



Digital Identity Bill Position Paper **Submission from Youth Action NSW**

Introduction

Youth Action is grateful for this opportunity to make a submission to the Digital Transformation Agency (DTA) on the Trusted Digital Identity Bill. Throughout this submission, we recommend that the DTA continue to consider young people's right to digital inclusion, informed consent and privacy throughout the development of the Trusted Digital Identity Bill. Youth Action encourages the DTA to achieve this through further consultation, co-design and education with young people throughout Australia.

Youth Action is the peak organisation for young people in NSW and the youth services that support them. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.

Youth Action acknowledges the Traditional Custodians of Country throughout Australia and understands that sovereignty was never ceded. Our office is located upon the land of the Gadigal people and we recognise their traditional and ongoing Custodianship and pay our respects to Elders past, present and emerging.

Digital Inclusion and Exclusion

Digital inclusion and exclusion have been concerns of Youth Action, particularly due to the COVID-19 pandemic. We welcome the increased access to government, businesses and other services that the Digital Identity could provide to young people, particularly those in rural and regional areas. However, other important considerations are necessary to ensure that the Digital Identity does not further entrench digital exclusion.

For the Digital Identity to be inclusive, it will be essential to involve young people in its design. In particular, there should be a focus on ensuring engagement from diverse communities, such as young people with a disability, first nations young people and young people from culturally and linguistically diverse backgrounds. One option could be co-designed educational resources to assist young people in understanding the Digital Identity and their associated rights and responsibilities if they decide to use it. Such an approach will support the social and economic outcomes of all young people.

Another area of exclusion that the expansion of a Digital Identity could exacerbate surrounds identification documents. There are young people in our communities who face challenges when producing or obtaining birth certificates and other identification documents. As Youth Action has advocated for in our recent submission to the NSW Inquiry into support for rural and regional learner drivers, the financial and administrative barriers for young people in obtaining identification documents can have a compounding impact on other areas of life.

In the context of the Digital Identity, given that the current standard level myGovID requires two identity documents (driver's licence, passport, birth certificate, visa, citizenship certificate, ImmiCard and Medicare card), it should be expected that there will be young people who will face financial and other difficulties in obtaining the necessary documents.

We encourage the DTA to collaborate with state and territory governments to facilitate free or low-cost birth certificates and other identification documents. This is important to ensure that difficulty in obtaining a digital identity does not create a barrier for young people in getting a job, accessing businesses or other services. While Youth Action supports the opt-in nature of the Digital Identity, we note that the combined effect of being unable to access the necessary identity documents and part 4.3 of the Digital Identity Legislation Consultation Paper which states that businesses and other entities may not be required to offer alternative verification processes, is the further entrenchment of identity document related exclusion.

Informed Consent

Youth Action supports the implementation of robust mechanisms to ensure participant consent when creating or using a digital identity, as discussed in part 4.6 of the Digital Identity Legislation Consultation Paper and the acknowledgement in part 4.7 that young people have rights and needs concerning the Digital Identity. The adequate provision of informed consent would require an option to opt-out or delete an individual's Digital Identity after creation. In addition, the ability of young people to provide informed consent requires adequate community education and inclusive design. With respect to determining whether there should be a minimum age for establishing a Digital Identity, Youth Action believes there should be further consultation with young people and the services that support them to make this determination.

Privacy

Youth Action believes it is important for privacy, safety and other safeguards to be transparent and easy to understand. The Trusted Digital Identity Bill presents an opportunity to enhance young people's digital safety and privacy today and into the future. Youth Action welcomes legislative change that supports the safety and privacy of young people and creates mechanisms for resolving potential challenges and dealing with harms. We have seen such positive change through the Enhancing Online Safety Act. Ongoing evaluation with young people throughout the Trusted Digital Identity Bill and future Digital Identity expansion could enhance privacy.

Conclusion

The Digital Identity should foster digital inclusion, informed consent and privacy to ensure that it works for young people throughout Australia. Youth Action would be happy to have further conversations with the DTA about Digital Identity, including ways to further collaborate with young people.