



Privacy and Data Access in Advanced Data Management Systems

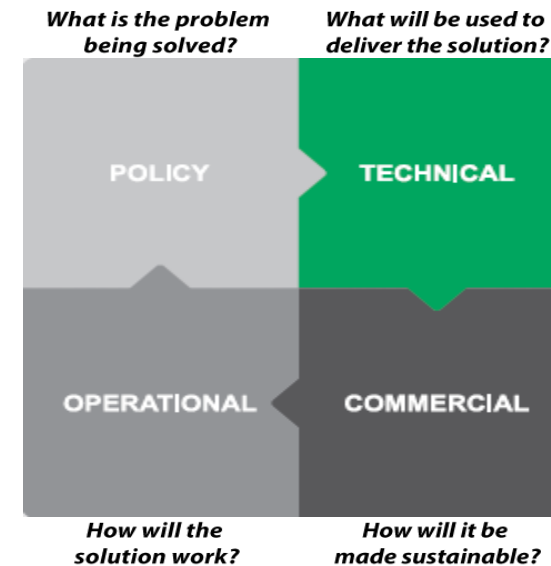
Paul Corkill

*General Manager Operations
Transport Certification Australia*

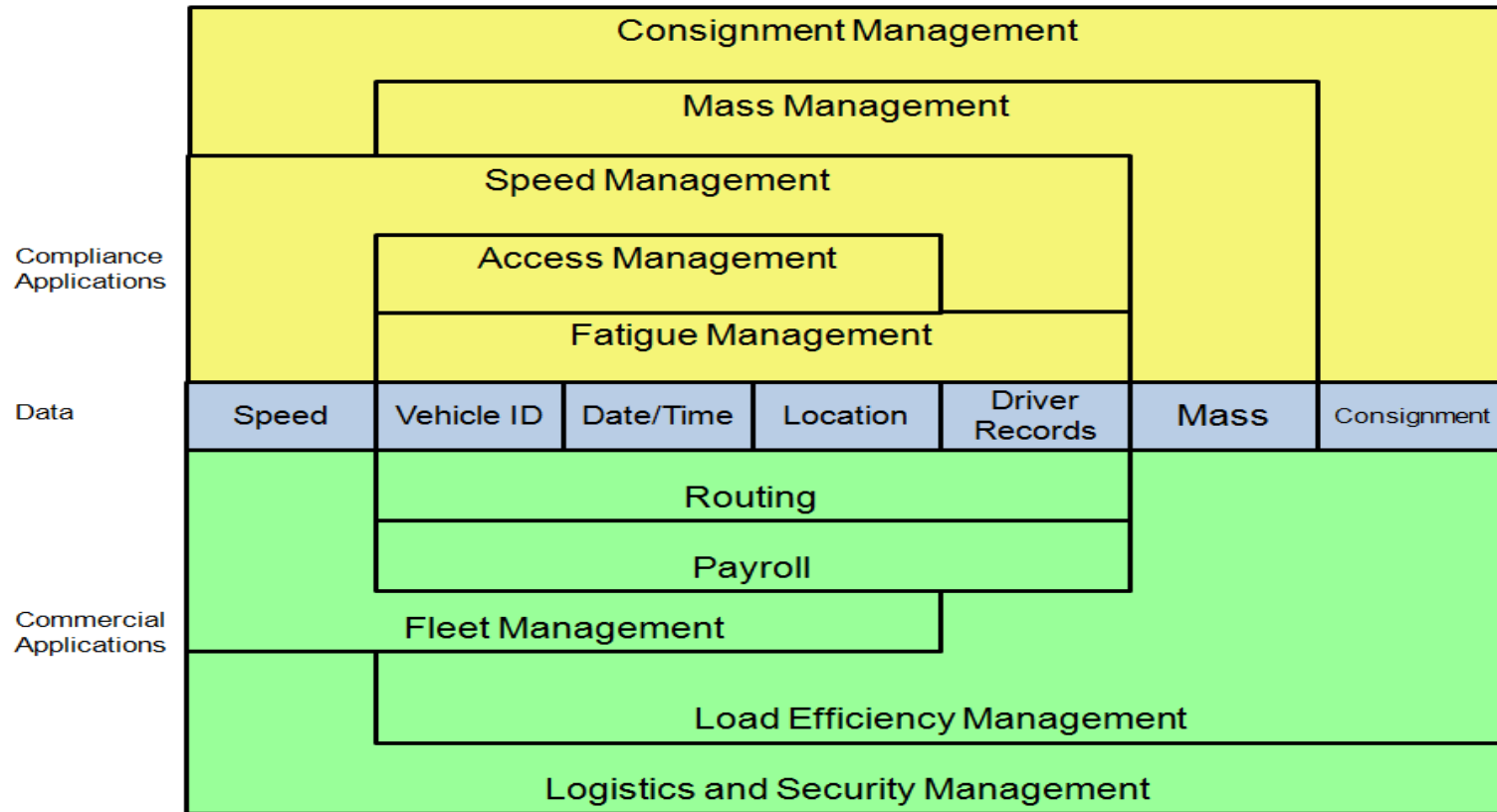
October 2017

Australia's National Telematics Framework – A recap

- Developed between TCA and Australian Governments
- Performance-based and outcome driven
- **Privacy by design**
- Encourages the co-existence of commercial and regulatory applications
- Recognised as world's best practice, recognised as an ISO standard (ISO 15638)



National Telematics Framework



Why is Privacy Important?

- Telematics Data is highly granular, accurate and generated at high frequency
- Commercially sensitive
- Personal Information
- Potential for misuse

Telematics data = Surveillance

What do we mean by regulatory telematics?

Ultimately, it is the provision of vehicle data that is to an evidentiary standard and can be solely relied upon to prosecute.



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TCA CERTIFICATE

[Pursuant to sections 721 and 723 of the Heavy Vehicle National Law (NSW)
as contained in the *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW)]

NOTE: This TCA CERTIFICATE pertains strictly to the Non-Compliance Reports (NCRs) generated by the approved intelligent transport system set out below and containing the NCR numbers listed in the Schedule of this Certificate.

I, Paul Corkill, General Manager Operations of Transport Certification Australia Limited (TCA), certify that from 1 November 2015 to 4 December 2015:

- (1) The Transtech Driven Partnership was an IAP Service Provider;
- (2) the intelligent transport system of The Transtech Driven Partnership used for the Intelligent Access Program (IAP) was an approved intelligent transport system; and
- (3) the map known as TCA-IAM-MAY15 was the intelligent access map as issued by TCA.

Dated this 17 day of May 2016


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Paul Corkill
General Manager Operations
Transport Certification Australia Limited

Information Management for regulatory telematics programs

There are several defining features:

- Legislative underpinning
- Defined roles and responsibilities, with roles and responsibilities assigned to service providers
- Privacy by design (including secure storage retention, **strong controls on what data is able to be provided to government**)
- Penalties for tampering and mis-use of data
- Transport operators retain ownership of data (and used for multiple purposes – one box, many uses)

Transport operator consent

- Most IAP schemes are opt-in
- Enrolment process for regulatory telematics programs require consent (and disclosure of intended use)
- Intelligent Access Condition requires Operators to acknowledge monitoring

Driver Notification – In Cab

IMPORTANT NOTICE TO ALL DRIVERS OF THIS IAP VEHICLE

This vehicle is participating in the Intelligent Access Program (IAP) and is equipped with an in-vehicle unit that uses the Global Navigational Satellite System to monitor the vehicle under the IAP. Monitoring of this vehicle's location is constant and is carried out by the following IAP Service Provider:

Pinpoint Communications Pty. Ltd.
Suite 5 1059 -1063 Victoria Rd. West
Ryde. NSW.
Ph (02) 98041764. Fax (02) 98041754.
www.pinpointcomms.com.au



The IAP Service Provider will collect information on position, speed and time and comments submitted by the driver for the purpose of monitoring the vehicle's compliance against the Intelligent Access Conditions of each IAP Application applicable to this vehicle. If the IAPm tick disc logo appears above, the IAP Service Provider may also collect data about the mass of the vehicle if the vehicle is fitted with an onboard mass monitoring unit. The collection is authorised by:

Tick [✓] applicable	Legislation*	Road authority
<input type="checkbox"/>	New South Wales – <i>Heavy Vehicle (Adoption of National Law) Act 2013</i>	Roads and Maritime Services
<input type="checkbox"/>	Victoria – <i>Heavy Vehicle National Law Application Act 2013</i>	VicRoads
<input type="checkbox"/>	Queensland – <i>Heavy Vehicle National Law Act 2012</i>	Department of Transport and Main Roads
<input type="checkbox"/>	South Australia – <i>Heavy Vehicle National Law (South Australia) Act 2013</i>	Department of Planning, Transport and Infrastructure
<input type="checkbox"/>	Tasmania – <i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	Department of Infrastructure, Energy and Resources

** Legislation from other States and Territories to be added as they become enacted. Above list is accurate as at February 2014.*

Information collected through the IAP may be disclosed to the National Heavy Vehicle Regulator (Regulator), the relevant road authority (as indicated above) and Transport Certification Australia Limited (TCA) as required. The information may also be disclosed to the transport operator named below upon request. Before commencing your journey, as a driver of this vehicle, you should be aware of the Intelligent Access Conditions applicable to this vehicle. A driver can request access to any personal information held about them under the IAP, and may request that any inaccurate information be corrected.

Important – it is an offence to tamper with or negligently damage any part of IAP equipment. Penalties apply.

If the driver of this vehicle becomes aware that IAP equipment is malfunctioning they must immediately report the malfunction to:

Name of Transport Operator:	
Address:	
Phone Number:	
Fax Number:	
Email Address:	

In addition to reporting a malfunction to the transport operator, a driver must also keep a written record of the report for four years.

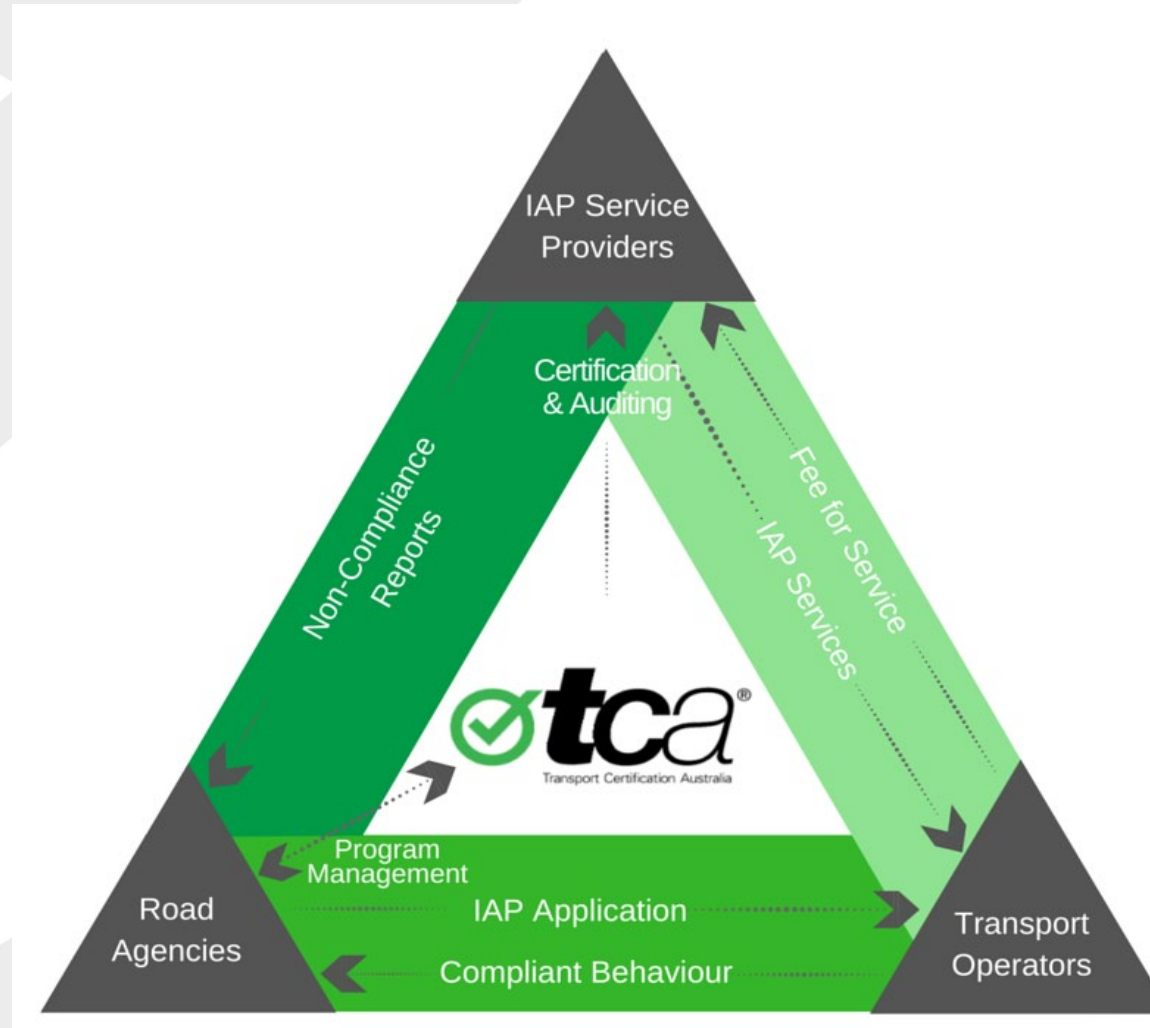
Legislative Underpinning

Australia's Heavy Vehicle National Law:

- Provisions for data ownership
- Record keeping, disclosure and destruction
- Data that is collected must be necessary for intended purpose
- Requirement to destroy data
- Drivers must be notified of monitoring
- Correction of errors
- Penalties for improper disclosure



Defined Roles and Responsibilities



Defined Roles and Responsibilities

TCA

- Structurally separated from Government
- Liable to penalties for improper disclosure
- Requirement to destroy information generally after one year

Service Providers

- Commercial 'Subjects' of Transport Operators
- Liable to penalties for improper disclosure

Defined Roles and Responsibilities

Transport Operators

- Retain ownership of their telematics data
- Right to access to information/have errors fixed
- IAP information must be destroyed

IAP – What road authorities see



IAP – What road authorities *don't* see

- Compliant operation data
- Highly granular, address specific
- Commercially and personally sensitive information

IAP Information ≠ Surveillance

Find out more



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www.tca.gov.au

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