

Overview of Proposed Simple Privacy Framework

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Online privacy should be easy and clear for both organisations and users but it is not. In Australia, the relevant legislation, the Privacy Act 1988, exempts small businesses from complying with the Act. Nor does it apply to state and territory government agencies as they are covered by local legislation or regulations. Many organisations have difficulty in understanding their data protection obligations. Users also have trouble understanding what online privacy policies state about the data protection practices of the organisations they deal with. What do they do with the information they collect, how secure is it, do they disclosed it to third parties, and so on?



This project seeks to introduce an approach to privacy (similar to Creative Commons) that will simplify the legal responsibilities, ease the burden on businesses and provide greater protection for individuals. We also wanted to introduce an icon or symbol that would become as recognisable for privacy as the 'padlock' icon and which would be able to appear on the front page or relevant page of each website. Ticks, colours and other symbols were not immediately recognisable so our framework uses the letter 'P' followed by a number.

Using internationally recognised data protection principles as a guide, we have reduced the key privacy policy options relating to the collection of personal information to six options, dealing with issues around disclosure, security, access by the data subject and retention. The first two options, P1 and P2, involve collection of personal information only. Under the P1 policy, a data collector might use the information to provide the required service, for networking or sharing as part of that service, and for internal marketing purposes. Under P2, however, the collector may also disclose or pass the data onto a third party for advertising/marketing purposes. P1 requires the personal information to be deleted as soon as the data subject ceases to be a member of the site, while P2 provides that, with the express consent of the subject, the data can be retained for up to 12 months. Examples of P1 and P2 would be Austlii alerts, Attorney General's updates and media releases, Booking.com alerts and Amazon.com browsing.

The next two options, P3 and P4, cover the collection of personal information and financial data. An important difference from P1 and P2 is that the data is encrypted. P3 and P4 contain similar options to P1 and P2 respectively in the areas of disclosure and retention. Examples of sites collecting financial information are: Airline bookings, Citylink tolls, Banks, eBay, Gas and electricity suppliers, and graysonline.

The next option, P5, covers social media sites which automatically collect data about friends of members. The final option, P6, deals with the collection of sensitive information. Again, P6 requires the information to be encrypted and not to be disclosed to third parties. Examples are: Universities (when enrolling students), Facebook (in many instances), Centrelink and Medicare.

Collection of Personal Contact Information only

Symbol	Disclosure	Security	Subject's Access	Retention
	Only to provide the requested service to you (can include internal sharing and networking) For internal related secondary uses such as advertising/marketing When legally required to do so	Secure (not necessarily encrypted)	Easy to see who and how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while you remain a user/account member of the site, then deletion or
	To provide the requested service to you To third parties for advertising/marketing purposes When legally required to do so	Secure (not necessarily encrypted)	Easy to see how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while you remain a user/account member of the site, then deletion or With your express consent, for 6 -12 months

The next two options, P3 and P4, cover the collection of personal information and financial data. An important difference from P1 and P2 is that the data is encrypted. P3 and P4 contain similar options to P1 and P2 respectively in the areas of disclosure and retention.

Collection of Personal and Financial Information

Symbol	Disclosure	Security	Subject's Access	Retention
P₃	To provide the requested service to you For internal related secondary uses such as advertising/marketing When legally required to do so	Encrypted and secure	Easy to see who and how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while the service you requested is provided and/or you remain a user/account member of the site, then deletion or with your consent, for 6 - 12 months
P₄	To provide the requested service to you To third parties for advertising/marketing purposes When legally required to do so	Encrypted and secure	Easy to see who and how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while you remain a user/account member of the site, then deletion or With your express consent, for 6 - 12 months

The next option, P5, covers social media sites which automatically collect data about friends off members.


Collection of Personal Information and Friends and Contacts

Symbol	Disclosure	Security	Subject's Access	Retention
P₅	To provide the requested service to you To third parties for advertising/marketing purposes When legally required to do so	Encrypted and secure	Easy to see who and how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while you remain a user/account member of the site, then deletion

The final option, P6, deals with the collection of sensitive information. Sensitive information, as defined in the Privacy Act, means information or an opinion about an individual's race, gender, health, politics, sexual orientation, religious beliefs, or criminal record. Again, P6 requires the information to be encrypted and not to be disclosed to third parties.

Collection of Personal and Sensitive Information

Symbol	Disclosure	Security	Subject's Access	Retention
P₆	To provide the requested service to you For internal related secondary uses such as advertising/marketing When legally required to do so	Encrypted and secure	Easy to see who and how to contact (e.g. through user name and password, through contacting contact person, or by email)	Retained only while you remain a user/account member of the site, then deletion or With your express consent, for 6 - 12 months



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