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Ms Emily Minter
Policy and Research Officer
Victorian Law Reform Commission

Dear Emily,

Biometrics Institute response to SURVEILLANCE IN PUBLIC PLACES IN VICTORIA Consultation Paper

Please find below our response to the above mentioned paper.

1. *Do surveillance practices in Victorian public places concern you? Do some practices cause you greater concern than others, for example, covert CCTV?*

Yes. Warning notices should be provided whenever any monitoring is taking place, giving details on how the data provided by the monitoring is to be used, what storage and other controls are in place and what time limits apply to storage, particularly where information is not kept for police investigations.

A comment re the feedback before was: A concern that might be implied by "data provided by the monitoring is to be used, what storage and other controls are in place" is access and disclosure. Use requires at least access and, depending on the circumstances, disclosure. Given the gathering pace of initiatives for sharing biometric data access and disclosure as well as use are critical considerations. It therefore might be strengthened by referring to access and disclosure explicitly.

There is concern about the view that, as long as you do not have anything to hide, you should not worry about surveillance cameras. They are an intrusion into your civil liberties and, with the development of facial recognition software at an ever-increasing rate, could allow you to be tracked without your knowledge or agreement.

2. *Are there any benefits that flow from surveillance practices that we need to consider when we think about changes to regulation?*

The perception of increased personal safety and, presumably, the ability to identify any person infringing on another's personal safety.

3. *What changes could be made to better regulate surveillance practices?*

Requirements to comply with privacy codes, including compliance with the Biometrics Institute's code in the circumstance where biometric technology (for instance, to automate detection) is applied to the surveillance.

Re the Biometrics Institute Privacy Code please refer to:

<http://www.biometricsinstitute.org/displaycommon.cfm?an=1&subarticlenbr=8>

Reform option questions

1. *Do you agree with the draft principles proposed by the commission to guide policy making about public place surveillance?*

No comment.

2. *Should the once-off or intermittent use of surveillance practices by individuals be regulated?*

Yes, all use of surveillance practices by any individual, corporation or organisation should be regulated.

Yours sincerely,

Isabelle

Isabelle Moeller
General Manager & Company Secretary
Biometrics Institute