THE ISSUE

- The emergence of videoconferencing during the COVID-19 pandemic

- Legal implications – increased data transmissions

- OAIC letter to VTC service providers, 22 July 2020

- Broader context – all businesses should remain mindful of the issues

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THE LETTER

- Co-signed with five other data protection authorities

- Sent to VTC providers at large, but separately and specifically to the 5 major providers

- Purpose was to articulate privacy expectations and risk mitigation strategies

- Sets out five principles

THE FIVE PRINCIPLES

- Security

- Privacy-by-design and default

- Know your audience

- Transparency and fairness

- End-user control

SECURITY

- Reports of security flaws

- Guard against unauthorised access to accounts, shared files, and calls

- Implement security measures such as:

  - effective end-to-end encryption for all data communicated

  - two-factor authentication

  - strong passwords

- Particularly important where sensitive information involved (e.g. healthcare)

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PRIVACY-BY-DESIGN AND DEFAULT

• VTC providers to take a "privacy-by-design approach"

• This should include:

- creating privacy-conscious default settings

- implementing features to facilitate the process of obtaining users' consent

- minimising the amount of personal information captured, used or disclosed

• Undertake a privacy impact assessment

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KNOW YOUR AUDIENCE

- Platforms are being deployed in contexts for which they were not originally designed

- Potential to create unanticipated risks

- Review VTC environments for privacy weaknesses, esp. for vulnerable users (healthcare; education)

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TRANSPARENCY AND FAIRNESS

- Remain mindful of basic privacy obligations, such as:

  - Openness and transparency (APP 1)

  - Lawfulness and fairness (APP 3)

  - Proposed use of information (APP 5)

- Information to be provided openly, not "buried in a privacy policy"

- Any consent to be specific and informed

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END-USER CONTROL

- End-users have no effective control over choice of platform

- Advise users of monitoring features, such as:

  - Recording

  - Transcript

  - Collection of location data

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