



Friday, 14 September, 2012

Chair
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator

I write to raise Vodafone Hutchison Australia's concerns about the proposed Credit Law Reforms and the most recent draft of the Privacy Bill.

Vodafone is concerned about the insertion of clauses in the credit reporting section of the Bill which prohibits the disclosure of credit reporting information to an offshore entity that is not incorporated in Australia.

Vodafone is concerned about the consequences of the "Australian link" requirement. Recommendation 54-5 of the ALRC Report 108 'For Your Information: Australian Privacy Law and Practice', that was accepted by the Government recommends excluding the reporting of personal information about foreign credit and the disclosure of credit reporting information to foreign credit providers. There was no reference to and no recommendation to exclude the disclosure of credit eligibility information to 'foreign service providers'.

It is the view of Vodafone that the proposed section 21G of the Bill goes beyond what was intended by the ALRC. This section of the Bill will have significant impacts for the industry which have not been properly considered. This proposed section could have adverse affects on key service delivery and place telecommunications providers at a distinct disadvantage.

Vodafone would like the Bill amended to distinguish between foreign credit providers and foreign service providers. It is Vodafone's view that the following changes should occur;

1. remove the "Australian link" requirement from those provisions in sections 21G-21N of the Bill which do not involve disclosure to other credit providers;



2. adopt the approach of the Office of the Australian Information Commissioner and give effect to the ALRC recommendation by explicitly excluding disclosure of credit eligibility information to foreign credit providers by specific provisions in the Bill; and
3. Leave it open for entities to disclose credit eligibility information to other organisations, such as service providers, for a legitimate business purpose. These disclosures would be subject to the general provisions of the cross-border disclosure framework in APP 8.

I understand that the draft Bill is being considered for introduction in the near future and look forward to your consideration of these matters prior to its introduction into the Parliament.

Yours sincerely,

Matthew Lobb
General Manager Industry Strategy and Public Policy