



The Hon Dan Tehan MP

Minister for Veterans' Affairs
Minister for Defence Personnel
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Mr Ian Goodenough MP
Chair
Parliamentary Joint Committee on Human Rights
Parliament House
CANBERRA ACT 2600

Dear Mr Goodenough *Ian,*

Thank you for your letter of 28 March 2017 about the human rights compatibility of the Digital Readiness Bill.

I am writing to confirm that the Digital Readiness Bill was passed by the Senate on 27 March 2017 with a Government amendment to remove the Public Interest Disclosure (PID) provisions from Schedule 2 to the Bill. The Bill subsequently passed the House of Representatives on 29 March 2017.

In the interests of providing the Committee a full response, I have responded to the substantive comments raised by the Committee.

I can confirm that an earlier amendment to the Bill in the House of Representatives had made it mandatory for the Minister to make Rules to support the operation PID provisions (paragraph 1.114 of the Committee's report refers).

In addition, the proposed PID rules had included a significant level of safeguards and protections in terms of the release of information. The enclosed table compares the existing Privacy Act protections with those proposed under the PID rules (paragraph 1.115 of the Committee's report refers).

I trust this response assists the Committee in its work.

Yours sincerely

DAN TEHAN

Encl

Digital Readiness: Strengthening Veterans' Privacy

Under the current rules, the Department can release veterans' information with reference to the *Privacy Act 1988*. While the Department of Veterans' Affairs has and will always operate with privacy of information as a first priority in its conduct, the current laws do not have operating safeguards, as outlined below.

With the changes made to the Digital Readiness Bill, the Minister would set rules around a Public Interest Disclosure provision. This would put in place codified and concrete safeguards around when and how the Department uses personal information.

These changes will strengthen veterans' privacy.

COMPARISON OF PRIVACY SAFEGUARDS

UNDER THE PRIVACY ACT 1988	UNDER DIGITAL READINESS
The Department does not need to contact the individual prior to releasing information.	When disclosing their information, the Secretary of the Department of Veterans' Affairs must contact to the individuals.
The Department does not need to provide an opportunity for the individual to respond prior to release.	The Secretary must give the person a reasonable opportunity to respond, including an individual's circumstances including age; health; disability; social, cultural or family circumstances; and any physical, psychological, national security or relevant circumstances.
The Department can release all of an individual's record.	An individual's entire record can never be released.
The Department can release details on an individual's medical conditions.	No individual's specific medical information can be used to correct misinformation.
The Department can provide this information to anyone it believes should have it, whether they have need for it or not.	Only people who have a genuine and legitimate interest can be provided the information.
	The Secretary of the Department of Veterans' Affairs has to consider an individual's circumstances including age, health, disability, and social, cultural or family circumstances.
	The Secretary has to consider any physical, psychological, national security or relevant circumstances about the individual.
	The release of information has to be proportionate to the objective and to the outcome.
	The Secretary has to consider if anonymous or general information would achieve the same outcome.
	Only misinformation that is detrimental or harmful to the broader veteran community can be addressed.
	When used to address misinformation, the Secretary has to use anonymous information in the first instance.
	Only the amount of information required to correct misinformation can be used.

UNDER THE PRIVACY ACT 1988	UNDER DIGITAL READINESS
	No individual's specific medical information can be used to correct misinformation.
	No individual's national security or service records will be compromised under these safeguards.
	An individual's private information can never be released in order to be used to argue medical liability.
	Any failure to comply with the above will result in the Secretary being fined 60 penalty units and being given a criminal conviction
	The Secretary must take into account any comments made by the individual.
