



Law enforcement access assessment



Summary

In March 2025, the Office of the Australian Information Commissioner (OAIC) assessed the Australian Taxation Office (ATO) in its role as operator of both the myID application (myID, an identity provider) and the Relationship Authorisation Manager (RAM, an attribute provider).

We reviewed the ATO's compliance with requirements for handling requests by enforcement agencies for personal and biometric information (sections 49(3) and 54 of the Digital ID Act). We considered whether the ATO had effective arrangements to respond to requests for personal and biometric information for enforcement purposes.



Our findings

Overall, we found that the ATO had practices, procedures and systems in place to respond to requests by enforcement bodies for personal information (that is not biometric information) in line with s 54 of the Digital ID Act.

The ATO did not have practices, procedures and systems in place to provide biometric information in response to warrants from law enforcement agencies (see s 49(3) of the Digital ID Act). We consider it was not reasonably necessary for the ATO to have these in place due to the high unlikelihood that the ATO would hold this biometric information at the time of the request. But we found that not having a procedure creates a low privacy risk; in the event the ATO received a warrant it would need to search for the biometric information regardless of whether or not it held the information.



Recommendations and suggestions

We made one suggestion for the ATO to address this low privacy risk.

We suggested the ATO develop a high-level procedure outlining what it should do in the event they receive a warrant from a law enforcement agency for biometric information. This procedure can mirror those procedures the ATO have in place for requests for personal information that is not biometric information received under s 54 of the Digital ID Act.



Takeaways

The ATO has robust processes and procedures in place to ensure it complies s 54 of the Digital ID Act. The procedures adequately address the risk of improperly releasing personal information obtained via the use of myID or the RAM.

While the ATO did not have any processes in place to deal with warrants from law enforcement agencies for biometric information, we considered it was highly unlikely to hold the information required by the warrant. It was reasonable for the ATO to not have a process.