

OAIC Senate Estimates opening statement – February 2023

**From: Australian Information Commissioner and Privacy Commissioner
Angelene Falk**

Thank you for the opportunity to provide a brief opening statement. This evening I am joined by FOI Commissioner Leo Hardiman PSM KC.

I will provide just a short update on some relevant matters covering both privacy and information access.

The OAIC's investigations into the personal information handling practices of Optus following their data breach is continuing as a high priority for the office. As a result of additional budget funding, we have built a Major Investigations unit that has the appropriate expertise and resources.

Since our appearance in November last year I have also commenced investigations into Medibank and into Clinical Laboratories following their data breaches of Australian's personal information.

We are also well progressed with our investigations into the personal information handling practices of Bunnings Group Limited and Kmart Australia Limited, focusing on the companies' use of facial recognition technology.

This promises to be a major year for privacy in Australia.

We welcomed the Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022 in December, which enhances the OAIC's ability to regulate in line with community expectations and protect Australians' privacy in the digital environment.

The Act has introduced significantly increased penalties for serious and or repeated privacy breaches and greater powers for the OAIC in resolving breaches.

We look forward to the much-needed overhaul of the *Privacy Act 1988* progressing this year.

We will continue to co-regulate the Consumer Data Right with the ACCC, ensuring participants uphold the system's fundamental privacy safeguards and that consumer information is protected as it is expanded across the economy.

On FOI

We aim to provide a fair, efficient and effective FOI review process. While we finalise many incoming applications through our triage and early resolution process, the significant year on year increases in applications for IC review is an ongoing challenge for the OAIC.

While in 2015-16 the OAIC was receiving around 500 review applications and finalising around 450, in 2021-22 we received 1956 and finalised 1379. Despite our increased finalisation rates, the number of applications on hand that are over 12 months has grown.

We are implementing further initiatives to improve the Information Commissioner merit review processes within our resources, and to address the aged case load. This includes a further restructure of our FOI Branch overseen by FOI Commissioner Hardiman, streamlining processes and focusing resources to address the legacy case load.

We are also consulting on revised guidelines for the Information Publication Scheme, to support agencies to make information that is of interest to the community proactively available without requiring an FOI application.

Thank you