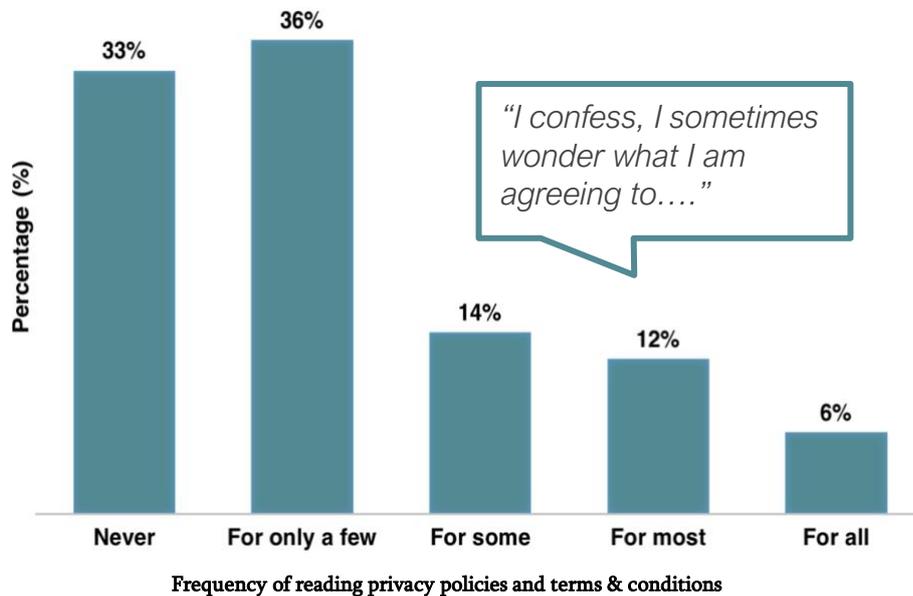
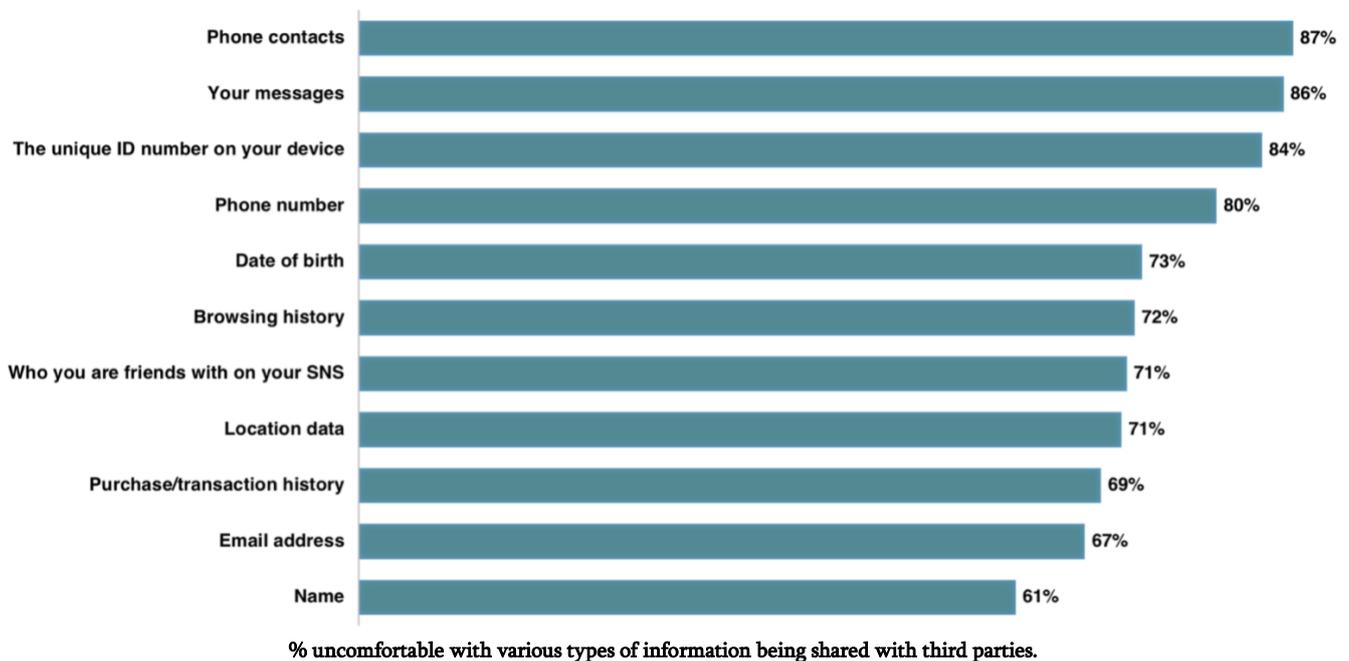


Australians are in the dark about what data is being collected and shared

The majority of Australians admit they do not read Privacy Policies or Terms & Conditions frequently



Majority of Australians do not want companies sharing their information for secondary purposes.



Yet, experts suggest that an invisible industry of data brokers such as [Acxiom](#), [Experian](#), and [Quantium](#) are reportedly sharing large amounts of data and insights about internet users (and non-users) with major companies like Facebook. While [Facebook recently announced](#) it will no longer be partnering these data brokers, [Acxiom](#), [Experian](#), and [Quantium](#) offer their services to many major companies.

"I feel uncomfortable with this modern-day technology and these privacy laws now... How can one company be the company you're with, then all these other companies (say power) have got your information on that company. How can they do that and get away with it?"

"There's this other series of information which is inferred, largely through data mining processes, by which you could be profiled, and your desires and expectations predicted with some degree of confidence, which I think is the scarier part."

'Informed consent' through Privacy Policies flawed

Privacy Policies and Terms & Conditions in their current form do not allow consumers to give genuine consent.

- Of the 67% of Australians who reported reading a Privacy Policy or Terms and Conditions for one or more services/products they signed up to in the past 12 months, two-thirds indicated that they still signed up for one or more products **even though they did not feel comfortable** with the policies.
- The most common reason was that it was the only way to access the product or service (73%)
- [Experts](#) also argue that consumers have no real choice as consent is often framed as a 'take-it-or-leave-it offer'

"How can we achieve 'privacy' unless you cut yourself off from useful things?"

"I just close my eyes and don't think about it"

Consumers think companies' current policy documents were not effective in communicating with the customer.

- 44% of consumers feel that it is not enough for companies just to notify them about how they collect, use and share data in the Privacy Policies or Terms and Conditions.

"I don't know how I can decipher where my data goes and how it's used. It concerns me, but it's not transparent to me."

"I actually read the Terms and Conditions. They're written to satisfy legal requirements, not to communicate with me, and can sometimes be hard to understand."

Privacy Policies driving confusion

- [Typically, users do not read policy documents](#) because they are too long, difficult to comprehend, difficult to find, or because users perceive the cost / benefit ratio of reading these documents to be too high.
- Additionally, [international research](#) indicates that people do not read policy documents online because they assume the law would protect them or feel a sense of helplessness.
- In Australia, focus group feedback suggest that consumers believe current laws were adequate to protect them from companies misusing their data, or they hoped that companies would not misuse their data.
- 19% of Australians wrongly believed that if a company had a Privacy Policy, it meant they would not share information with other websites or companies.
- 22% did not know enough to answer the question.
- 96% of Australians had used products or services from major companies they trusted as a strategy to protect their data.
- Many resigned themselves to the notion that they had no control over how their data was collected, used or shared.

"I'd like to think that they're using it for good and not evil"

"I think it's unethical, but it's the digital world we live in."

"I expect laws to deal with that."

Australians expect their data to be used fairly

Australians surveyed overwhelmingly rejected the use of information which could disadvantage certain consumers and reduce consumer choice as result of use of their data.

Generally, Australian consumers did not find it acceptable if their data was being used to:

- Charge people different prices for the same product in the same hour, based on their past purchasing, online browsing history or payment behaviour (88%)
- Collect data about them without their knowledge to assess their eligibility or exclude them from a loan or insurance (87%)
- Collect data about their payment behaviour to assess eligibility or exclude them from an essential product or service (82%)

Australian consumers want more control over how data is collected, shared and used

Australians want greater ownership and control over what data is collected and how it is shared.

- Majority of consumers wanted companies to give them options to opt out of data collection (95%), only collect data essential for the delivery of their service (91%), and to be open about how they use personal data to assess eligibility or exclude them from services or products (92%).
- Consumers expect Government to play a role in regulating companies to ensure consumers are provided better control over their data.
- Consumers wanted regulation of companies to give them options about how their data can be collected, used and shared (73%), and to protect consumers so that their data could not be used to exclude people from essential products or services (67%).

"It should be my data. I should have rights to it."

"I'm not comfortable with them having any of my information, but if you want to be involved in whatever the site is about, you don't get options..."

Policy implications

Consumer demand for transparency around how companies collect, use and share consumer data

- Transparency of how companies collect, share and use data to make decisions about customers can work towards facilitating trust and making the market more fair and equitable.
- There needs to be greater research as to how information can be presented to consumers to ensure they can make informed decisions (for example, single screen notification and optionality over what parts of their data can be used)
- Consumers expect Government to provide greater powers to regulators to require companies to provide consumers with options about how their data is collected, shared and used.
- Consumers also expect Government to detect and penalise companies for misuse of consumer data, where data has been used to charge different consumers different prices or exclude them from certain products or services (particularly where essential).

Fact Sheet: Data protection rules are failing Australian Consumers

Australia may benefit from looking to elements of the EU GDPR regime for better consumer rights and control over their data, in particular:

- Provisions for consent must be explicit, specific to purpose, unbundled, easy to understand, can be withdrawn, freely given (i.e. not conditional if the data is not necessary for the provision of the service)
- Consumers being given the 'right to be forgotten' (i.e. to have their data deleted)
- Companies being required to instil privacy by design, such that consumer privacy is preserved by default, and that consumers are required to opt-in rather than opt-out of data sharing
- Small businesses included in the Privacy Act as liable data holders to ensure there is adequate protection in line with consumer expectations
- Greater monitoring powers for regulators and stiffer penalties for companies who are in breach of the law.

This survey of 1004 Australians was conducted for CPRC by Roy Morgan Research from March – April 2018.