



Identity Team
Digital Transformation Agency
via email: identity@digital.gov.au

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Introduction

The Australian Communications Consumer Action Network is the peak national body representing consumers on communications issues. ACCAN provides a strong unified voice to industry and government to advocate for affordable, accessible, and available telecommunications services for all Australians.

ACCAN thanks the Digital Transformation Agency for the opportunity to provide feedback on the first round of Trust Framework documents. ACCAN has reviewed document 6: *Core Privacy Requirements*, and document 8: *Core User Experience Requirements*, and provided specific points of feedback below.

ACCAN wrote to Jacob Suidgeest on 3 May 2017 about the first draft of the Core Privacy Requirements. ACCAN would like to reiterate the high level feedback and concerns contained in that submission, particularly surrounding enforcement and voluntariness, as we believe they still are and will continue to be relevant to the development of the Trusted Digital Identity Framework.

Comment on Core Privacy Requirements

The Core Privacy Requirements are clearly expressed and comprehensive. ACCAN is pleased that Identity Service Providers that are small businesses will be required to opt-in to Privacy Act coverage, and believes this will address some of the questions raised in our previous submission (i.e. surrounding Data Breach Notification).

Enforcement of CPRs and legal protections

ACCAN would like to request more information on how CPRs will be enforced, while acknowledging that this aspect of the project that may not yet have been fully developed. This information is important as the implications for identity providers may have a negative run-on effect for consumers.

Further information is needed on whether penalties for breaching the CPRs will go further than a loss of accreditation, and what enforcement processes will look like. In addition, if the consequence of non-compliance is loss of accreditation as an identity provider, further work is needed to explore what the possible effects could be for consumers who have created an identity with that provider.

Privacy advocates have expressed concern that the Privacy Act is weakly administered and does not provide adequate protections for consumers. There is no guarantee that if an individual complains to the Commissioner that the complaint will be investigated, and complaints that are investigated do

not have legal force. Consumers need to be assured that identity providers will be adequately held to account for data and privacy breaches.

Comment on Core User Experience Requirements

ACCAN has the following specific points of feedback on the draft *Core User Experience Requirements*:

- Page 8: “Clear public communications promoting the benefits of their identity service using consistent and simple language”
 - The DTA needs to include an explicit requirement that all public information is made available in multiple accessible formats. For example, in accessible online formats such as html for screen reader technology, in braille on request, in large format, and in different languages.
- Page 8: “The Applicant SHOULD provide users with straightforward ways to learn about its identity service on digital channels using a memorable URL that goes straight to its identity service home page.”
 - It is not clear why this is not a MUST requirement.
- Page 9: “Clear instructions on digital codes (if a code is issued as part of the identity verification process)...”
 - Any and all codes need to be accessible for users with different disabilities. For example a code that includes a string of characters must be readable character by character, and if case-sensitive it must be able to be read in a way that identifies upper and lower-case letters.
- Page 10: Under *Requirements for the post-verification journey* “When a user is re-using their authentication credential the Applicant SHOULD ensure that simple and consistent design enables users to remember how the identity service works and retain proficiency with it...”
 - This is a MUST requirement elsewhere in the document and should be a MUST here as well.
- Page 12: “1.4.3 Contrast (Minimum) Level AA The visual presentation of text and images of text has a contrast ration of at least 4.5.1:... this guideline is excluded due to the need for service providers to adhere to their own branding and style guidelines.”
 - This is a critical criterion for WCAG AA compliance and it does not make sense to exclude it. Branding and style guidelines should not be inaccessible or allow for content to be inaccessible for people with disability.

Additional comments on the accessibility of the TDIF

The TDIF and Govpass must be accessible to all Australian consumers, including those with a disability and those who have limited or unreliable internet or mobile access.

For people with a disability

ACCAN would like to repeat its concern that the process of using a web camera to complete the Govpass set up could present obstacles for people who are blind or vision-impaired. When ACCAN attended a Privacy Roundtable hosted by DTA on 29 March 2017, it was not made apparent how someone with limited or no vision would be able to complete this step. Firstly, they would be required to align the image of their face with the image template on the screen. Secondly, factors such as light conditions may mean the photo cannot be taken or verified correctly.

ACCAN understands that the DTA has likely addressed or will address these issues, but would like more transparency over and confirmation of how people with a disability will be able to create a digital identity using the method demonstrated at the roundtable.

For people with limited access to reliable internet and mobile services

As noted in our original submission, the creation of a digital identity should also be accessible to people who live in regional and remote areas of Australia and have limited internet and mobile services.

For example, the use of two-factor authentication during the identity verification process will not be appropriate for those people who do not receive a mobile signal, or only receive a signal on various parts of their property.

The DTA therefore needs to keep in mind the large number of people who do not live in metropolitan areas, and who do not have access to reliable telecommunications services.

Voluntariness

It has been stated that the TDIF will not be mandatory, however there is a risk that as time progresses, more organisations become identity providers, and more consumers begin to use digital identities, that identity providers will stop offering viable alternatives or any alternatives. If there is no viable alternative then use could not be said to be consensual. This is an important consideration as the TDIF model seems to rely on the idea that everyone will use it.

ACCAN therefore recommends that any accredited identity provider must always provide accessible and viable alternatives for consumers to identify themselves.

Thank you again for the opportunity to comment on the draft TDIF document, and we look forward to engaging with you on this important work. Please do not hesitate to contact us should you wish to discuss anything.

Sincerely



Jeremy Riddle
Policy Officer