



Thursday July 5, 2012

Mr Keith Besgrove
First Assistant Secretary
Digital Economy Services
Department of Broadband, Communications and Digital Economy

cc. Tristan Kathage, Director IPND Review.

Dear Mr Besgrove,

Re: Research Industry Council of Australia (RICA)

Thank you for meeting recently to discuss the market and social research industry's access to de-identified IPND Data.

Further to our discussion regarding RICA's submission (16 December, 2011) in relation to privacy issues and regulated access to the IPND database by members, please see following an overview of industry standards, including the Market and Social Research Privacy Principles (M&SRPPs), along with an account of the proposed 'number journey'.

Summary of our position:

1. The research industry is well regulated in relation to protecting respondents' private information.
2. We have experience in this regard and our privacy principles have earned us an Australian Privacy Award in 2009.
3. Our number supplier (the company we would recommend as the intermediary in our access to the IPND data) is very experienced and trusted in dealing with compulsory acquired data such as the Electoral Roll.
4. The number supplier utilises a system that separates any private identifying information from telephone numbers before a research company receives those numbers.
5. We also separate identifying information (the phone number) from survey data once it is collected.
6. These factors together provide a double filter that permits accurate geographic location of a number but prevents identification of the original respondent before the call is made and after the data is collected.



1. Self-regulation and legislative governance of the market and social research industry

The Association of Market and Social Research Organisations (AMSRO) and The Australian Market and Social Research Society (AMSRS) are governed by strict professional standards and legislation compliant principles.

These include:

- The Market and Social Research Privacy Principles (M&SRPPs) governing all AMSRO members;
- The AMSRS Code of Professional Behaviour governing all individual professionals;
- International Standard for Market, Opinion, and Social Research (ISO 20252) and International Standard for Access Panels in Market Opinion and Social Research (ISO 26362) schemes to ensure the highest standards in company behaviour;
- The Qualified Practising Market Researcher (QPMR) scheme, a proactive scheme for increasing and maintaining professional skills among individual professionals.

Membership of the industry's professional and industry bodies is contingent on individuals and companies adhering to these standards and membership of AMSRO is contingent on companies employing AMSRS professionals thereby assuring that their corporate work is also governed by the AMSRS Code of Professional Behaviour. ISO accreditation is a condition of AMSRO membership for companies with more than two (research) employees or a turnover of exceeding \$1,000,000.

The M&SRPPs are administered by AMSRO, with the Australian Privacy Commissioner as Code Adjudicator. The triennial review of the M&SRPPs is currently underway. All members access the M&SRPPs through membership of AMSRO and AMSRO reserves the right to eject a member not complying fully with voluntary self-regulation.

The industry is also guided by and adheres to, the recently revised ACMA Telemarketing and Research Calls Industry Standard 2007, which stipulates regulatory requirements on market and social researchers who conduct telephone surveys in relation to calling times, disclosing information and responding to a respondent's request for information.

2. Experience in the operation of the codes to protect privacy

Our industry is in its eighth year of proactively and successfully managing the M&SRPPs to safeguard the privacy and confidentiality of people who respond to market and social research surveys.



The M&SRPPs were jointly developed by the AMSRS and AMSRO and ratified by the Australian Privacy Commissioner in 2003. Later, in 2009, our industry was awarded the *Community & NGO Australian Privacy Award* in recognition of its success.

The M&SRPPs address the concept of privacy lying within the scope of the Privacy Commissioner's concerns:

"...while our Privacy Act is about the protection of personal information or sensitive information, it is really about data protection. It is not about privacy in the broader sense of bodily privacy or privacy in other areas. I think 'privacy' is often seen as a catch-all, and so our Privacy Act does not address all aspects of territorial privacy or bodily privacy. The Privacy Act addresses the collection, use, disclosure and storage of personal information held by Commonwealth government departments and agencies, ACT government departments and agencies and also the private sector across Australia". (Australian Senate, 2005)

The M&SRPPs provide the industry with an expanded scope of privacy measures, far exceeding the privacy protection measures available to researchers beforehand. The industry recognises that the long-term success of market and social research depends on the willing cooperation of the public and business community. By developing its own privacy code, the industry has been motivated to design and promote practices that aim both to minimise intrusion and to assure the public, commercial and government sector that research is carried out honestly, objectively and with best practice to protect the identities and rights of individuals. This has been necessary to encourage widespread participation in research activities and in turn, maximises response rates and helps to produce trusted information for governmental and corporate decision making.

It should be noted that market research generally deals with de-identified, aggregated data that is not concerned with the identity of person who provided the data; such data is not subject to the M&SRPPs. Information that is identified or *identifiable* is considered 'identified information' and is subject to the M&SRPPs.

There are a number of obligations required by AMSRO member companies working under the M&SRPPs which relate to the collection, use, storage and transfer of '*identified information*', a summary of which follows:

Principle 1: Collection

Identified information must not be collected for any other purpose than research. Sensitive information must only be collected once individuals have been told that they can withhold information at any time. If collecting identified information from a third party (e.g. client organisation or list provider) individuals must be informed that their contact details may be/or have been transferred to a research organisation to be used for research purposes.



Principle 2: Use & Transfer

In the conduct of research, a research organisation must not use, disclose or transfer identified information for any purpose other than a research purpose. “Consent” must be informed, voluntary and given by a competent individual.

Principle 3: Data quality

A research organisation must take reasonable steps to ensure that the information collected is accurate and complete at the time of collection.

Principle 4: Data security

A research organisation may retain identified information only while details are needed for research purposes. The organisation must protect identified information from misuse and loss and from unauthorised access, modification and transfer. Where identified information is retained, the researcher must store identifying details separately from research data.

Principle 5: Openness

A research organisation must set out in a document clearly expressed policies on management of identified information, to be made available to anyone who asks for it. Upon request, the organisation must state what sort of identified information is held and how it is collected, stored, used and transferred.

Principle 6: Access and destruction, deletion and de-identification

Where identified information is retained, the organisation must allow the individual to access that information and/or **destroy, delete or de-identify** part or all of that information, at his or her discretion. **Once information has been de-identified**, any obligation to provide access or other remedies ceases.

Principle 7: Commonwealth identifiers

A research organisation must not adopt a Commonwealth identifier as its own identifier of an individual.

Principle 8: Anonymity

Wherever practicable, individuals must have the option of not identifying themselves when dealing with a research organisation.

The successful operation of the industry professional standards, self-regulatory codes and legislative constraints sum to a very effective system for protecting respondent privacy. Our argument is that our industry is very experienced with managing respondent information and protecting privacy.





3. Recommended supplier to manage an IPND-derived database for AMSRS and AMSRO

SamplePages is a division of Magenta Linas Software Pty Ltd (MLS). MLS has been dealing with compulsory acquired information (sensitive data-sets) such as; the Electoral Roll, Telephone Databases (including the IPND previously sourced through an approved data provider) for 17 years. MLS is the approved data bureau for a major political party, and receives the entire electoral roll data monthly from the Australian Electoral Commission, and each of the state electoral commissions. The company securely stores the data at higher levels of encryption than used by the Australian Electoral Commission in their distributed products, and were the first clients of the Victorian Electoral Commission for Electoral Roll data to use secure cryptography (PGP) for data transfer.

Data is encrypted internally to **Advanced Encryption Standard (AES)** or higher. Sensitive data sets are not stored on internet connected computers.

In conjunction with AMSRO, MLS developed sample provision services 6 years ago to service the industry, and have been providing number samples to the industry since then. MLS provide services to the largest research companies in Australia, which service the majority of Government research projects. MLS also deals directly with government clients in developing methodology.

With its long-standing experience and expertise in security, development of procedures and protocols that respect and ensure privacy, and knowledge of the industry and its requirements, MLS is well qualified to manage sensitive data such as the IPND.

4. Progressive dissociation – a double layer of protection

The market and social research industry recognises that privacy concerns are critical when dealing with the IPND and therefore suggest the industry can address these concerns through **progressive dissociation** of individuals and addresses from numbers before the number reaches the researcher (who then provides aggregated results in research reports).

The **dissociation** process is an established, long-running model employed by SamplePages and recommended as an appropriate model for utilisation of the IPND to assist market and social research requirements.

For example: SamplePages provides samples to researchers using a licensed database of residential names, addresses and numbers which is the primary non-Sensis telephone directory available in Australia. The database is used by many large corporations and is **privacy compliant** – various developers of the system have been winners of Australian Privacy Awards in previous years. Names are removed in



the first instance, then sample requests come in from researchers and numbers are provided with address data removed. Therefore, the only information they receive is the number, and a broad geographic entity (e.g. postcode, local government area, electorate etc) making the identification of individuals impossible.

Further to this, research methodology aggregates data at a population level, further abstracting it from individuals.

For example: The Queensland Health Department requires a survey of several local government areas in rural Queensland. The boundaries are used as filtering criteria for the data (resulting in say 80,000 records), and of the filtered data, a small *random sample* subset (i.e. 5,000 records) is produced. This sample has all address identifiers removed, and is returned to the researcher as the number, and the larger scale boundary.

Sample:

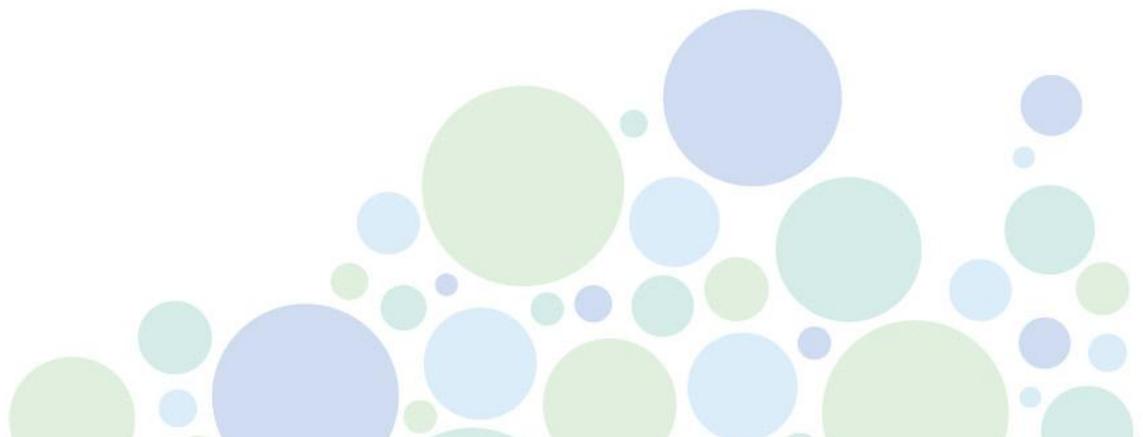
07 3877 1234, Bundaberg Council
07 3988 2345, Lockyer Council
07 8765 6789, Bundaberg Council
07 3566 8967, Lockyer Council

The researcher knows only the phone number and that it is located somewhere in the council area – not who it is, or their actual address.

The researcher is then required to store the number and survey data separately.

The attached flowchart helps illustrate our proposal, one very similar to the current process (outlined above) in operation between AMSRO companies and Samplepages.

1. The IPND data is provided to the database manager without names – addresses and phone number only (in order to create a geographically defined sample).
2. The data is received by the database manager and stored in a secure database.
3. A research organisation requests a sample for their project. The database manager creates a sample with the name and address removed.
4. The researcher receives a phone number attached to its (broad) geographic area.





5. De-identification, an industry practice that works for the respondent

A reading of the privacy principles shows that there are multiple layers of protection for respondents when identified data are collected. These layers of protection create obligations on researchers.

It will also be clear that a research company may absolve itself of these obligations by de-identifying the collected data at the earliest opportunity. This is a strong motivator for researchers to de-identify survey data and the normal practice is to do so within about 48 hours once survey data validation (calling back a proportion of respondents to spot check their answers as part of our quality process) has taken place.

6. The double filter – and a further protection

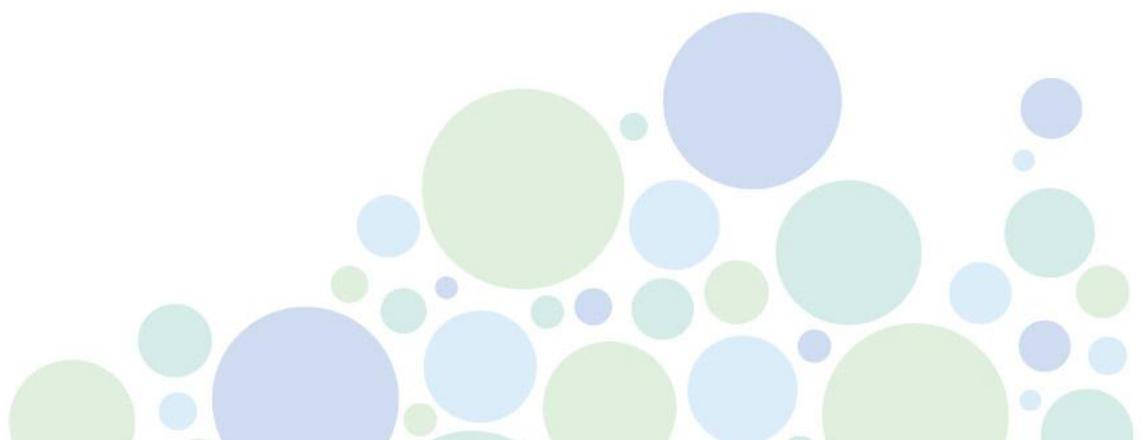
Progressive dissociation (currently practised by SamplePages) means that no data that could identify an individual by name would ever reach our number provider and no data that could associate a number with a given address would ever reach the research company conducting the research.

This is the double filter effect we referred to in our meeting.

The subsequent de-identification of survey data routinely practiced in the industry, coupled with the strong rights of access, editing or deletion provided to people who respond to surveys, means that a third layer of protection is afforded, even to those who have volunteered their data through agreeing to participate in a survey.

Researchers would be provided with IPND-derived data by the database administrator if they undertook to use the data only for research:

- conducted in accordance with the standards and codes of conduct issued by AMSRS and AMSRO;
- conducted in accordance with the *Privacy Act 1988* (Cth); and
- that does not involve contacting persons to conduct sales, promotional or fundraising activities.





This proposed access model provides greater privacy protection to Australian households than the existing IPND access model for researchers, which enables researchers to access identity information and specific address details of individual telephone service subscribers. The Research Industry Council of Australia would cover the costs of this model relating to the database administrator and the IPND Manager's costs for quarterly updates.

We would welcome the opportunity to further discuss the future management of the IPND and our proposal with yourself and the Minister.

Yours sincerely,

Martin O'Shannessy
President
AMSRO

Appendix:

1. The IPND Number Journey (diagram)

