10 October 2023
Department of Finance
1 Canberra Ave
FORREST ACT 2603

Dear Digital identity Team,

2023 Digital ID Bill and Rules submission

Centre for Inclusive Design (CfID) welcomes the opportunity to provide feedback on the Digital ID legislation and Digital ID Rules. We have appreciated being able to participate in the various roundtables over the last few weeks and sharing our feedback with representatives from the Department.

This submission builds upon the previous feedback we have provided to the Department on this important policy issues, especially our written submission in October 2021.

<u>About us</u>

CfID is a leader in inclusive design methodology and application, with over 40-years' experience working with governments, educators, business, industry, and community organisations to deliver policies, products, services, and experiences which are accessible to all.

Inclusive design connects government and industry with communities of people who are traditionally excluded or unable to access products, services, and the built environment. Incorporating their lived experience into the design process increases the accessibility of the planned service, policy, product, or built environment.

CfID strives to ensure those with physical and hidden disabilities and disadvantages are considered throughout the decision-making process by both government and the private sector.

As a not-for profit working as a social enterprise, CfID specialises in bringing together different perspectives to the design process, and delivering solutions which are both useful and usable.

<u>Importance of Inclusion</u>

Our research and engagement have unveiled preliminary challenges that inhibit disadvantaged communities from accessing basic levels of Digital ID (let alone stronger levels of Digital ID that require identity documents such as passports).

There needs to be a focus on inclusion to ensure these groups have initial access to Digital ID by overcoming present barriers of accessibility, affordability, and digital ability. It is vital that government continues to provide an alternate pathway to access government services for those who choose not to (or cannot) use Digital ID.

To overcome these challenges, the approach to inclusion should be built upon existing frameworks, including:

- Alternative service delivery: the government remains committed to continuing to provide alternate pathways for those who face barriers, or choose not to use Digital ID, to access online services.
- Voluntariness: voluntary participation in the Digital ID scheme will help build consumer confidence and trust.
- Requirements in the Trusted Digital Identity Framework accreditation scheme relating to accessibility, usability and privacy should be legislated by the Digital ID Bill and Rules.
- The ATO, DTA and Services Australia, amongst others, have followed the Digital Service Standard to ensure that all their users' needs are catered for where possible. There has been a foundational focus on accessibility and inclusion since the commencement of the program.

Feedback on the Legislation

CfID feedback centres around the importance of digital inclusion and ensuring the legislation, and the ultimate scheme, reflect the importance of inclusion. Similarly, choice and the voluntary nature of the scheme must be highlighted, and the scheme cannot allow users to be denied access to critical services if they don't access the digital ID scheme.

As the government continues on their digital transformation journey, it is important to remember that in the digital world, one size fits all doesn't always work.

The legislation should include the following:

Inclusion as a pillar

CfID proposes that inclusion be identified as a fundamental principle of the scheme and clearly outlined as a pillar within the legislation. Inclusion needs to be considered at all levels, including the entire ecosystem, as well as for individual systems and interaction between for a user trying to prove their identity and then use the service they are trying to access.

Inclusion and inclusive design must be clearly articulated as a key principle in the legislation. CfID recommends looking at the model adopted by Canada. The digital identify ecosystem for Canada outlines ten (10) principles, including, *"Inclusive, open, and meets broad*

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stakeholder needs". This principle aligns with Canada's broader guiding principles for diversity of content in the digital age which highlights the need for inclusive and inclusive design.

Rather than focusing on making the system 'fail safe', consideration needs to be given to how human facilitators can help sort through barriers for edge users. CfID is the leading body in advising government on inclusion and inclusive design, and could assist government in this instance. We can assist with the system design and feedback loops for the scheme.

Voluntary

Further consideration needs to be given to the 'voluntary' nature of the scheme. While Chapter Four - Part Two - Division Four – Section 71 explains that the use of the scheme must be voluntary, it then goes onto to provide a list of possible exemptions.

As previously mentioned, edge users can often be intimidated or concerned when digital schemes become mandatory and in this instance, the list of possible exemptions is broad.

CfID would welcome the opportunity to work with the Department to develop guiding principles about the voluntary use of the scheme and refine the instances of when an exemption should be granted. The guiding principles would increase confidence in the scheme and ultimately encourage users to access the digital ID scheme for frequently.

Community documentation

The legislation needs to consider users who don't have access to the necessary documentation or require assistance to upload the verification documentation in order to participate in the Digital ID scheme. Currently, there are no systems to support this and no roadmap on when/if this will be supported.

CfID is willing to work with the Department to develop a framework to address the barriers some users' will experience due to their lack of documentation or inability to provide required documents. The legislation needs to provide varied pathways for users to access the scheme and not assume that everyone can readily access or upload the required documentation.

Facial recognition and verification

Within the scheme there will be conflicting principles between making sure the system is secure enough so a users identify can't be stolen, but also facilitating access to the scheme for a user with limited verification documents. There is conflict between proving who you are and making it harder for someone else to take your identity. As such, edge users, and their needs, need to be considered.

For example, at present facial verification can pose difficulties for some users. As such, facial verification needs to be complemented/supplemented by other forms of verification. The legislation needs to recognise that some users who require access to high-risk services, might be unable to use facial verification due to a disability or circumstances outside of their control. The use of automated and AI for decision-making could result in exclusionary bias and impact on a users' ability to access the scheme.

Furthermore, there needs to be mechanisms in place for users' who share an email address or phone number. There would be a significant number of people, particularly elderly couples, who share these details, and this shouldn't impact on their ability to access the digital ID scheme.

The legislation needs to consider how people might be prevented from accessing the digital ID scheme and then provide pathways for their inclusion.

Feedback mechanisms

The legislation or regulations need to clearly outline the process for feedback on the scheme and focus on ways to fast-track feedback regarding inclusion issues. There will always be anomalies but rather than trying to get it right for everyone, there needs to be a fast-tracked system to highlight matters relating to inclusive design issues.

Furthermore, the process should not just involve resolving the matter for the user that identifies the issue, it also needs to ensure the issues within the system is rectified so that other users don't experience the same problem.

Conclusion

CfID is committed to working with the government to ensure that inclusion and inclusive design are at the heart of the digital ID scheme. No Australian should be prevented from accessing government services, or private sector services, because of their circumstances and/or access to or ability to use technology.

We have extensive experience in advising government on how to ensure systems, policies and processes foster inclusiveness for all people, and look forward to assisting the government with the digital ID scheme.