



Ms Christine McDonald
Committee Secretary
Senate Finance and Public Administration Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Ms McDonald

Inquiry into the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008

The Office of the Privacy Commissioner has reviewed the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 (the Bill) and makes the following comments:

Conclusive Certificates

The Office has not identified any potential privacy issues in relation to the repeal of the power to issue conclusive certificates.

Section 59A

The Office has identified a potential privacy issue with the proposed amendment to section 59A ('Review of certain decisions in respect of documents containing personal information') of the *Freedom of Information Act 1982* (the FOI Act).

In very limited circumstances, a third party may not be informed that his or her personal information will be considered in Administrative Appeal Tribunal proceedings, nor have an opportunity to be involved in those proceedings.

However, having examined the proposed criteria and safeguards contained in the Bill about a third party's ability to control their personal information, the Office considers that third parties will continue to have an adequate level of control over their personal information under the FOI Act.

If you require any further information about this matter, please contact Andrew Solomon, Director of Policy, on (02) 9284 9708.

Yours sincerely

Karen Curtis
Australian Privacy Commissioner

13 January 2009