

**Nov. 2007**



## **Privacy Compliance Committee**

### **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.

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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>