



Our reference: D2018/015410

Dr Sean Turner
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Canberra ACT 2600

Clarifications to evidence

Dear Dr Turner

I write to you concerning evidence provided to the Senate Standing Committee on Legal and Constitutional Affairs during the Additional Budget Estimates hearing on 22 October 2018.

I wish to provide the following clarifications:

Evidence of Ms Angelene Falk, Australian Information and Privacy Commissioner, OAIC:

On page 6 of the transcript, in exchanges with Senator PRATT Ms Falk stated:

Ms Falk: We're still carrying out all of the functions and carrying out all of the requirements of the legislation. We're looking for, and implementing, greater efficiencies in the way that we carry out that work. We've seen that in terms of our privacy case management area. We implemented what was an early resolution pilot that we have now embedded into the organisation where we resolve more than 50 per cent of our complaints in the first few weeks of receiving them, as a result of early intervention. So it's been a combination, of course, of putting focus on the Notifiable Data Breaches scheme and also looking at how we can work more efficiently across the office.

I wish to clarify that the Office of the Australian Information Commissioner (OAIC) resolves more than 50 percent of privacy complaints as a result of early intervention however the quoted timeframe for resolution varies on a case-by-case basis. The revised statement is below:

Ms Falk: We're still carrying out all of the functions and carrying out all of the requirements of the legislation. We're looking for, and implementing, greater efficiencies in the way that we carry out that work. We've seen that in terms of our privacy case management area. We implemented what was an early resolution pilot that we have now embedded into the organisation where we resolve more than 50 per cent of our complaints, as a result of early intervention. So it's been a

combination, of course, of putting focus on the Notifiable Data Breaches scheme and also looking at how we can work more efficiently across the office.

On page 10 of the transcript, in exchanges with Senator PRATT Ms Falk stated:

Senator PRATT: Have you identified any repeat offenders in data breaches so far?

Ms Falk: No, I have not.

I wish to clarify that the OAIC has not identified “repeat offenders” regarding a failure to notify in accordance with the Notifiable Data Breaches (NDB) scheme.

Yours sincerely

Angelene Falk
Australian Information Commissioner
Privacy Commissioner

27 November 2018