



Mr Peter Harris  
Presiding Productivity Commissioner

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Monday 12 December 2016

Dear Mr Harris,

**RE: PRODUCTIVITY COMMISSION DRAFT REPORT ON DATA AVAILABILITY AND USE**

Thank you for giving the Research Industry Council of Australia (RICA) the opportunity to provide comment on the Commission's Data Availability and Use draft report.

RICA represents both business and professional bodies in the market and social research industry. Our constituent bodies are the Association of Market and Social Research Organisations (AMSRO), representing businesses, and the Australian Market and Social Research Society (AMSRS), representing individual research professionals. The market and social research industry turns over \$800 million annually and employs over 12,000 people and over 4,100 of these are full-time professionals.

RICA commends the Productivity Commission for recognising the changes, challenges and opportunities presented by the increase of data and we welcome this review (and subsequent recommendations) to allow broader, more streamlined and timely access to it. RICA agrees that the current framework for data collection and access is in need of reform, the results of which will ultimately provide a benefit to the government, the commercial sector and indeed, the Australian public.

With the worldwide explosion of available data RICA's role in supporting and guiding the Australian market and social research industry has become increasingly pertinent. Research projects inform the response of decision makers to a wide range of important policy issues, including planning for major transport, infrastructure projects, and responses to climate change, taxation policy, education, health and other key areas. With business and government increasingly relying on consumer data for critical decision making, the role of research has not only escalated, but so has the need to ensure that the data companies and government departments rely on is ethically sourced and accurate.

In fact, with the sheer volume of data now generated, it appears that today, nearly '*everyone is a researcher*' and it's this new paradigm that has led to a fragmented environment with a host of 'Do-it-Yourself' programs and data analytic operators undertaking research projects without being fully aware of their obligations as they would be if members of an industry such as ours.



Our industry maintains that it takes expertise, experience, training and standards to truly make sense of data and be able to generate insights. Trust, accuracy and minimal risk (along with integrity), is a matter that RICA believes is critical to the industry's sustainability and we are pleased to note that the Productivity Commission shares our view in this draft report.

With public concerns around the Medicare dataset breach, the ABS Census denial of service, and more recently, the alleged sale of personal data by major telcos, the market and social research industry has been working hard to reassure the public that members of AMSRO and AMSRS, adhere to strict standards and practices to ensure that any personal information collected by members in the name of research, is done so under co-regulated and self-regulated industry standards and practices.

To protect an individual's right to privacy and preserve the industry's capacity to operate with integrity and longevity, the industry is committed to ensuring that, at all times, personal and sensitive information obtained is handled correctly. We rely on the trust of the Australian community to provide these data. Respondents to surveys, polling and focus groups expect their personal details to be protected and used in accordance with Australia's privacy laws. Members of AMSRO and AMSRS are reliant on the public to be willing to provide their opinions and therefore we go beyond minimum requirements.

In 2003, AMSRO was the first industry body to launch its own industry-specific privacy code, the AMSRO Market and Social Research Privacy Principles. The Code is co-regulated. It is administered by AMSRO and adjudicated by the Office of the Australian Information Commissioner (OAIC). The industry was awarded an Australian NGO Privacy Award in 2009. In 2014, in conjunction with the Privacy Commissioner, AMSRO developed a new industry APP Privacy Code. AMSRO remains the first and only industry in Australia to administer a registered APP industry privacy code under the Privacy Act. Furthermore, I am pleased to report, AMSRO members have upheld this privacy code for more than a decade without breach, demonstrating the commitment of members to privacy.

In addition to working under the Privacy Code, our members also work under strict industry practices and standards, which correlate with the Productivity's Commission's report in regards to maintaining trust and managing risk.

These include:

- The AMSRS Code of Professional Behaviour;
- The independently audited, International Standard for Market, Opinion, and Social Research (ISO 20252); or International Standard for Access Panels in Market Opinion and Social Research (ISO 26362);
- The Qualified Practising Market Researcher scheme (QPMR) and;
- The Industry Trust Mark.

These standards represent our industry's '*social license to operate*', ensure member compliance with best practice and maintain public goodwill.



Specific comments relating to the draft report follow.

- **The risks are real but manageable (p.8.) /The new Framework (p.13/14)**

As previously stated, RICA welcomes the Productivity Commission's draft recommendations and agrees with the proposition that the interests of Australia are best served in allowing broader, more economically efficient and timelier access to data.

**However it is important to note that not all research (and the use of data) is the same** and RICA therefore commends the Productivity Commission's proposed accessibility approach, which provides a framework with various entry levels to different types of data with certain compliance criteria attached to each. It is this **"trusted user approach"** that the market and social research industry has upheld in its proposal to gain limited, **de-identified** access to the Integrated Public Number Database (IPND). A centralised government database containing the records of Australian telephone numbers and associated customer details. It currently contains over 59.5 million records of connected services.

By way of an **'trusted data user'** example, under the industry's proposed model, any access to IPND data, would be co-regulated via ACMA with an IPND manager in place and responsible for servicing a specific class of user with telephone sample which would include only a number and a geographical identifier, no smaller than a postcode.

The benefits of such a model are many. Since the commencement of the IPND Review (over five years ago) the market and social research industry has continued to face a rapid decline in the number of Australian households with landlines (or 'fixed') telephone services and a rapid increase in mobile only use.

Both the decline of fixed lines and the rise of mobile only usage are seriously impacting the research industry's ability to gather accurate data using telephone surveys – a key requirement for government, not-for-profit and business clients.

Effective research must be based on good scientific sampling. Without the implementation of RICA's proposed model, for a wider range of researchers to access **de-identified**, geo-tagged IPND numbers, the potential economic impact is now very significant, with thousands of public, not-for-profit and private sector organisations who depend on accurate research data to inform critical investment and resource allocation decisions, **at risk**.

To create an accurate sampling frame (and include people from mobile only households), research organisations are currently forced to purchase randomly generated non-geographically tagged, commercial telephone sample (Random Digit Dialling or RDD lists). Which means telephone interviewers are sometimes required to contact thousands of households unnecessarily (per research project) with the aim of building accurate telephone sample frames specific to a particular (project) geographical area.



If the Government were to introduce RICA's IPND limited access model to enable a wider range of researchers access to a sub-set of **de-identified** IPND data, this would enable research organisations to more effectively sample mobile only households in a far more accurate and cost efficient manner with less unnecessary phone calls to the public. An example follows.

#### **CASE STUDY – A STATE-BASED HEALTH SURVEILLANCE SURVEY**

For almost 20 years many State governments across Australia have undertaken state-specific health surveillance surveys via Computer Assisted Telephone Interviewing. These surveys are an important part of Australia's population health surveillance capacity and provide important insights into the determinants of chronic disease and how public health interventions can be better targeted. Such surveys provide trend data for key health indicators such as diabetes, smoking prevalence, and overweight and obesity.

Increasingly these surveys have had to combine calling mobile phone numbers in addition to landlines in order to reach a representative sample of the population and include those segments of the population that are mobile-only (e.g. younger people, males, Aboriginal people, people born overseas, single people, renters, etc.). Not having access to geographically tagged mobile phone numbers has added considerably to the cost of mounting such surveys

By way of example, field statistics from one of these surveys show that:

- To undertake the survey approximately 87,000 mobile phone numbers were generated and sent an advance text message in a first attempt to identify residents of that State. Based on population statistics, some 65,000 of these contacts were unnecessary;
- In response to this text message, approximately 24,000 individuals identified themselves geographically out-of-scope and opted out from the survey and a further 20,000 identified as out-of-scope when subsequently called by an interviewer.

Relative to the cost of mounting this survey using geographically coded mobile phone numbers, the additional cost incurred by the State using mobile phone numbers without any geographic coding was more than \$100,000 (adding approximately 25-30% to the cost of this survey).

Considering all of the geographically targeted dual-frame telephone surveys being undertaken in Australia, the potential savings to survey funding agencies, the largest of these being the Commonwealth Government, which would arise from gaining access to geographically coded mobile phone numbers is very substantial indeed.

This case study is unfortunately one of many.

RICA is therefore confident that this industry model for proposed broader access to IPND demonstrates a best practice example of ways in which industry and government can work together in the interests of the Australian economy and public.



We suggest that our IPND proposal is closely aligned to the Productivity Commission's review and support the following mutual objectives:

1. It supports the government's position in relation to deregulation and the reduction of compliance costs.
  2. It continues to provide a sensible approach to protecting people's privacy, engendering trust and maintaining goodwill (i.e. de-identified data only, via a number and geographical area, with no re-identification allowable).
  3. It enables researchers to conduct their work in a professional and timely manner, whilst upholding the highest quality standards.
  4. It generates substantial cost savings compared with current practises therefore bringing down the overall costs of research.
  5. It provides a net benefit for industry, government and the public, potentially increasing the usage of telephone research, increasing the number of jobs and improved outcomes based on the quality data.
  6. It enables researchers to access high quality, effective telephone sample (data) to support critical business and government decisions for today's Australia and help plan for tomorrow's Australia.
- **New legislation and governance structures for data access (p.14)**

As stated earlier, all AMSRO member organisations work under the first and only, co-regulated, registered industry APP privacy code in Australia and have for the past 14 years been willing to go over and above legislation to ensure industry sustainability and maintain goodwill. We would therefore be interested to work with the government and see further detail in regards to the proposed new *Data Sharing and Release Act* and the *National Data Custodian* (NDC) to appreciate the benefits, restrictions and implications for market and social research activities. In particular, who the proposed entities might be and what specific compliance criteria there is in order to gain access to the national database?

- **Giving individuals more control over their data (p.15)**

In principal, RICA supports the '*Comprehensive Right of Individuals*' and agrees that permitting individual access to their data promotes greater transparency and choice. We note however that market and social researchers do not sell (identified) data, or product, and a researcher does not transfer personal information without explicit consent - market and social research is conducted only upon consent and largely anonymously, (researchers are not really interested in names and addresses, more so the aggregated data that tells the story). In some instances, i.e. a longitudinal study where we need to interview the same people repeatedly, we are required to store personal information. Specialist companies providing these services generally remove contact details from answers to questions and access to an entire record for an individual requires a substantial amount of re-work on the files. Furthermore, while these studies welcome the correction of contact details, correcting a research record may not be warranted if the information was accurate at the 'moment in time' and for the specific purpose it was collected. For example, in a Longitudinal Survey of Young People, it is quite common for young women to marry and decide to change their surname.



It is valid to correct the record relating to the name, but from the research perspective, invalid to change that person's married status from single to married if they were single at the time at which the questions were asked.

RICA therefore submits that the Commissioner consider the specific level of detail required and permitted by an individual (under the new framework) in order for industry to achieve a workable balance between respondent protection and business obligation.

**Broad access to datasets of National Interest (p. 19)**

RICA fully supports the idea of providing a *'trusted data user'* broad access to government datasets of national interest. This is in keeping with the industry's IPND proposal (outlined earlier in this submission) and we would welcome the opportunity to work with the Productivity Commission to ensure government and the Australian public acknowledge the benefits of such a model.

RICA also welcomes further details regarding the Commission's recommendations to provide a framework for **private datasets** to be nominated and designated as National Interest Dataset (NIDs). In a majority of cases, AMSRO member organisations would consider company (private) datasets not only private information and thus confidential, however even a dataset of **de-identified details** constitutes a commercial product with considerable commercial advantage and members may therefore be reluctant to make available. The commercial benefits of doing so and the safeguards in place will be of particular interest in this regard.

In closing, RICA supports and commends the Productivity Commission's *'open government'* approach to data availability to facilitate innovation. We agree, that the challenge lies in overcoming the current culture of risk aversion and risk avoidance, however believe that our industry, sets the benchmark of best practice on that front, and with the introduction of appropriate standards, the process can be successfully managed without diminishing the goodwill of the Australian public.

We therefore welcome this review and future reform and look forward to an opportunity whereby the market and social research industry can work with government to ensure a suitable data management framework is implemented that protects both the individual and the practice of market and social research in Australia.

Yours sincerely,

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