



Tuesday 19 November 2024

## **Bunnings to seek review of the Privacy Commissioner's Determination**

### **Please attribute to Mike Schneider, Bunnings Managing Director:**

Bunnings will seek review of the Privacy Commissioner's Determination, before the Administrative Review Tribunal following its investigation into our trial of facial recognition technology (FRT).

We had hoped that based on our submissions, the Commissioner would accept our position that the use of FRT appropriately balanced our privacy obligations and the need to protect our team, customers, and suppliers against the ongoing and increasing exposure to violent and organised crime, perpetrated by a small number of known and repeat offenders.

The Commissioner acknowledged that FRT had the potential to protect against serious issues, such as crime and violent behaviour. This was the very reason Bunnings used the technology.

Our use of FRT was never about convenience or saving money but was all about safeguarding our business and protecting our team, customers, and suppliers from violent, aggressive behaviour, criminal conduct and preventing them from being physically or mentally harmed by these individuals. It was not used in isolation but in combination with various other security measures and tools to deliver a safer store environment.

FRT was trialled at a limited number of Bunnings stores in Victoria and New South Wales between 2018-2021, with strict controls around its use, with the sole and clear intent of keeping team members and customers safe and preventing unlawful activity. We know that some 70 per cent of incidents are caused by the same group of people. While we can physically ban them from our stores, with thousands of daily visitors, it is virtually impossible to enforce these bans. FRT provided the fastest and most accurate way of identifying these individuals and quickly removing them from our stores.

The trial demonstrated the use of FRT was effective in creating a safer environment for our team members and customers, with stores participating in the trial having a clear reduction of incidents, compared to stores without FRT. We also saw a significant reduction in theft in the stores where FRT was used.

We believe that customer privacy was not at risk. The electronic data was never used for marketing purposes or to track customer behaviour. Unless matched against a specific database of people known to, or banned from stores for abusive, violent behaviour or criminal conduct, the electronic data of the vast majority of people was processed and deleted in 0.00417 seconds – less than the blink of an eye.

Every day we work hard to earn the trust of our team, suppliers, and customers and this includes keeping people safe in and around our stores. It's our highest priority and a responsibility we take very seriously.

Across the retail sector, abuse, threats and assaults in stores continue to rise, with a 50 per cent increase at Bunnings last year alone. Statistics don't convey the real impact it has on the lives of our team and our customers, and we provided the OAIC with numerous examples of violent and abusive situations in our stores. We are deeply disappointed with the Commissioner's determination, given the significant amount of information shared which illustrated the risks to our team and customers from anti-social behaviour.

Everyone deserves to feel safe at work. No one should have to come to work and face verbal abuse, threats, physical violence or have weapons pulled on them.



FRT was an important tool for helping to keep our team members and customers safe from repeat offenders. Safety of our team, customers and visitors is not an issue justified by numbers. We believe that in the context of the privacy laws, if we protect even one person from injury or trauma in our stores the use of FRT has been justifiable.

The significant challenges facing front-line workers at Bunnings, and other retailers, is now widely understood, supported by our union leaders, and appreciated by state and territory governments around the country. Bunnings, along with other retailers and industry associations, has been consulting with state governments to amend legislation to provide better protection for our team and customers.

**On background:**

1. The technology complemented extensive training, resources, leadership tools and policies Bunnings has in place to equip its team to handle threatening situations. Only a small team had access to the data and on positive identification, there was a clear process whereby it was checked to avoid false positives.
2. To the extent that Bunnings does collect personal information in the course of our business, this is explained in our Bunnings Privacy Policy, which is available on our website. In addition, we let our customers know how we handle that information through signs at the various entry points to our stores, this includes a conditions of entry notice and a privacy information poster.
3. We acknowledge that when we first started using FRT we did not specify this on our conditions of entry poster, however, we did make changes during the trial to refer to our use of FRT on both our entry sign and in our privacy policy.
4. For the 12 months ending April 2024, there were about 700,000 retail crime events recorded by Australian retailers with 16% of those constituting threatening or violent behaviour, and 60% of store thefts are conducted by the same 10% of people.
5. Theft is a major driver of abusive or threatening encounters, with one in five instances of recorded theft in Bunnings stores also involving verbal or physical abuse towards team.
6. We would never act in a way that we believe would jeopardise customer privacy.

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