

DATE

Board of Directors
c/o David Brewster
Chief Legal Counsel
Coles Group Limited
PO Box 480
Glen Iris, Vic 3146

Dear David

Legal Questions around compulsory QR Codes

I am writing to you to draw your attention to the following United States Executive Order.

<https://web.archive.org/web/20210120155311/https://www.whitehouse.gov/presidential-actions/executive-order-taking-additional-steps-address-national-emergency-respect-significant-malicious-cyber-enabled-activities/>

I am concerned that Coles Group Limited (“Coles”) may be in breach of this Executive Order through the coercive tactics being employed by Coles to force people to use QR codes to meet their basic food needs in order to enter any Coles supermarkets. I am making the assumption that you are using the elements of contract law to justify this demand, as well as the current State of Emergency (“SOE”).

This raises the concern that Coles is potentially misusing US Internet Infrastructure. As I am sure you are aware US Internet Infrastructure as a Service Provider is inter alia Google, Amazon and Microsoft and the QR code apps will use one of these Infrastructure as a Service Provider.

As I am sure you are aware, this Executive Order applies to Coles as it is extraterritorial in scope. Further, Coles has ADR’s registered with the US SEC and is therefore a US Person under US laws. Several of your board members will also be US persons for the purposes of this Executive Order and related laws.

In particular, I would like to point you to Clause 3 C (i) which states:

“The report and recommendations provided under subsection (b) of this section shall consider existing mechanisms for such sharing and collaboration, including the Cybersecurity Information Sharing Act (6 U.S.C 1503 et seq) and shall identify any gaps in current law, policy, or procedures. The report shall also include;

- (1) Information related to the operations of foreign malicious cyber actors, the means by which such actors use IaaS products within the United States, malicious capabilities and tradecraft, and the extent to which persons in the United States are compromised or unwittingly engaged in such activity.

The definition of Tradecraft refers to the techniques, methods and technologies used in modern espionage and generally as part of the activity of intelligence assessment. In other words, SPYING on people.

The servers of the abovementioned Infrastructure as Service Provider will be located in the US or will have a connection to the US. Therefore, all use MUST comply with United States law.

US Privacy Laws

QR Codes have not been successfully implemented in the United States simply because the privacy law framework does not allow for people's data to be used for any purpose OTHER than a public safety issue (which must have a sunset clause AND a statement that their data will NOT be used for any other purpose other than the "current soon be over" COVID 1984).

Can you please comment on whether Coles has built these conditions into the agreements with the Infrastructure Service Provider and/or with the relevant State Government entity? Have you notified the public whose data you are coercively collecting of these safeguards as required by US law?

Can you represent and warrant that you are not selling or otherwise using the data that is being collected for purposes OTHER than "contact tracing". ie you are not selling data to foreign governments/entities to be used for surveillance (which will be in contravention of all national laws on surveillance of nationals and the US FISA Acts) or using the data for other purposes such as analytics for commercial activities and therefore profiting from the collection of this data through coercion and without fully informed consent.

Afiniti and the Board of Directors of Coles

I note that several directors are digital technology and analytics experts. Can you please assure the public that there are no conflicts of interest with the company Afiniti and Coles is not using the data they are collecting without authorisation in collaboration with this company?

www.afiniti.com/covid19.

This is an Artificial Intelligence, analytics and data company founded in conjunction with the private equity firm The Resource Group. The limited partners of TRG are well known private equity funds often connected to the children of the government of say Hong Kong for example. Huawei and Afiniti are also linked. This is a very problematic connection particularly if our data which is being coercively gathered so that we can satisfy the basic need to shop for groceries is being used or sold for any purposes OTHER than the "state of emergency".

According to the Wikipedia entry on Afiniti, its software uses AI to boost company efficiency by predicting interpersonal behaviour between the callers and agents. When a customer

calls into a call centre, Afiniti matches their phone number with any information tied to it from up to 100 databases. These databases carry purchase history, income, and other demographic information. Afiniti does not charge for the software or service itself, but instead takes a percentage of any proven revenue increases resulting from the use of the software”.

Can Coles represent and warrant that they are not involved with utilising data from QR codes and that the QR codes aren't feeding customer's phone numbers and other data held on the phones for purposes described above? Particularly to Huawei, Afiniti and any of its multiple partners.

One of the directors also advises PM and Cabinet and is a member of the Digital Technology Taskforce. I raise this because I find that this is a potential conflict of interest between a private corporation gathering data without any checks and balances and a government that is completely abusing power right now.

At this stage it is probably worth reminding you of the Criminal Conflict of Interest Law 18 U.S.C s 208. I presume Coles has internal policies relating to conflicts of interest and ethics and data privacy and protection that need to be followed as well under Australian laws.

Cessation of QR Codes

Obviously, it follows that if the laws are being followed when the SOE ends, so will the need for the QR codes. I look forward to Coles complying with the laws.

Thank you for your kind consideration.

Regards

YOUR NAME AND CONTACT DETAILS (OR):
A concerned member of the Commonwealth of Australia