is the full extent of sharing with commercial partners? Less obvious is anything to do with access by authorities such as health authorities undertaking contact tracing during the current pandemic or at any time, access by law enforcement, national security agencies etc. Even if some of these circumstances would be endured by the ABC as ‘force majeure’, the very least that the ABC can do is acknowledge that this is the case. Better still, the ABC could spell out its position in such circumstances, for example, always requiring a warrant or subpoena for law enforcement access.

In short, it is impossible for any individual to be “adequately informed” before giving consent even if they go over all the ABC statements about an ABC account with a fine toothcomb.

Beyond any of those considerations, the ABC does not seem to have considered how sensitive a person’s ABC viewing or listening habits may be, or how much harm could be done when they are shared. Many Australians go to the ABC as a trusted source of information on controversial issues. A student from an authoritarian country who likes to watch shows about democracy, or a teenager from a conservative family who takes an interest in gender fluidity or religious scepticism, may suffer significant harm if these preferences are exposed.

**Is personalised experience a desirable goal?**

I question whether unavoidable ‘personalised experiences’ are even a desirable goal. Many of us have watched in horror what happens to a democracy whose citizens lack a shared perception of events. Recent experience of the political debate in the United States, is a very powerful example but not the only one.

By contrast, the ABC provides Australians with a shared, common set of facts which enable us to inhabit the same reality, while allowing for differing views. For example, the ABC’s trusted and trustworthy election coverage is a crucial part of Australian democracy. We might disagree about who should win but we end an election with a shared belief in who did win, which forms the basis of a peaceful transfer of power. The USA, lacking this shared narrative, is in dire trouble.

The ABC’s content provides well-researched, balanced, shared sets of facts around complex and challenging issues of all kinds. A recent history of Australia’s feminist movement raised serious questions about the role of ASIO. The long running discussion about the history over the last 240 years of the settlement of Australia through waves of immigration is an incredibly important discussion. It is essential that a range of perspectives must be presented with both passion and respect. No other broadcaster is doing it in a way anything like the ABC. It must be available free of charge and without any barriers or surveillance, into the future.

By contrast, ‘personalised experiences’ are often experienced by social media users and consumers of commercial media as isolating bubbles of reflected prejudice.

If ABC viewers want a ‘personalised experience’, they would opt in. Opt-in data collection, data sharing and personalisation, if done transparently, would be a choice for those who want it. For me and others, the very last thing I want is ‘personalisation’ which becomes a set of blinkers that removes peripheral vision.

Please reconsider your decision to gather viewing data without any option to refuse, to share it without genuine consent, and to prevent people viewing ABC iView content without logging in. The sad alternative is that I will cease to use iView and be forced to rely on free to air and other media.

Yours sincerely

*[Your name here]*