

Jonathon Thorpe:

Good afternoon, and welcome to our webinar on proposed Digital Identity Legislation. My name is Jonathon Thorpe, I'm the General Manager of Digital Identity and myGov at the Digital Transformation Agency.

Juleigh Cook:

And I'm Juleigh Cook the head of the Digital Identity and myGov strategy branch. Thanks for joining us today as we continue with our public consultation.

Jonathon Thorpe:

Firstly, I'd like to acknowledge the traditional owners on the land we meet today and pay my respects to elders past, present and emerging. I also want to let you know that this webinar is being recorded. It will be uploaded to the Digital Identity website. If you've got any concerns with this please let us know after the end of this session.

Jonathon Thorpe:

As you know, the DTA has released a consultation paper on Digital Identity Legislation and it's for public comment. This is a really important step for the development of Digital Identity in Australia, and I want to thank you for taking the time to be a part of that process.

Juleigh Cook:

So we've got up to an hour with you today and we'll go through what the Digital Identity Legislation might look like and to answer any questions you might have. And you can pop your questions in the Q&A section within Zoom, and we're happy for you to start adding those questions anytime from now.

Jonathon Thorpe:

And that's our focus today, to allow you to ask some questions and for us to answer them. So the DTA has been working on Digital Identity with the vision of providing a whole of economy solution for Australians and Australian businesses. And it allows for safer, simpler, more convenient access to online services. Many of you have already contributed to this process with the development of the Trusted Digital Identity Framework, or known as TDIF, and the technical aspects of the system. We've had over 5,000 contributions and they've been made from industry, government and international standard bodies.

Jonathon Thorpe:

I hope this session helps underline how important and how transformational Digital Identity will be for individuals, business and the broader economy. It's one of the most significant technical trends globally, and a key enabler for digital transformation. Digital Identity saves time and money and helps business, the economy and government improve efficiency and productivity. It also reduces the risk of fraud, which costs Australians an estimated \$900 million per year, according to the Australian Cyber and Security Centre. So far, Australia's response to Digital Identity has been very positive, more than 1.8 million Digital Identities have been created through myGovID, which allows for faster access to more than 70 government services.

Juleigh Cook:

Currently, Australians can use their Digital Identity to access a range of government services. The government is committed to providing Australians and Australian businesses with a wider range of access to a range of federal state, territory and private sector services. More recently, the COVID-19 pandemic has been a real catalyst for digital uptake. Recent data released by McKinsey & Co suggest that businesses and consumers have leaped forward some 5 years in digital adoption in just the space of 8 weeks. Our goal is to further reduce the administrative burden on people trying to access government services so departments can devote resources to people to get them the assistance that they really need. Doing this is also central to driving economic recovery and building jobs for Australians, building resilience and growth over the longer term.

Juleigh Cook:

To facilitate this expansion the government is considering the development of legislation that would expand the use of this Digital Identity system beyond Commonwealth government services, established permanent governance structures for the system and enshrine in law a range of privacy and consumer protections.

Jonathon Thorpe:

It's important for us to hear from you to ensure the Legislation meets the expectations of Australians as the system expands to more and more services. The DTA is seeking feedback through a consultation paper on particular questions relating to the design, scope and content of the Digital Identity Legislation. Submissions can be made to our website, which is digitalidentity.gov.au until 5:00 PM AEDT on the 18th of December, 2020.

Juleigh Cook:

It's your choice whether you provide your personal details as part of your submission, or whether you choose to lodge it anonymously. You can read more about how we'll treat your submissions on digitalidentity.gov.au, and we'll give you that web address a couple of times during this webinar. The DTA wants to hear from you though through your submissions so that we can make sure that the Legislation meets the needs and expectations of the Australian community. Following the closure of submissions in December, we'll also consider further engagement on specific topics that might emerge from this process.

Jonathon Thorpe:

There are already strong rules, such as the Privacy Act to protect your privacy regardless of what system you choose to use. Digital Identity is also bound by a strict set of rules governed by the Trusted Digital Identity Framework, or known as TDIF. These rules, TDIF, and existing laws have given more than 1.8 million people reassurance to create and use their Digital Identity to access Commonwealth services online.

Jonathon Thorpe:

So why is Digital Identity Legislation needed? What is the scope? And how about consumer safeguards and privacy? So, Digital Identity Legislation is needed for Digital Identity to evolve and become a whole of economy solution and a system that offers access both public and private sector services. With legislation in place, privacy and consumer protections cannot change without public scrutiny. We believe this would give Digital Identity the extra level of integrity the community has come to expect.

Juleigh Cook:

So this is really about making sure that the high standards that we enjoy today are still in place tomorrow. The Consultation Paper outlines a number of key issues, including privacy and consumer protections, operating rules, biometrics, charging penalties, and permanent governance arrangements, or as we refer to it at the moment as the Oversight Authority.

Jonathon Thorpe:

The DTA has consulted with Commonwealth agencies, the states and territories, the office of the Data Commissioner, privacy commissioners, privacy and consumer groups and industry peak bodies in the development of the system and the Trusted Digital Identity Framework. Importantly, our consultation has shown broad support for legislation to enshrine privacy and consumer protections and safeguards, and establish permanent governance arrangements. This includes appropriate restrictions on data profiling and biometrics, as well as rules around ensuring consent and acting on behalf of other people.

Jonathon Thorpe:

We'd like to shape Digital Identity so it can be the best system possible for all Australians and Australian businesses. As we've done throughout the development of the system and the policies, TDIF, we're engaging in this process to hear what you have to say.

Juleigh Cook:

It's not just important to us. It's important and critical to the broader expansion of the Digital Identity system to make sure that it meets the needs and expectations of the community. One of our guiding principles is putting the user first, taking a step-by-step approach in everything we do. The choice is yours as to whether you use Digital Identity and you must provide consent to create, use and maintain a Digital Identity. Like with any digital system, privacy, security, and integrity have to be at the heart of what we do. Privacy Impact Assessments have been conducted throughout the system's development, cyber security assessments ensure continued security enhancements are made to the system. And the system is governed by the Trusted Digital Identity Framework or TDIF, as we've mentioned earlier.

Juleigh Cook:

Like I said, we design with real people and real businesses to make sure we're making access to digital services simple, safe, and secure. Part of this consultation process is to ensure that the governance arrangements around the Digital Identity system are appropriate as well and ensure independence, transparency, and accountability.

Jonathon Thorpe:

So we know there'll be a number of issues raised in the Consultation Paper, and there's going to be some divergent views, both within the community and amongst our stakeholders. The Digital Identity Legislation will work to accommodate the equivalent state and territory, Commonwealth laws where relevant and create common requirements for accredited participants to ensure this system works as it should. We are working very closely with other government agencies to make sure there's general awareness of the differences and any overlap between different law reforms. I want to assure you there'll be a number of opportunities for you to have your say, including through an exposure draft in the Legislation throughout 2021.

Juleigh Cook:

We strongly encourage your submissions, they will help shape one of the most important transformations in the Australian digital landscape. A transformation that will offer a system that's tested and trialed with real people, that allows users to voluntarily opt-in and assures they have choice and control along with the reassurance of proper privacy and security safeguards.

Juleigh Cook:

So we've got some time now for you to ask questions about the process or about the Consultation Paper itself. So I will open up to questions, and I can see that we've already got our first one, which is just clarifying, please reconfirm the number of businesses using Digital Identity. We apparently went through the slides a bit too quickly, apologies for that. So there are 1.2 million businesses using Digital Identity right now, and 1.8 million people that have created their Digital Identity. I think we're at 80 million transactions that have occurred through, facilitated, with Digital Identity and around 100,000 transactions a day. But we'll make sure that we send the slides out to all of you after the webinar as well.

Juleigh Cook:

Okay, so we have another question. Why have there been such long delays with the Digital Identity rollout? So as we've just went through, the system is being used by 1.8 million people right now, with, as I said, around 80 million transactions that have been facilitated using a Digital Identity. The system is up and running and is available to over 70 services right now. Anything you want to add on that, Jonathon?

Jonathon Thorpe:

Only just to say, as you said, the system is established, we've made good progress and we intend to make more. So as part of the federal budget, digital business package, it is about expanding the Digital Identity system and a part of that includes the Legislation we're here to describe today and the issues we want to talk to you about.

Juleigh Cook:

Yeah. So our next question is, is it fair to say that myGov or myGovID are now referred to as Digital Identity?

Jonathon Thorpe:

That's a good question. So Digital Identity refers to the broader use of the system and the policies that support it. One of the particular ways to prove who you are is through the government identity provider myGovID, and in the future, subsequent to legislation, we can have other identity providers that give consumers genuine choice as to who they want to use to prove who they are. So at the moment myGovID, the Commonwealth identity provider and Digital Identity describing the broader system and the rules and overarching policies that support it.

Juleigh Cook:

Thank you. So we've got another question here, it's not voluntarily opt-in, unless there is a realistic alternative. How are you developing solutions for those who choose not to engage? That's a really great question. So the principle of the program is that the system will be opt-in, for government services there is already a requirement to provide multiple channels and other ways for people to be able to access critical services. But the Legislation, the Consultation Paper itself looks at what sorts of regulations we might need to put on private sector say or if any at all, on what alternative channels they offer as well. So that's something that we'd really love to hear from you on through this consultation process.

Juleigh Cook:

Just another reminder that you can pop your questions in that Q&A section. We've got the next one coming through, what sort of information is stored in the system when someone creates a Digital Identity? Do you want to take that?

Jonathon Thorpe:

Yeah, sure. So one of the key principles that we have currently, and as defined in the Trusted Digital Identity Framework is to ensure we only collect the minimum information we need to prove who you are. Now, as Juleigh mentioned, it's voluntary, it's entirely opt-in. But that also includes, we only store the minimum information such as your name, date of birth, email address, the things that you need to be able to provide to a service you're trying to access. Now as is any digital system we need to record, obviously you're accredited Digital Identity, and one of the things that we've discussed and put forward in the issues paper is data minimisation. So if you've got a particular view on how that should be managed and treated, particularly in the context of the Legislation, we'd like to hear from you and inform part of the submission that can close as late as the 18th of December.

Juleigh Cook:

That's right. Okay, the next question is, will the Digital Identity program effectively change how the average person uses biometrics on their device? So the quick answer to that is no. So the biometrics, like your thumbprint or your face ID that you use to open your phone or to access apps within your phone, they're not considered part of the Digital Identity system. This Legislation only covers the use of biometrics within the scope of the Digital Identity system itself. There are already protections under the federal Privacy Act on how biometric information generally should be used.

Juleigh Cook:

Okay, next question is section 4.13 appears to outlaw strong encryption and particularly user-centric encryption as it would require users to... Sorry, I've lost my computer here, sorry. Sorry, I will start that from the beginning. Section 4.13 appears to outlaw strong encryption and particularly user-centric encryption, as it would require users to only use services that had built-in back doors, is this the intent?

Jonathon Thorpe:

So we might have to take that one offline, but what I would say is that TDIF is an open standard, we have published that framework on the website. It describes what the authentication requirements are and credentialing requirements for anyone that provides a Digital Identity product under the system that needs to accredit under the strong rules. But in terms of what things need to be included in primary legislation relating to credentialing or authentication, we'd like to hear from you as the Legislation is intended to be principles based. So we might have to take the technical answer offline, and we will commit to do that, but again, what we'd like to understand is what you feel should be included in Legislation versus what should be in legislative instruments or policies, for example, such as the existing provisions in TDIF.

Juleigh Cook:

So another long question here, is there a design consideration being given to personas so people can use their myGovID across a range of services and sectors, but define what identity attributes the person is willing to share with each third party? This would help with data privacy. So that's a really great suggestion, and I think that we believe that user-centric and user-controlled Digital Identity is really important. So the personal information, including the identity information or additional attributes that the service might be asking for will only be provided with an individual's consent. Okay, doesn't look like we have any more questions coming through. If you do have questions, if you can just pop them in the Q&A section.

Juleigh Cook:

Okay, 1.2 million businesses is just about every business in the country, does that statistic reflect ATO transaction in the main, ie. AUSkeys? You want to get that one?

Jonathon Thorpe:

Sure, sure. So 1.2 million I think is about, I'd have to check my Australian Bureau of Statistics website, but I think it's about half of the actively trading businesses in Australia currently. But yes, you are right, the majority of those services and the number of people that have created a myGovID so far have been related to the previous AUSkey credential, which is what a lot of folk were using to log into government business services. What we're likely to see moving forward is more individual use. As we start to offer Digital Identity as an entirely voluntary, an opt-in and a choice for people to log into other services such as myGov, but currently yes, AUSkey.

Juleigh Cook:

Yep. Okay, we've got some long questions today, thank you. Consent is an interesting concept and seeing it in legislation is welcomed. However, will consent requests be understandable by

users or only by lawyers? As well, will the issuance of consent receipts be part of the Legislation, including the ability of users to withdraw their consent? So I think there's a couple of different questions there. The first question is will consent requests be understandable by users or only by lawyers? And I think that that's a fair point. We're doing as much user testing as we can to make sure that that consent process is well understood, and that the design of how that information is consented to be provided if tested with real users and real people so that we understand how they behave and how they tick boxes and things like that.

Jonathon Thorpe:

Well, including the ability to revoke it as well. So you might have a relationship with an organisation you're choosing to use a Digital Identity for, but that may not persist forever, and how we deal with revoking consent to ensure that information is only being passed through based on the customer or consumer's choice.

Juleigh Cook:

Yeah, I think that covered off on that last section as well, so around allowing users to withdraw their consent. Next question is, is TDIF looking at a framework for trusted identity attribute providers so that myGovID can connect with authoritative data providers, for example, Know Your Customer?

Jonathon Thorpe:

So TDIF already provides facilities or provisions for the notion of attribute providers. But as we've mentioned earlier, the ability to operate Digital Identity across the economy is subject to passing Digital Identity Legislation. So our ability to include other attribute providers from other sectors, including the private sector may be subject to the Digital Identity Legislation. But absolutely there is the notion of attribute provision, which is different to the core identity verification process. There are certainly schools of thought, which is identity is just attributes, and many of us would agree, but there's particular definitions for the roles that people will play in the Digital Identity system.

Juleigh Cook:

Okay, it doesn't... Oh, no, we've got another question coming through. I believe the intent of the data broker is to prevent service providers matching users between themselves. However, use cases such as AML and KYC require exactly this, don't they? E.g. sharing data with AUSTRAC. So will providers be able to use Digital ID for AML and Know Your Customer, and if so, will there be a legislation to support a digital safe harbour?

Jonathon Thorpe:

It's a good question.

Juleigh Cook:

A good question.

Jonathon Thorpe:

So one of the things we're proposing as part of this issues paper is to discuss how we can use Digital Identity across the digital economy. So that statement in itself infers that we are looking at situations like this. We'd like to hear from you about how you think we should include the appropriate protections in legislation. Now, another thing that's happening federally is something called consumer data rights, which is about providing consumer choice in customer portability. We are very closely aligned and working with ACCC and Treasury on what is the CDR today and what it could be tomorrow, and the opportunity that Digital Identity provides, which is not just protecting consumer accounts, but also protecting the integrity of CDR as well. So yes, subject to primary legislation, we want to hear from you what you think should be in law.

Juleigh Cook:

Okay, the next question is, do you expect myGovID or other TDIF IDs being used to log into banks and other sectors? How does this work or fit in with other identity players like Mastercard, EFTPOS, TrustID and AusPayNet? And I think just the fact that we've rattled off a couple of companies there is testament to the fact that it is a really hot market at the moment and there's a lot of people looking at how they can support digital verification, authentication across the digital economy. We are working not only with the private sector, but we're also working internationally to understand what's happening and how those systems are being developed. And our, I guess, optimal vision is that those systems are being built to the common rail gauge so that when we are able to look at things like interoperability, that that absolutely will be a possibility.

Jonathon Thorpe:

And things like that are achieved through open standards, which has been a core facet of TDIF too, since it's original development.

Juleigh Cook:

Yeah. That's the last of the questions that have come through so far, which have been great, thank you very much for those. I'll just give you a minute or two or 30 seconds or so, just to see whether you have any more questions. And yes, we do have a further follow-up question on personas. Do you envisage TDIF will allow people to interact anonymously? So I don't share any personal information, but through a certified, verified, and identity proofed identity?

Jonathon Thorpe:

So I might try and answer that one. So under TDIF there's multiple identity proofing levels, and that's been put in place deliberately to reflect those different use cases where Digital Identity can benefit. Certainly where you're looking at lower IP proofing levels, so for example IP1, as defined under TDIF, could see those situations occur. But it's highly likely even in a private sector context where you're offering financial services such as a home loan, it does reach a point where you need to manage risk appropriately and you do need to know who someone is. I'm not going to give Juleigh a million dollars until I have some risk management and identity proofing and I know who she is. Conversely, the same issue applies to a higher risk transactions with government, such as taxation and welfare as well. So I think the answer very much

depends on the use case, and as a result also depends on the IP proofing level, which is why we have different levels in TDIF to accommodate this.

Juleigh Cook:

And those levels are really chosen by the service that you're accessing as well.

Jonathon Thorpe:

Indeed.

Juleigh Cook:

They're not mandated by anyone within our system. So our next question is how is the review of the Privacy Act expected to feed into this new Digital Identity Legislation? So we know that there's a couple of legislative programs at various stages at the moment, and we're just one of a suite of things that are occurring across government. So the Privacy Act, as you know, is being reviewed. We're working really closely with the OAIC, who are running that and making sure that we've got visibility of where they're up to in their process, the kinds of things that they're seeing through their consultation and making sure that any dependencies or opportunities, that we've got visibility of those.

Juleigh Cook:

Next question is, why should I share my personal details with a small business or a bank if the identity can certify I am KYC'd? Why should I share my personal details? So I think services as Jonathon mentioned will need to know something about the people that they're dealing with depending on what kind of service you're requesting from them. So as Jonathon mentioned earlier, we only provide, share the minimum requirements. If additional attributes are requested by the service, there is a process that they will need to go through to tell us why they need that information and what it will be used for. And again, people will have the ability to consent and have visibility of what information is being shared with the service.

Jonathon Thorpe:

I guess it's also really important to acknowledge in today's world when you're trying to interact with any service being public or private, sometimes you're providing more information than you actually need to. So for example, if you're proving who you are using physical identity documents, you're showing everyone information relating to your birth certificate, when all someone trying to do or needs to do is know that you're you, or that you're over 18, yes or no, not the date of your birth and whether you can ride a motorbike or not. So Digital Identity by definition, particularly in the context that we've described, through TDIF, is about data minimisation with consent. So it's very clear what information is being passed through, and it's also only the information, the relying service, the service you're trying to access, needs to know. So Digital Identity can actually enhance privacy as well and minimise data being provided.

Juleigh Cook:

So that was the last question we had in the queue there. We'll give you a couple more seconds just to pop anything more in. I'll just give you a reminder of the website, digitalidentity.gov.au,

that's got some basic information about what Digital Identity is and some of the benefits that we believe it has, and we've been able to validate for certain segments of the population. You'll find the Consultation Paper and the Background Paper on that website as well. You can submit your submissions either through uploading a document or by completing the online form. And there's quite a few questions in the Consultation Paper, we're only asking you to provide a response to the questions that you've got a strong particular view on. So it doesn't look like any further questions have come through so we might start to wrap up.

Jonathon Thorpe:

So that brings us to an end for our webinar today. If there's still something you've got, as Juleigh mentioned, we're open till 18 December and you can drop us an email, that information is available through this webinar. It will be loaded to digitalidentity.gov.au and the contact information available on our website as well. This is about hearing from you on what's a very important conversation. And thank you, Juleigh, for joining me and everyone else that's been involved in this webinar today, we'll talk to you soon. Thanks very much.

Juleigh Cook:

Thank you.