

From: [REDACTED]
Sent: Tuesday, 1 August 2023 3:51 PM
To: Digital Monitoring
Subject: Inquiry Submission - Data Broking
Categories: Report 8

To whom it may concern,

I submit this opinion as an ordinary, informed consumer. I have no extensive knowledge related to data broking but do have a reasonable understanding of general privacy principles.

I would like to specifically make comment in relation to Questions 20 and 21 from the Data Broking Issues Paper.

20) To what extent are consumers aware that their data is being collected and used by data brokers? How are they are made aware?

- A. The ordinary consumer is aware that their data is being collected and used by the party they are dealing with (First Party). It is reasonably expected that an informed or concerned consumer could quickly establish that the data may be shared by the first party, this is generally listed in terms and conditions. This disclosure is not always as readily apparent as it should be however, it would be disingenuous to suggest that this information is hidden from consumers.
- B. The ordinary consumer would not be aware of the practices of third-party brokers nor would they be likely to consent to such practices as they are not receiving any services in return. Contrary to this is the assumption by reasonable people that any information posted online in a public forum (such as social media) is publicly accessible. It would be unreasonable to claim that information shared in a public forum was intended to be private in nature.
- C. There is data that is clearly intended to be publicly available such as:
 - a. Home phone numbers and addresses listed in the White Pages
 - b. Business information
 - c. Information posted in a public forum (DOB on Facebook with privacy set to public, etc)
- D. There is data which is clearly intended to be private in nature such as:
 - a. Financial records (to the extent reasonably possible)
 - b. Medical records (to the maximum extent possible)
 - c. Mobile phone numbers (unless publicly disclosed)
 - d. Private communications
 - e. Private dispute resolution
- E. There is data that is reasonably expected to be disclosed in the course of a relevant transaction:
 - a. Details of the transaction (with the First party and any other party necessary for the transaction i.e. the car dealer and the supplier)
 - b. Financial details (when credit is sought or assurance of capacity to pay is reasonably required)
 - c. Contact details (to the extent necessary)
 - d. Medical records (for health-related transactions, or where it is relevant to safety, insurance, ability to pay, etc.)
- F. Taking the above premise as reasonable expectations of data disclosure it is evident that an ordinary consumer would expect their data to be private unless it had been disclosed in a public forum. Where complications arise is in cases where information is made public without the reasonable expectation or consent of the individual, such as on government databases or documents which can be publicly searched (i.e. property titles, etc.). Whilst there is a genuine need for an interested party (such as a potential buyer) to access that information it is not in the public interest for this to be accessible by data brokers who then use it to generate a profit without providing any service or compensation to the individual. It is unlikely that

an ordinary person knows this data is accessible for a token fee and highly unlikely that they are aware it can be accessed and sold by Third Party brokers.

G. Recommendation for policy:

- a. Third-party brokers be prohibited from accessing any personal information from government databases and documents, or from on selling any personal information obtained from a First Party.
- b. Third-party brokers be permitted to collect, use, resell, consolidate, package, and distribute and personal information which is reasonably known to be publicly available (social media, non-government websites, business information, etc.)
- c. Personal information obtained from First Party brokers may be sold to a Second party for use in marketing, analytics, etc, but may not be further distributed to a third party. (If you purchase a Samsung fridge from Harvey Norman, data could reasonable be shared with Samsung but not then sold to a Third Party broker, google may use data collected from its users to provide analytics to advertisers but they cannot then sell this on to another party).
- d. A First Party broker may not share personal data with a second party unless the consumer agrees to such use, a business must not refuse service to a consumer if they do not agree unless the service provided is a free service. This must be reasonably apparent to the consumer at the time of service and must be a singular item that the consumer agrees to as part of an agreement (cannot be buried in the fine print).

21) What steps can consumers currently take to inspect and/or remove the data that is held about them or to otherwise raise a complaint with data brokers?

- A. It is completely impractical to expect a consumer to find and contact every data broker who holds data on them. The only reasonable approach would be to have a single point of contact (ombudsman or the like) that a consumer could write to requesting all brokers remove specific data held although this would be impractical to achieve without major legislative overhaul and significant cost to the public.

Regards,
Zai Pieper



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