

Private Submission

The ACCC has provided a great deal of very valuable assistance to consumers to assist them to be safe online. I undertake digital tutoring in Tasmania with a number of community agencies, particularly those supporting older Australians.

The points I raise below are the result of my experience as a consumer and also my experience with the fears and concerns of people that I tutor.

I was pleased to read that the ACCC is undertaking an Inquiry into digital platforms and only just this morning learned that an issues paper has been released and comments on it close today. The following is therefore somewhat hurried – but I felt strongly that some of these less loudly heard concerns should be considered.

The main concern I want to highlight in this brief submission is that the scope of the Inquiry seems to be too limited. It would be a great pity if this opportunity to look at consumer impacts, especially less digitally literate consumers, is lost.

- 1. The Inquiry should include the commercialisation of data by internet, social media and commercial platforms without regards to the ownership rights to the people whose data is being used.**

It is not sufficient for this to be called ‘just a Privacy issue’ or being dealt with elsewhere (Privacy Inquiry) for 2 reasons:

- i. This is not just a privacy issue. If my data has commercial value then I should be able to exploit that value by charging a fee for every time my data is used, perhaps analogous to copyright.
- ii. Digital platforms do not respect such artificial boundaries and indeed their strength comes from the fact that they have disrupted such boundaries. Government agencies need to seamlessly cooperate across such boundaries and could take a leaf out of IT designers safety principles and build in ‘redundancy’. That is, pursue overlapping government inquiries as it is important to be able to see an issue comprehensively and from different perspectives.

- 2. The impact of algorithms on fairness in the marketplace – including targeted differential pricing - is a significant fairness issue.**

This issue appears to mainly impact on lower income people – perhaps because of their more limited choices and access to comparison shopping on line. This may be a result of lower digital literacy of lower socioeconomic groups, including especially older people. It is a major and growing issue.

3. Transparency of algorithms is becoming a concerning issue for consumers

At minimum actions by a business which negatively impact on an individual should be able to be challenged and reasons for the decision provided to the consumer. If necessary these should be able to be pursued at law.

The principles and assumptions underlying algorithmic decisions should be able to be revealed and challenged. There will be a balance of commercial and private interests here which need guidelines and regulation.

4. The degree to which Platforms like Google (and some android Phones) and Apple and the iPhone lock people into their suite of applications and marketplaces (Google Play and iTunes Store).

This includes making it extremely difficult to use any part of their platforms without providing and regularly updating a credit card – even if you have no intention of purchasing goods on line.

Apple, for example, provides iPhone updates which it constantly notify the user that their setup is incomplete (because they have not signed up to Apple Pay). This notification appears to have no way of being stopped (unless of course you sign up to Apple Pay). Google (on some android devices) has similar notification systems which do not offer the choice to 'opt out' but just keep insisting that this is required to 'complete a process'. Similar invasive and confusing processes are used to require users to make use of the iCloud (Apple users) and Google Drive (android users).

This marketing techniques, digitally enforced seems to be covertly restrictive of competition.

Further this causes less digitally literate, especially older people to limit their use of information technology – as a result severely limiting their ability to fully participate in today's digital society and the increasing digitisation of most of the services they need.