澳洲政府通過身分核驗服務法及其相應修正案



澳洲政府於2023年12月通過身分核驗法(Identity Verification Services Act 2023,以下稱IVS法)及其相應修正案(Identity Verification Services (Consequential Amendments) Act 2023,以下稱修正案)。聯邦政府考量IVS法案將影響既有法規,同時提交修正案,兩法案旨在建構身分核驗服務架構,促進驗證流程之監管與透明化。澳洲政府規劃之數位身分系統正逐步法制化,IVS法與同年11月通過之法定聲明修正案(Statutory Declarations Amendment Act 2023)將為該系統奠定基礎。修正案涉及2005年澳洲護照法,以下僅簡要介紹IVS法之驗證服務內涵。

該法規定三項聯邦政府部門可提供之身分驗證服務:文件核驗服務(Document Verification Service, DVS)、臉部核驗服務(Face Verification Service, FVS)與臉部識別服務(Face Identification Service, FIS),並授權相關部門發展對應之認證設施,以電子通訊方式確認身分核驗請求。請求身分驗證服務需獲個人明確同意並告知相關權利後方可進行,其驗證型態分為:核驗(Verification)與識別(Identification),前者涉及確認個人為所宣稱之身分的過程,以一對一比對回傳個人所稱是否為真;後者則為識別個人身分之過程,透由多人或多份文件逐一比對後回傳個人身分。文件核驗使用頻率及範圍最廣泛,公、私部門皆可申請使用;臉部核驗目前僅聯邦政府有使用權限,地方與州政府及私部門未來將可透過書面協議參與。臉部識別因其驗證方式涉及個資使用與隱私議題,請求者限於證人保護機構、執法或情報人員。

IVS法案及其相應修正案於2023年9月提送國會討論,同年12月經參、眾兩院通過。法案審議期間曾有倉促立法的爭議,有論者認為當局急於為公、私部門行之有年的身分核驗行為提供法規依據,並安排極短的法案辦論時間以限縮討論。

相關連結

- Identity Verification Services Act 2023, No. 115, Pub. 2023 December
- Identity Verification Services (Consequential Amendments) Act 2023, No. 116, Pub. 2023 December
- Philip Hamilton ET AL., Identity Verification Services Bill 2023 [and] Identity Verification Services (Consequential Amendments) Bill 2023, Bills digest (Oct. 16, 2023)
- Identity Verification Services Bill 2023, Parliament of Australia
- Identity Verification Services (Consequential Amendments) Bill 2023, Parliament of Australia
- Identity Verification Services what are they? Australian Government
- Mary Clark, Identification (1:N) vs. Verification (1:1) vs. Segmented Identification (1:Few), Bayometric
- Denham Sadler, Identity verification bill passes with 38 changes, Australian Computer Society (Dec. 7, 2023)
- Justin Hendry, 'Far from perfect' face matching laws pass Parliament, InnovationAus.com (Dec. 9, 2023)

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- → 商業服務業個資保護宣導說明會

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- → 電商零售業法制宣導說明會暨產學研座談會



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上稿時間: 2024年03月

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