



Australian Government

Office of the Australian Information Commissioner



Protecting information rights—advancing information policy



Australian Government

Office of the Australian Information Commissioner

The Office of the Australian Information Commissioner:

Our role

Future directions in privacy reform

Australian Government Statistical Forum

11 November 2010



Open government reform agenda

- *FOI (Removal of Conclusive Certificates) Act 2009*
- *FOI Amendment (Reform) Act 2010*
- *the Australian Information Commissioner Act 2010.*
- *the Declaration of Open Government*
- Gov 2.0 report



Office of the Australian Information Commissioner (OAIC)

- Privacy, FOI and information management policy integrated into a new office (OAIC)
- Former Office of the Privacy Commissioner integrated into OAIC
- Extensive range of functions – complaints, merit review, monitoring, training, legislative review, advice to government and business



The Commissioners

- Three Commissioners:
 - Information Commissioner (Professor John McMillan)
(Agency head)
 - Privacy Commissioner (Timothy Pilgrim)
 - FOI Commissioner (Dr James Popple)
- Information Commissioner has all the powers of the Privacy and FOI Commissioners as well as the Information Commissioner functions



Powers of the Privacy Commissioner

- Privacy Commissioner's functions and powers under s 27 of the *Privacy Act 1988* (Cth) remain unchanged
- Privacy Commissioner can also carry out FOI functions
- Exercise of certain privacy powers may require approval of the Information Commissioner:
 - issue, variation or revocation of certain kinds of Codes of Conduct, privacy codes, guidelines, reports or making recommendations to Minister, and determinations



Work of the Privacy Commissioner

- 20,935 telephone enquiries
- 1909 enquiries by email, post or fax
- 1201 complaints
- 27 case note on complaints
- Three public interest determinations
- 201 media enquiries



OAIC: work to date

- Guidelines
- Key publications
- Business model
- Procedures and systems
- Accommodation
- Training packages for agencies
- OAIC website: www.oaic.gov.au



Privacy Law Reform

- ALRC Report 108 – *‘For Your Information: Privacy Law and Practice’* (May 2008)
 - 295 recommendations
- Government’s First Stage Response – *‘Enhancing National Privacy Protections’* (October 2009)
 - First of 2 stages - responds to 197 recommendations
 - Focuses on establishing the foundations for ongoing reform



First Stage Response

- Outlines the Government's position on:
 - developing a single set of Privacy Principles
 - redrafting & updating the structure of the Privacy Act
 - addressing the privacy impact of new technology
 - strengthening and clarifying the Privacy Commissioner's powers and functions
 - introduction of comprehensive credit reporting and enhanced protections for credit reporting information
 - enhancing and clarifying the protections around the sharing of health information and the ability to use personal information to facilitate research in the public interest.



Exposure Draft Legislation

- Exposure draft Australian Privacy Principles
 - Released June 2010
 - Unifies the Information Privacy Principles (public sector) and National Privacy principles (private sector)
 - Moving towards national harmonisation of privacy regulation
- Forthcoming exposure draft legislation:
 - Credit reporting
 - Health information
 - Powers of the Privacy Commissioner



The Australian Privacy Principles

- Open and transparent management of personal information
- Anonymity and pseudonymity
- Collection of solicited personal information
- Receiving unsolicited personal information
- Notification of the collection of personal information
- Use or disclosure of personal information
- Direct marketing
- Cross-border disclosure of personal information
- Adoption, use or disclosure of government related identifiers
- Quality of personal information
- Security of personal information
- Access to personal information
- Correction of personal information





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Questions?



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