



Supplementary Questions

Portfolio Committee No. 6 – Transport and Customer Service

Examination of Proposed Expenditure for the Portfolio Area

Monday, 8 March 2021

FACIAL RECOGNITION IN GAMING VENUES

QUESTION:

840. Does the Commissioner agree with the Australian Human Rights Commission's assessment that facial recognition technology is particularly intrusive on privacy?

ANSWER:

The Privacy Commissioner recognises the significant privacy impacts that facial recognition technology can have on citizens. In the IPC's submission responding to the Human Rights and Technology discussion paper released by the Australian Human Rights Commission, the Privacy Commissioner emphasised the need to safeguard privacy rights already enshrined in legislation and acknowledged the merit in a public interest test or rights impact assessment being conducted prior to the deployment of new technologies that utilise artificial intelligence.

QUESTION:

841. Has the commissioner provided any advice to the Minister for Customer Service regarding the introduction of facial recognition technology in gambling venues?

(a) What is the commissioner's stance on the use of such technology in gambling venues?

ANSWER:

The Privacy Commissioner has not provided advice to the Minister for Customer Service regarding the introduction of facial recognition technology in gambling venues. The Privacy Commissioner would expect to be consulted on a proposal of this kind, should one be developed following the public consultation process on the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020. Any use of facial recognition technology must be lawful, necessary and proportionate, in the public interest and compatible with privacy laws.

QUESTION:

842. Does it worry the Privacy Commissioner that the Minister considering policies would be in breach of the European Convention on Human Rights?

ANSWER:

The Privacy Commissioner advocates for privacy protections in NSW that reflect international best practice, including incorporating privacy by design when developing government policy.

QUESTION:

843. Would the Commissioner be concerned if the Customer Service Minister sought to have discretion over what information is stored using facial recognition technology?

ANSWER:

The Privacy Commissioner would expect any use of facial recognition technology to comply with privacy laws, including in relation to the safe and secure storage of personal information.