

Nomination of Dr Roger Clarke for the Privacy Medal, 2009

Nominated by the Board of the Australian Privacy Foundation

In the following pages we outline Dr Clarke's contribution to privacy protection in Australia (and internationally). We first summarise this contribution in relation to the three criteria for the award, to illustrate why we believe that Dr Clarke has exhibited an outstanding level of achievement in advancing privacy in Australia.

The extent to which the person has played a role in advancing privacy in Australia

Dr Clarke has been arguably the single most prominent and effective privacy expert in Australia for more than three decades. From his early work for the Australian Computer Society and the NSW Privacy Committee in the 1970s, and through a distinguished academic career, extensive consulting practice and leadership of voluntary privacy advocacy, he has influenced several generations of public servants, politicians, business leaders and civil society activists to recognise and understand the importance of privacy protection in contemporary Australian society.

The person's contribution to raising awareness of privacy as a whole or of specific privacy issues

Dr Clarke's close to 40 refereed academic papers confirm the extent of his standing among his academic peers. These have been complemented by large numbers of consultancy reports for both corporations and agencies of federal government, State governments and overseas governments. His many policy papers and articles on Australian and international issues in privacy are a major individual contribution to public policy development, and the many educational articles on his personal website explaining technologies relevant to privacy are used widely for educational purposes. He has made a particularly significant contribution to the development of thinking about privacy in the context of identity management and of new technologies.

Australia's international reputation in privacy protection is more associated with Dr Clarke than with any other individual. His numerous invitations to give keynote and other addresses to international conferences are testimony to that reputation.

The person's success in building a network of support for their work

Dr Clarke's personal website has become one of the world's most significant and widely used privacy resources, attracting more than 1 million hits each year. Through his leadership role firstly in the Australian Computer Society and subsequently with the Australian Privacy Foundation (which he helped to found in 1987) Dr Clarke has encouraged dozens of other individuals to take up the challenge of active privacy advocacy. This is on top of his influence on the many hundreds of professionals he has advised through his consulting work, or educated in his academic career.

We emphasise Dr Clarke's successful balancing of the roles of consultant, advocate and academic/educator in relation to privacy, which has left him respected in all three spheres: a very significant achievement, reflecting his highly ethical and principled approach.

Detailed supporting material: Roger Clarke's Contributions to Privacy 1972 to 2009

Early Activities (1972-82)

Roger's first involvement with privacy arose in 1972, during his studies at U.N.S.W. During 1973-74, he convened a Special Interest Group of the Australian Computer Society. It interacted with government agencies with a view to ensuring that the then seemingly inevitable privacy legislation would not unduly harm the fledgling computer industry.

The N.S.W. Privacy Committee was established by Parliament in 1975. During 1976-77, Roger took an 15-month diversion from his career in the computer (now information technology) industry, to conduct research for the Committee. In 1977, he was lead-author for a set of Guidelines for the operators of databases containing personal data. This was one of the earliest such sets of Guidelines (pre-dating the OECD Principles). Unlike almost all subsequent guidelines and laws, it embodied controls over the justification for privacy-invasive systems and features of systems.

In late 1977, Roger conducted his first privacy consultancy assignment – performed while in the U.K., for the N.S.W. Privacy Committee. During 1978-79, he provided a series of submissions to the Australian Law Reform Commission, and to Justice Michael Kirby in relation to the OECD Expert Group's work on the OECD Guidelines.

Roger worked in London and Zürich for over 5 years, commencing in 1977. Since his return to Australia in 1982, he has been very active in privacy research, consultancy, and advocacy.

Research (1982-)

During 1984-95, Roger was Reader in Information Systems at the A.N.U., and since then has continued as a Visiting Professor there, and at U.N.S.W and the University of Hong Kong. In those capacities, he has conducted research, and published about 40 refereed papers and over 70 unrefereed articles, on a wide range of privacy issues. He has also presented many seminars in university departments and research centres, throughout Australasia, and in various locations in North America, Europe and Asia.

Google Scholar suggests that these have attracted about 1,000 citations in the academic literature. All of his papers since 1994 are on the Web, at <http://www.rogerclarke.com/DV/>. That part of his site has attracted close to 10 million hits, and is accumulating them at about 1 million p.a., with the most popular of the papers attracting over 500 hits each month.

An early paper explained how conventional forms of surveillance were being displaced by what he described as 'dataveillance' (1988). 20 years later, that new term has reached 15,000 hits on Google. Among his other important papers were the first systematic examination of human identification in information systems (1994), a deep study of data matching theory and practice (1994-95), an examination of chip-based identification (1997), an exposition of anonymity and pseudonymity (1999), and an early study of another topic that has since become a significant area of concern – locational privacy (2001).

A long series of papers examined particular Internet technologies including cookies and spam (1997), digital signatures and public key infrastructure (2001), broader aspects of authentication (2003), and identity management (2004, 2008), and how they have sharpened the need for strong legislative protections for privacy (1999). National identification schemes have been addressed on multiple occasions (particularly 1987 and 2006), as have the changing nature of surveillance technologies (2001, 2007) and biometrics (1994, 2001, 2003). He has published a series of proposals for regulatory mechanisms, and critiques of many Bills and statutes.

His refereed journal papers, refereed conference papers, and other papers on privacy are listed in the attachments and indexed on the web-site at:

<http://www.rogerclarke.com/DV/AnnBibl.html>

<http://www.rogerclarke.com/DV/RogersBibl.html>

Consultancy (1982-)

During 1984-95, Roger undertook a few privacy consultancies, but the market was in its infancy. Since returning from academe to full-time consultancy in 1995, about 25% of his work has been in privacy strategy formation, privacy policy advice, and the conduct of privacy impact assessments (PIA). A list of clients is attached.

He published particularly significant consultancy papers on privacy strategy in 1996 and 2006, and an early set of Guidelines for the conduct of Privacy Impact Assessment in 1998 which influenced the first substantial set of government Guidelines, those of Ontario of 1999.

He conducted important PIAs for the Hong Kong Immigration Department in 2000, in relation to the Australian Government Authentication Framework (AGAF) in 2004, and for Centrelink's voice authentication project in 2004-2006. He recently conducted a Study of PIA law, policy and practice in Australasia and Hong Kong, and lead-authored the U.K. Information Commissioner's PIA Handbook. A history of PIAs in Australia is forthcoming and an international history is currently before the reviewers of a major journal.

One by-product of his consultancy work has been a series of introductory and tutorial papers much-used in universities around the world, on such topics as fundamentals of privacy (1997, 2006), applications of the OECD Guidelines (1989), cryptography (1996), information security (2001), fundamentals of identification and authentication (2004), biometrics (2001, 2003) and privacy policy statements (2005).

Advocacy (1973-)

Roger's original advocacy work was through the Australian Computer Society (ACS), in 1973-74 in N.S.W., and again during the 1980s as Chair of the Society's national Economic, Legal & Social Implications Committee. In those roles, he was strongly supportive of appropriate applications of information technologies. He expressly sought a balance between the needs of the various parties, justification for privacy-invasive measures, and active search for alternative approaches and for means of mitigating negative privacy impacts. Those priorities are reflected in his many consultancies and publications relating to PIAs.

He also carried those themes across into his advocacy work during the Australia Card campaign 1985-87. He has been a Board member of the Australian Privacy Foundation (APF) since its establishment as the vehicle for the defeat of that proposal in 1987. He was instrumental in the establishment of the APF's substantial web-site at <http://www.privacy.org.au/>, commencing in 1998, and the organisation's incorporation in 2002. He has been its Chair since 2006.

Roger has made significant numbers of submissions to Parliamentary Committees and government agencies, both individually and on behalf of the ACS and APF. He has focussed primarily on topics on which he has strong academic and consultancy expertise, with particular emphasis throughout on the management of personal data, identifiers and identity authentication, and Internet-related matters. He was also a Board member of Electronic Frontiers Australia (EFA), 2001-05.

He has provided large numbers of media backgrounders. He has given many press interviews (with about 100 mentions currently visible on Google News), and on radio and TV. He has been a major contributor to the privacy email list since its inception in 1997, with cumulatively more than 2,750 postings of relevant materials and commentaries, dating back to long before the invention of the 'blog'.

Consultancy Assignments in the Privacy Area

Agencies of National Governments

- Department Environment, Water, Heritage and the Arts, Canberra, 2009
- N.Z. Privacy Commissioner, Wellington, 2008
- U.K. Information Commissioner's Office (ICO), Cheshire, 2007
- Crimtrac, Canberra, 2007
- Australian National Audit Office (ANAO), Canberra, 2007, 1998, 1993
- Office of the Canadian Privacy Commissioner, Ottawa, Canada, 2007
- Department of Human Services (DHS), Canberra, 2006
- Centrelink, Canberra, 2006, 2005, 2004, 1997-98
- Department of Education, Science & Training (DEST), Canberra, 2005-06
- Aust Govt Information Management Office (AGIMO), Canberra, 2004
- N.Z. State Services Commission (SSC), Wellington, 2003
- National Office for the Information Economy (NOIE), Canberra, 2003, 2003, 2000
- Hong Kong Immigration Department, Hong Kong, 2000
- Department of Health and Aged Care (DHAC), Canberra, 2000-2002
- Industry Canada, Ottawa, 1999
- Department of Workplace Relations and Small Business (DEWR), Canberra, 1997-98
- Department of Industry, Science & Technology (DIST), Canberra, 1997
- Australian Commission for the Future, Melbourne, 1996
- Constitutional Commission, Sydney, 1992
- Privacy Commissioner, Sydney, 1989-91

Agencies of State and Provincial Governments

- Ontario Ministry of Government Services (MGS), Toronto, Canada, 2007
- Western Australian Office of eGovernment, Perth, 2005
- Victorian Department of Education & Training (DET), Melbourne, 2005
- Multimedia Victoria, Melbourne, 2003-04, 1995-97
- N.S.W. Fire Brigades, 2000-2002
- Ontario Management Board Secretariat (MBS), Toronto, 2001, 1999
- N.S.W. Health Commission, 1998
- Australian Capital Territory Department of Urban Services, 1994
- Western Australian Dept. of Computing & Information Technology, Perth, 1991
- N.S.W. Privacy Committee, Sydney, 1977

Private Sector Corporations and Associations

- Australian and New Zealand Institute of Insurance and Finance (ANZIIF), Melbourne, 2005
- Nuix, Sydney, 2000-04
- edentiti, Canberra, 2004
- Standard Transactions, British Virgin Islands, 2002
- Healthexchange, Sydney, 2000
- Cards ETC, Sydney, 1998
- MasterCard International, Sydney, 1995-96
- Card Technologies Australia, Sydney, 1993-94
- Health Communications Network, Canberra, 1993

Relevant Board Memberships

- Australian Privacy Foundation Inc., Chair 2006-, Board Member 1987-
- Privacy International, 2001-
- Asia-Pacific Privacy Charter Council, 2003-2005
- Electronic Frontiers Australia Inc., 2001-2005
- Government Public Key Authority, Canberra, 1999-2000
- Commonwealth Core Consultative Group re Privacy Act, Canberra, 1999-2000
- Victorian Data Protection Advisory Council, Melbourne, 1995-97
- Australian Privacy Charter Council, 1993-94

Key Publications

[All URLs need to be preceded by <http://www.rogerclarke.com/>]

Roger has published 20 journal articles, 16 refereed conference papers and over 70 unrefereed papers addressing a wide array of privacy topics.

- 'Just Another Piece of Plastic for Your Wallet: The Australia Card' Prometheus 5,1 June 1987. Republished in Computers & Society 18,1 (January 1988), with an Addendum in Computers & Society 18,3 (July 1988), at [.../DV/OzCard.html](#)
- 'Information Technology and Dataveillance' Commun. ACM 31,5 (May 1988), at [.../DV/CACM88.html](#)
- 'The Tax File Number Scheme: A Case Study of Political Assurances and Function Creep' Policy 7,4 (Summer 1991), at [.../DV/PaperTFN.html](#)
- 'Dataveillance by Governments: The Technique of Computer Matching' Info. Technology & People, 7,2 (June 1994), at [.../DV/MatchIntro.html](#)
- Human Identification in Information Systems: Management Challenges and Public Policy Issues' Info. Technology & People 7,4 (December 1994), at [.../DV/HumanID.html](#)
- 'Computer Matching by Government Agencies: The Failure of Cost/Benefit Analysis as a Control Mechanism' Information Infrastructure & Policy 4,1 (March 1995), at [.../DV/MatchCBA.html](#)
- 'A Normative Regulatory Framework for Computer Matching' J. of Computer & Info. L. 13,3 (June 1995), at [.../DV/MatchFrame.html](#)
- 'Chip-Based ID: Promise and Peril' Proc. Int'l Conf. on Privacy, Montreal (September 1997), at [.../DV/IDCards97.html](#)
- 'Information Privacy On the Internet: Cyberspace Invades Personal Space' Telecommunication Journal of Australia 48, 2 (May/June1998) 61-67, at [.../DV/IPrivacy.html](#)
- 'Internet Privacy Concerns Confirm the Case for Intervention' Communications of the ACM, 42, 2 (February 1999) 60-67, at [.../DV/CACM99.html](#)
- 'Anonymous, Pseudonymous and Identified Transactions: The Spectrum of Choice' Proc. Conf. User Identification & Privacy Protection Conference, Stockholm, June 1999, at [.../DV/UIPP99EA.html](#)
- 'While You Were Sleeping Surveillance Technologies Arrived' Australian Quarterly 73, 1 (January-February 2001), at [.../DV/AQ2001.html](#)
- 'Person Location and Person Tracking: Technologies, Risks and Policy Implications' Info. Techno. & People 14, 2 (Summer 2001) 206-31, at [.../DV/PLT.html](#)
- 'The Fundamental Inadequacies of Conventional Public Key Infrastructure' Proc. Euro. Conf. in Infor. Syst., June, 2001, at [.../II/ECIS2001.html](#)
- 'e-Consent: A Critical Element of Trust in e-Business' Proc. 15th International EC Conf., in Bled, Slovenia, 17-19 June 2002, at [.../EC/eConsent.html](#)
- 'Authentication Re-visited: How Public Key Infrastructure Could Yet Prosper' Proc. 16th Int'l EC Conf., in Bled, Slovenia, 9-11 June 2003, at [.../EC/Bled03.html](#)
- 'A Pilot Study of the Effectiveness of Privacy Policy Statements' Proc. 17th Int'IEC Conf., in Bled, Slovenia, 5-7 June 2006, at [.../EC/PPSE0601.html](#)
- 'Make Privacy a Strategic Factor - The Why and the How' Cutter IT Journal 19, 11 (October 2006), at [.../DV/APBD-0609.html](#)
- 'Business Cases for Privacy-Enhancing Technologies' Chapter 7 in Subramanian R. (Ed.) 'Computer Security, Privacy and Politics: Current Issues, Challenges and Solutions' IDEA Group, 2007, pp. 135-155, at [.../EC/PETsBusCase.html](#)
- '(Id)Entities (Mis)Management: The Mythologies underlying the Business Failures' Invited Keynote for Identity Management in New Zealand, Wellington, April 2008, at [.../EC/IdMngt-0804.html](#)
- 'Privacy Impact Assessments in Australian Contexts' Murdoch eLaw Journal 15, 1 (June 2008), at [... /DV/PIAAust.html](#)
- 'You Are Where You've Been: Location Technologies' Deep Privacy Impact' Invited Keynote at a Seminar on 'Location Privacy' at the University of N.S.W., 23 July 2008, at [.../DV/YAWYB-CWP.html](#)
- 'Privacy Impact Assessment: Its Origins and Development' Computer Law & Security Review 25, 2 (April 2009) 123-135, at [... /DV/PIAHist-08.html](#)