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Data Availability and Use
Productivity Commission
GPO Box 1428
Canberra ACT 2601

BY ELECTRONIC UPLOAD

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Dear Commissioners,

Google Australia welcomes the opportunity to provide feedback on your draft report for the data availability and use inquiry.

General comments

Google is a strong believer in unlocking the potential for data driven innovation and we welcome the recommendations designed to reform access to public sector datasets. We also support the Commission's objective of achieving greater accessibility for individuals to their data, which is very consistent with Google's values and approach as outlined in our submission on the issues paper.

We seek to ensure that our tools and technology are as effective for businesses and consumers as possible. That means we make it easy for them to take their data from our services to use it wherever they would like, including in our competitors' services. Choice is what pressures companies to act in the best interest of their customers and we therefore support the Commission's focus on providing greater transparency and control to Australian consumers over their data.

Specific comments on recommendations

Recommendation 6.2

Google wholeheartedly agrees that the private sector is best placed to determine any sector specific requirements for data sharing.

Recommendation 9.1

We are interested in the notion of 'consumer data' and understand that the Commission's intention is that this be considered more widely than the existing definition of personal information under the Privacy Act. We appreciate that there is data sitting outside of the established confines of personal information that may be of interest to consumers. We envisage that such data might include specific transactional data, behavioural data, location data, and consumption data. We also remain unconvinced that this data should be regulated outside of the existing information privacy framework administered by the Office of the Australian Information Commissioner. Nevertheless, we respectfully suggest that some parameters be placed around what you intend to be covered by this new definition so as not to create confusion amongst consumers and businesses alike in terms of what should / should not be within scope.

Recommendation 9.2

Google has invested heavily in the area of consumer access to and control over data. Last year we launched a new interactive destination called 'MyAccount'¹; a revamp of Google's account settings that places all privacy and security controls in one location. MyAccount informs users about what data has been collected and provides choices regarding how that data may be used. For instance, within the Account History section of MyAccount, users can manage the types of activity data we collect -- like web and app activity, their location information, and their YouTube watch history. Users can control what data gets associated with their Google account, pause the collection of specific types of data, delete a specific entry, day, or even their entire history. However keeping consumer information safe, secure, and always available when needed are among our highest priorities at Google. We work continuously to ensure strong security, to protect privacy, and make Google even more useful and efficient. We give our users the tools and controls to decide what to share, with whom and how—and we make it safe and hassle-free. We believe that individual users are best placed to make these decisions and take these actions.

We note that the Privacy Act (Cth) 1998 already empowers consumers with a right of access to personal information retained by a business about them and gives them authority to edit or correct any such data. Furthermore, there are obligations within the Australian Privacy Principles that prescribe what information should be communicated through a Privacy Policy or Notice, including any intention to disclose or sell data to third parties. We have concerns about granting consumers a right to request that information specific to them (be it personally identifiable or otherwise) that has been generated by the consumer through the use of a product or service be disclosed directly to a nominated third party. As our submission to the Commission on the issues paper highlighted, Google strongly supports the need to provide consumers with access to their data in a portable and interoperable format but we believe that the individual (as the owner of this data) is best placed to disclose or forward this information, or indeed excerpts from this information, to any third parties. Requesting that companies forward such data (that could include sensitive data under the Privacy Act) places businesses in a vulnerable position with

¹ www.google.com/myaccount

respect to liability for inadvertent or mistaken disclosures. We urge the Commission to limit disclosure under this recommendation to the individual or collection of individuals concerned.

Recommendation 9.4

We welcome more information about what types of data could be designated as attracting public interest. Whilst the concept of a National Interest Database is easier to imagine in the context of public sector data, we remain concerned about the potential that private sector data may be caught up in a National Interest Database, resulting in private businesses being required to disclose proprietary data that has significant value, or for which commercial business models already exist, without an opportunity to outline the reasons why this may not be appropriate or to initiate an administrative review or appeal in cases where the business disagrees with this designation. We are concerned by the idea that a Parliamentary Committee be established and empowered to take community input on possible National Interest Databases. The composition of Parliamentary Committees is subject to regular change and we submit that a degree of subject matter expertise is required to properly assess community input on these matters. To the extent this is legislated, any designations of National Interest Databases should be made by a public service agency or organisation that is politically neutral and is subject to administrative review. We note that Parliamentary Committees are not subject to administrative review or appeal.

Recommendation 9.5

Google supports the establishment of a National Data Custodian as a public service organisation, subject to existing checks and balances relating to administrative review and appeal.

Recommendation 9.7

Trusted users should be sourced from both the public and private sectors and should be appointed based on a set of objective criteria and thresholds to ensure they are meeting best practices and standards for data collection, interrogation and storage.

Thank you once again for the opportunity to contribute to this important piece of work. Please don't hesitate to be in touch with any questions or comments.

Yours sincerely,



Samantha Yorke
Public Policy and Government Relations

