

19 April 2013

Mr Timothy Pilgrim
Privacy Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

By email: [REDACTED]

Dear Mr Pilgrim

The Australian Interactive Media Industry Association's Digital Policy Group (the DPG) welcomes the opportunity to comment on the consultation draft of the *Guidelines for developing codes* (the Guidelines).

The DPG fully supports the submission made by the Interactive Advertising Bureau (IAB).

In addition to the points made by the IAB, the DPG wishes to note the importance of section 2.21 not only ensuring that an APP code developer has properly consulted with its constituency but that additional requirements be specified that will prevent:

- a) APP code developer industry associations falsely claiming to represent an industry or elements of an industry that have been the primary domain of another industry association for many years
- b) using privacy codes to expand their remit into areas served by other industry associations for potential commercial or other gain

The DPG submits that section 2.21 should be extended to:

- a) require the Office of the Australian Information Commission (OAIC) to give consideration as to whether an APP code developer is sufficiently representative of an industry or whether other industry associations include:
 - a. in their purview those entities to which an APP code should apply; or
 - b. have a long standing association with entities which the notifying APP code developer purports to represent



- b) require the OAIC to consult with other industry associations with respect to an APP code where it believes that other industry associations represent entities that the APP code seeks to cover
- c) allow other industry associations to object to the creation of a code by another industry association on the basis that the code trespasses into the remit occupied by that industry association.

We appreciate the opportunity to comment on this important issue. Should you require any additional information with respect to this submission please do not hesitate to contact me directly on +[REDACTED] or at [REDACTED]

Yours faithfully

[REDACTED]
Director of Policy

cc: [REDACTED] Deputy Director, OAIC



About the AIMIA Digital Policy Group

The Digital Policy Group is the policy voice of the digital industry in Australia.

The Digital Policy Group is a special interest group of AIMIA that represents 600 digital players in the Australian digital industry. We represent large and small, local and global players that provide digital content services, applications and platforms.

The founding members of the AIMIA Digital Policy Group include eBay, Facebook, Google and Yahoo!7.

Our aim is to ensure that the Australian policy and regulatory landscape allows Australians to enjoy the maximum economic, social and cultural benefits from the online world in the years ahead and ensure that they can do this safely, securely and confidently.

Our areas of interest span policy areas that are relevant to the digital industry including cyber-safety, security, content standards, intellectual property and copyright, e-commerce, privacy and governance.

Our industry is proud to provide inspiring and compelling content, platforms and applications that deliver significant economic, social and cultural benefits to Australia.

Our industry provides leading edge consumer safety and protection tools and provides support to leading digital not-for-profit organisations including the [National Association for Prevention of Child Abuse \(NAPCAN\)](#), [Kids Helpline](#), [Bravehearts](#), The [Alannah and Madeline Foundation](#) including their [eSmart Schools Program](#), [Ronald McDonald House](#), [R U OK?](#) , the [Reach Foundation](#) and [Young and Well Co-operative Research Centre](#).

AIMIA is the digital industry association for Australia. It has been in operation since 1992 and its members include mobile and web content, apps development companies, publishers, developers, creators, producers, investors, service providers.