

## **Feedback on the Digital Identity Legislation Position Paper (Phase 2)**

### **Introduction**

**TrustGrid Pty. Ltd. (TrustGrid)** believes Digital Identity should be legislated to be convenient, safe and secure. Legislation should place the users of a Digital Identity system in control of their Digital Identity by allowing them to choose how their credentials are presented to relying parties while maintaining confidentiality of their private information.

**TrustGrid** has been at the forefront of Digital Identity solutions with its **TrustGrid™** system deployed by NSW Government within their Digital Licence system that guarantees integrity, authenticity and trusted digital credentials and accreditations for NSW citizens and has been operational for many years.

It is the position of **TrustGrid** that the position paper should move away from using the term 'identity' as **TrustGrid** research has found no on-going and successful Digital Identity environment anywhere. The use of many well known credentials and accreditations are being used all the time replacing the need for a so-called identity schemes and a centralised identity exchange (IDx).

**TrustGrid** sees a future based upon verifiable credentials, records, history, documents, certificates etc. for relying parties with peer to peer transacting.

### **Feedback**

**TrustGrid** provides the following feedback on the Digital Identity legislation position paper.

#### **1. Introduction**

**TrustGrid** makes no comment.

#### **2. Glossary of terms**

An in-depth scan of the position paper text is needed to identify those keywords used within the paper that aids understanding, such as the term 'assertion' that appears within this position paper but has no corresponding 'Glossary of terms' entry.

#### **3. Purpose of the Digital Identity Legislation and interoperability with other systems**

The reliance upon the Australian Cyber Security Centre to enhance and protect the Digital Identity system would require further resourcing to improve their capability to match the expectations of the Oversight Authority and this must be considered. A trusted, independent, 3<sup>rd</sup> party security assessor annual engagement to ensure changes to the system have not introduced threats to the Digital identity system.

#### **4. Structure of the Digital Identity Legislation**

Care must be taken not to reveal any intellectual property within the 'Technical and other specifications' on how the Digital Identity system operates.

## **5. Scope of the Digital Identity Legislation**

TrustGrid is disappointed the position the legislation paper is taking as it appears to only enshrine the current MyGov system in-place without giving consideration to other models that don't use a 'Digital Identity' but utilise credentials, authentication and verification.

## **6. Governance of the Digital Identity system**

**TrustGrid** supports the appointment of an independent Oversight Authority that has no direct or indirect relationships with any of the participants. Audits by the ATO must ensure they have the technical expertise and experience in auditing complex environments. **TrustGrid** supports the documented functions of the Oversight Authority along with the Information Commissioner reporting on the Digital Identity privacy function.

## **7. Privacy and consumer safeguards**

**TrustGrid** has concerns around the storage of biometric images by participants. Only hash values of biometric data should be retained, if necessary, for matching in such a system. We agree that having a single identifier would create concerns around the system.

**TrustGrid** does not support the default age of 15 years given age credentials can be considered by the replying party.

## **8. Trustmarks**

**TrustGrid** believes civil penalties for Trustmark misuse must be severe to discourage any abuse and be deemed as criminal.

## **9. Liability and redress framework**

**TrustGrid** makes no comment.

## **10. Penalties and enforcement**

All notifiable data breaches should be made public and published.

## **11. Administration of changes for the Digital Identity system**

Good communication amongst participants with appropriate review and lead times before change implementation is crucial.

**TrustGrid** looks forward to providing further feedback on the draft Digital Identity system legislation and thanks the Digital Transformation Agency for the opportunity to provide feedback on the Digital Identity Legislation Position Paper.

Yours faithfully,

*David Palmer*

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**TrustGrid Pty. Ltd**