

# Response to Consultation Paper on Proposed Digital Identity Legislation

## Office of the Chief Digital Officer

### ACT Government

Before completing your submission you will need to read the Privacy Notice. I have read the above Privacy Notice and understand how my personal information will be used, and I wish to continue.

**Yes**

Can we publish your submission?

Yes. My submission, along with my name (if submitting as an individual) or organisation name (if submitting on behalf of an organisation), can be made publicly available on our website.

I am submitting:

On behalf of an organisation

**Q46.** Question 6 Does the legislation need to include a definition of Digital Identity information, or is it preferable to rely on the definitions of personal, sensitive, or protected information in other Commonwealth Acts? Take me to the relevant part of the Consultation Paper – Section 3.3 Scope of the Legislation

No, the definitions in other Commonwealth Acts should be relied upon

**Q48.** No, the definitions in other Commonwealth Acts should be relied upon - please describe why

The ACT is supportive of legislation that augments existing Territory privacy legislation, particularly with regard to defining types of information i.e. personal, sensitive, protected.

**Q49.** Question 7 What factors should be considered in the development of a charging framework for the system? Take me to the relevant part of the Consultation Paper – Section 3.4 Financial sustainability of the System

The consultation paper notes that the proposed Charging Framework will be developed in consultation with relevant parties. In addition to this, the ACT recommends that any proposed Charging Framework secures the endorsement by States and Territories to ensure it represents a feasible and affordable model of operation across jurisdictions.

**Q85.** Question 14 A Should the Legislation specifically provide a mechanism requiring an individual's consent before the User transacts with a relying party? Take me to the relevant part of the Consultation Paper – Section 4.6 Consent

Yes

**Q86.** If yes, please explain how the Legislation should specifically provide a mechanism requiring an individual's consent before the User transacts with a relying party?

The ACT supports a robust model of consent that also specifically provides an opt-out mechanism.

**Q91.** Question 15 Should there be a minimum age set for a young person to be permitted to create their own Digital Identity? Take me to the relevant part of the Consultation Paper – Section 4.7 Age

Yes

**Q93.** Please explain why you chose that age

The ACT supports establishing a minimum age for a person to create their own Digital Identity, however what this age is requires consideration of meaningful and informed consent requirements, balanced with providing young people access to services.

**Q122.** Question 26 A What other committees or advisory structures do you think may be needed? Take me to the relevant part of the Consultation Paper – Section 5.5 Advisory committees

The ACT proposes consideration of an Advisory Committee that focuses on the community experience across jurisdictions ensuring it is optimal, considers data on use and complaints to address systemic issues, and informs how Digital Identity evolves into the future.