

AMSRO Privacy Compliance Committee Annual Report

December 2008

This report details the activities of the AMSRO Privacy Compliance Committee for the first year of its operations, from November 2007 to November 2008.

1. The Privacy Compliance Committee

The current members of the Privacy Compliance Committee are:

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| Terry Aulich | Chair |
| Nigel Waters | Consumer representative |
| John Sergeant | Industry representative |
| Jayne van Souwe | Industry representative |
| Jane Gregory | Secretary |

The appointments of the Chair and representatives are for an initial two year period and may be renewed at the request of the AMSRO Committee.

The Terms of Reference for the Privacy Compliance Committee are available on the AMSRO website and are appended to this, the first annual report.

The Committee meets twice a year and communicates by email and/or phone if issues of interest arise between meetings.

2. The Market and Social Research Privacy Code (Principles)

The Committee reviewed the recommendations of the Report of a 'Review of the Market and Social Research Code' commissioned by AMSRO in 2007.

Following from the review, the following actions have been taken:

- a. The AMSRO Executive Director, Scott McClellan was appointed as Privacy Officer for AMSRO. The current AMSRO Executive Director, Jane Gregory, has now taken on this position.
- b. AMSRO has developed a privacy complaints and queries reporting mechanism as part of its complaints handling procedure. This is managed by the Privacy Officer.
- c. AMSRO has developed and maintains a register of Privacy Officers from all member companies
- d. A proposal for amendment to the Specification for Assessment and Certification to ISO 20252 has been developed, noting key areas of privacy risk that auditors should examine. This will be submitted to the next review of the standard.

3. ALRC Review

The Committee advised AMSRO on its submission to the Australian Law Reform Commission (ALRC) 'Review of Australian Privacy Law: Discussion Paper 72', conducted in 2007/8.

4. ACMA

The Committee advised AMSRO on its submission to the Australian Communications and Media Authority (ACMA) relating to their review of Section 5 of the Telemarketing Industry Standard. This review has been delayed until 2010.

5. Australian Privacy Awards

The Committee recommended that AMSRO allow itself to be put forward for an Australian Privacy Award on the basis of its commitment to the Privacy Principles, the outcome of the review and members' record of minimal respondent complaint.

AMSRO was short-listed in the Awards.

6. Other

The Committee receives regular updates on other matters including:

- a. APEC and OECD developments on privacy matters
- b. The activities of the International Data Protection Commissioners
- c. AMSRO quality assurance activities which have implications for privacy

It also provides advice on issues relating to privacy that have been raised within AMSRS or AMSRO and referred to the Committee.

Terry Aulich

Chair
AMSRO Privacy Compliance Committee

Appendix 1: Privacy Compliance Committee Background and Terms of Reference

Background:

On 1 September 2003 the Association of Market Research Organisations (now the Association of Market and Social Research Organisations) commenced operation of the Market and Social Research Privacy Code. The Code is approved by the Federal Privacy Commissioner under sections 18BB (2), 18BB (3) and 18BB (4) of the Privacy Act 1988 (Cwth). It applies to Market and Social Research companies who are members of AMSRO.

In accordance with the provisions of Subclause G of the Code, AMSRO conducted a Review of the Code by an independent chairperson in 2006 and the Report was received in February 2007. The Report, together with a written statement by AMSRO responding to the Review, was provided to the Office of the Federal Privacy Commissioner in March. The Commissioner accepted the Report's findings and recommendations in June 2007 and the Code was lodged on the Federal Register of Instruments on 28 June 2007.

One of the major Recommendations of the Review was the establishment of a Privacy Committee:

6.1d AMSRO to establish a *Privacy Compliance Committee*, including at least one consumer representative. The Committee would meet twice annually (or more frequently if required) to examine complaints and other privacy matters.

In post-Review consultations with the Federal Privacy Commissioner, it was clarified that the Office of the Privacy Commissioner would continue to perform the role of Code Adjudicator and would continue to deal with any complaints in relation to the Code. The role of the Privacy Committee in relation to complaints would be to determine whether complaints pointed to systemic failure in the information handling practices within market and social research companies that are signatories to the Code and recommend measures to deal with them.

Terms of Reference:

It is contemplated that the Committee may look at and make recommendations on matters including, but not limited to:

- 1) The Code Reviewer's recommendations concerning streamlining industry Guidelines to clarify how they work in conjunction with the Code;
- 2) The Code Reviewer's recommendations concerning implementing an explicit privacy component into industry quality audits;

- 3) The implementation of Calling Standards for Market Research as part of the Do Not Call scheme;
- 4) Appropriate standards and safeguards for the use of information derived from public number databases;
- 5) Industry awareness/education regarding privacy issues, including information sheets, FAQs and best practice;
- 6) Industry information handling practices;
- 7) Systemic issues arising from privacy complaints;
- 8) Privacy implications of emerging research channels such as online access panels;
- 9) AMSRO submissions to the ALRC Review of Privacy Laws and other similar enquiries; and any proposed legislative changes.
- 10) Privacy impact assessments of research methodologies

Meetings:

The Committee will meet twice a year, or more frequently if required. Administrative support will be provided by the AMSRO Secretariat. It should also be possible to do business from time to time without meeting face to face, ie via teleconference and email.

Decisions:

It is intended that all recommendations of the Committee be arrived at by consensus.

Reporting:

The Committee will report through its chair to the AMSRO Committee annually. An annual report of the activities of the Committee should be published to the publicly accessible section of the AMSRO web site.

Confidentiality:

All matters before the Committee are to be considered confidential. No member of the Committee shall make public statements in his or her capacity as a Committee member without the express written consent of the President of AMSRO.

The consumer representative will operate in accordance with the CFA consumer rep policy: <http://www.consumersfederation.com/documents/ConsumerRepsPolicyApril04.pdf>