Vision Australia Submission to Consultation: Digital ID Bill

Submission to: Commonwealth Department of Finance

Submitted to: ███████████████████

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Introduction

Vision Australia is providing this short submission to the consultation on the Digital ID Bill to express our strong support for the digital identity framework articulated in the Bill and the accompanying Digital ID Rules and Accreditation Rules. At the same time, we believe it is important to highlight some issues that are unique to people who are blind or have low vision, and which we believe must be addressed in the proposed digital identity system.

Background

Over the past few years, we have received an increasing amount of feedback from our clients who are blind or have low vision about difficulties in obtaining or using standard identity documents. Some people have reported that without a driver's licence it has been difficult or impossible to achieve a sufficient level of identity to obtain products or services in particular situations. Some people have reported that they cannot use their Proof of Age card in situations where a sighted person could use their driver's licence. Some people have reported that even though they have a valid passport, they have been unable to use it because of the way particular identity requirements have been constructed. A number of clients have reported that it has become a never-ending challenge to note all features of their identity documents so that they can retrieve them when required. One client told us:

> "As a blind person I can't read the information on my Medicare card so I asked a family member to tell me the details that I thought I'd need, and I wrote down the name, number and expiry date. I had this information in a computer file so it was easy for me to access when I was asked for the details. Then someone said I needed the IRN. I had no idea what that was and I had to research it and ask someone to find it on my Medicare card. Then I was doing an ID verification and they asked me what colour my Medicare card is. I had no idea – I didn't know there were different colours. So another delay until I found someone who could tell me. So I thought I had everything now, until I tried to register to get a USI [Unique Student Identifier]. They asked me whether the name on my Medicare card was written on one line or two. Again, I had no idea. Each time I get asked for something new like this it can take me days or weeks to get the information, and it feels like there's no end to it."

Clients have also reported difficulties when dealing with government agencies if they have to ask someone else to read information from their documents. One client told us:

> "I've only recently lost my vision and I'm still trying to come to terms with it and find new ways of doing things that I used to do easily, like writing things down or looking at documents. I called a government department to discuss some services I needed and they said I need to verify my identify by giving them my Medicare card number. I said I'd ask my son to read it for me, but they said they wouldn't accept

that and I had to read it myself. I can't remember the number and I don't have enough vision left to read it myself, so I don't know what I'm supposed to do."

When Vision Australia contacted the government agency on behalf of this client we were told that it was, indeed, their policy not to accept information provided by a third party such as a son reading their father's Medicare card numbers. They said that they had not considered the impact of this policy on people who are blind or have low vision but would give the matter further thought. We have heard nothing further so don't know if they have made adjustments to their policy to address the unique needs of the blind and low vision community.

The recent escalation in the number of reported data breaches has led to even greater stringency in ID requirements. It is now more-or-less routine for a person to be required to upload a selfie of them holding a form of photo ID just to do things like cancel an account. Quite apart from the logistical challenges this poses for people who are blind or have low vision, there is also no certainty about how such ID photos and documents are stored once they are uploaded. Clients have told us that they have been instructed to email all their documents using standard email and in an unencrypted form, with no flexibility to accept other, more encrypted formats or more secure delivery options, and with no regard for data privacy.

The client experiences we have just discussed are by no means rare, and in fact are becoming more common. Access barriers to obtaining and using ID can cause significant inconvenience and stress, as well as impacting a person's ability to access government and other services in a timely and equitable manner.

We have certainly encountered government agencies and private companies that have shown little awareness of the needs of people who are blind or have low vision and the barriers that their identity checking requirements have created. However, we have also had discussions with agencies and companies that have sought to implement solutions. Some of the issues they face in maintaining appropriate levels of identity verification and security in an increasingly complex environment, while at the same time ensuring that vulnerable groups are not disadvantaged, can be challenging to address.

We therefore warmly welcome the opportunity presented by the Digital ID Bill to create a digital identity system that will streamline the process of identity verification. It will be essential, however, for the new system to be developed so as to maximise inclusion of people with a disability, including people who are blind or have low vision. Otherwise, new access barriers may be inadvertently created without existing barriers being removed. Below we have listed some areas that would benefit from further thought and discussion prior to the finalisation of the Bill and the accompanying rules.

Disability as a Restricted Attribute

We are concerned that the draft Bill does not specifically mention disability among its list of attributes. We recognise that the list in the Bill is non-exhaustive, but disability is about

the only common characteristic of an individual that is not listed. It is obviously not appropriate to assume that disability is a component of health information. Given the prevalence of disability and the renewed focus on disability following the release of the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability we believe that disability should be listed as a restricted attribute. We can readily envisage circumstances in which an Accredited Entity might want to collect information relating to a person's disability status, and other circumstances in which they should be prevented from doing so. In any case, a failure to include disability as an attribute could potentially lead to less stringent safeguards being applied to the collection of a person's disability status by an Accredited Entity. Following the various data breaches that have been reported over the past year, many people with a disability have an understandable concern that data collected about them is not, or may not be, protected. At the same time, they are also concerned that their disability status may, inadvertently or otherwise, be used in discriminatory ways. It is therefore essential that disability, as a restricted attribute, be subject to the same privacy and other safeguards that apply to other restricted attributes.

If further consultation with the disability sector is considered necessary to explore the ramifications of including disability as a restricted attribute then we believe that this must happen before the Bill is finalised.

Alternatives must be accessible and inclusive

We support the proposal to make the new digital ID system voluntary. One reason for our support is that we know from research we conducted with Curtin University in 2019 that a significant number of people who are blind or have low vision do not have a smartphone that would be able to run apps like MygovID. While almost 100% of people in the under-65 age group do have an iPhone (76%) or Android smartphone (24%), the figure drops to 31% in the 75+ age group. This is an increase from approximately 17% in 2015, but still much lower than for the rest of the community.

We expect that many people in the blind and low vision community will want to use digital ID, but for a variety of reasons not everyone who has a compatible smartphone will choose to do so. They might, for example, be hesitant to use an app in case it is or becomes inaccessible, or they might have concerns about the privacy of their data. In any case, it will be essential for alternatives to the digital ID system to be accessible, equitable and inclusive.

The introduction of the new digital ID system should be used as an opportunity to remove inequities in current ID requirements. For example, a person who is blind or has low vision and who therefore does not have a driver's licence should be able to use a Proof of Age card in all circumstances where a driver's licence is required. There should be national consistency in the equivalence of a driver's licence and a Proof of Age card. It is not acceptable that a person without a driver's licence should be required to obtain a passport in order to meet ID verification requirements, which is sometimes the case at present. On the other hand, if a passport is a necessary condition of a particular level or strength of

ID verification then a person who is blind or has low vision and who wishes to meet those ID requirements will need a passport. We have received reports that parts of the application process for obtaining a passport can present accessibility barriers, and we recommend that there be consultation with Vision Australia and other organisations in the disability sector to discuss these barriers in more detail and implement solutions where necessary.

Staff and clients of Vision Australia needing to complete a Working with Children check have experienced the outlandish situation where they have a valid passport but are unable to use it as an identity document, instead having to rely on a Proof of Age card, which has a lower level of verification. In our view a passport should always be an acceptable form of photo ID, and in most cases a sufficient one. We recommend that the Government work with appropriate bodies to overhaul common ID checks to ensure that bizarre anomalies such as this are removed.

Alternatives to the digital ID system must not be treated as "second class". People who are blind or have low vision and who choose not to use the digital ID system have a right to receive accessible, equitable and inclusive alternatives. We therefore strongly recommend that the Government work with the states and territories to ensure that there is a national ID framework that meets accessibility standards and which does not discriminate against people with a disability.

Compliance with Accessibility Standards

When the MygovID app was launched in early 2020 it was not accessible to people who are blind or have low vision and who use the Voiceover screen-reading functionality on the iPhone. This was despite feedback being given during the beta testing of MygovID and the Australian Taxation Office's own testing that identified the accessibility issues. Clients say that they were told by the ATO that accessibility was not prioritised because it was considered more important to replace the aging Auskey credential in the short term. It took a year or more for the basic functionality of the MygovID app to be made accessible, and during this time there was no alternative provided for Voiceover users who were required to engage with it (for example, to lodge a Business Activity Statement using the ATO's Business Portal).

At the time when MygovID was being developed, the Commonwealth Government had adopted every major accessibility standard, including the Web Content Accessibility Guidelines 2.0 and the Australian Standard for Accessible Public ICT Procurement (AS/EN301:549). There was an abundance of guidance about how to develop accessible apps, and a policy framework that was supposed to ensure that principles of access and inclusion were followed. Yet all of the guidance, policies and standards were deliberately ignored at all stages of the development and release of the MygovID app. There was no consultation with the disability sector about the potential implications of releasing MygovID as an inaccessible app, and organisations including Vision Australia were given no prior information by the ATO about the accessibility issues and a timeline for their rectification that we could distribute to our clients.

The latest reports we have received from staff and clients are that the current version of the MygovID app is compatible with Voiceover and that its core functionality can be used to create, manage and use the MygovID credential. Like other functionality, accessibility and usability often evolves during the life-cycle of an app as user feedback is incorporated and new features added. But the initial release of the MygovID app with full knowledge that its core functionality was inaccessible represents a failure of policy oversight and an abandonment of the principles of access and inclusion that must never be allowed to happen again.

We are therefore very encouraged that the draft Accreditation Rules accompanying the Digital ID Bill include requirements for accessibility compliance and usability testing (Rules 3.1, 3.14 and 4.47). It will be essential to rigorously enforce these rules at all levels and without exceptions, and they must be applied equally to government and private sector entities. It will also be important for the usability reporting requirements established by Rule 3.13 to be enforced so that accessibility and usability can be monitored and assessed by organisations such as Vision Australia who have expertise in digital accessibility and an understanding of the needs of the blind and low vision community.

Accreditation Rules 3.14 and 4.47 refer to the Web Content Accessibility Guidelines (WCAG) 2.1 as the requirement for accessibility compliance and testing. We strongly support the WCAG since they are the accepted international standard for accessibility in the digital space. It is important to note, however, that the WCAG evolve to keep pace with technological innovation. Version 2.2 has recently become available, and it includes a number of Success Criteria that have relevance for the accessibility and usability of digital ID products and services, including Consistent Help, Accessible Authentication, Redundant Entry, Target Size, and Dragging Movements. Although S.159 of the Digital ID Bill requires the Minister to consult when amending any of the rules developed under S.158 (including the Accreditation Rules) it is not clear to us whether there is a systematic process for review of the Rules to take account of technical developments in areas such as accessibility standards. In our view it will be necessary to have a requirement for a periodic review of the Rules that includes an assessment of developments in standards such as WCAG, so as to balance the need for service providers to have certainty with the overriding importance of maximising access and inclusion.

A theme of feedback we receive from clients about their experiences using digital services, including those provided by government, is the difficulty in obtaining assistance and support from knowledgeable staff. Even if an agency or organisation has a helpdesk, the staff operating it may have little or no understanding of accessibility and the assistive technologies used by people who are blind or have low vision. Clients also report that they do not always receive a response when sending an email to a designated support email address, and this can mean the difference between being able to access a service and being excluded.

Draft Accreditation Rule 4.48 establishes meaningful requirements for the provision of assistance to service users. We would like to see further guidance provided, for example,

to ensure that accredited entities put in place obvious and easy-to-use mechanisms for escalating issues related to accessibility, that they have staff who have a basic familiarity with the most common assistive technologies used by people who are blind or have low vision, and that there are clear timeframes for responding to user requests for assistance. Based on feedback from clients, we would also strongly recommend that accredited entities be encouraged to implement an alternative assistance channel that allows users to contact a support person by telephone in the event that digital communication is not possible or does not resolve the issue that a user is experiencing.

Clients also often report their frustration at having to repeat the details of the issue they are having whenever they speak with or contact a new support person as the issue is escalated. Best practice in the provision of timely support aimed at resolving issues quickly is for details to be documented early in the user's interaction with staff and for this document to be provided seamlessly to other staff who may need to become involved.

We do recognise that an important aim of the new digital identity system is to encourage service providers to join the system by becoming accredited entities, and that there must be a workable balance between imposing onerous requirements and guaranteeing minimum standards of service. Nevertheless, our view is that maximising access and inclusion will not be achieved unless accredited entities are able to demonstrate a strong user focus and an adherence to best practices in the provision of assistance and support.

Conclusion

The release of the Final Report of the Disability Royal Commission heralds a renewed focus on disability by all levels of society, founded on a rights-based model of access and inclusion. The Commissioners outlined a noble vision for the future:

> "a future where people with disability live free from violence, abuse, neglect and exploitation; human rights are protected; and individuals live with dignity, equality and respect, can take risks, and develop and fulfil their potential."

Making this vision a reality will be the task of a generation: a task that has already begun but which will require commitment, dedication, and passion to complete. Through legislation, policies, practices, products and services, governments can provide leadership in refracting everything they do and say through a disability prism.

The Digital ID Bill is well-placed to introduce an identity system that reflects this vision. Access and inclusion can be both a motivator and an outcome of the new system, and people with a disability, including people who are blind or have low vision, will benefit along with the rest of the community if access and inclusion remain foundational and integral to the new system. We look forward to being part of ongoing discussions and to contributing our expertise in the service of our community.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Feelix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses, and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.