



Office of the Information Commissioner
Queensland

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20 June 2013

Dear Sirs;

RE: Inquiry into the Privacy Amendment (Privacy Alerts) Bill 2013

Thank you for inviting the Office of the Information Commissioner of Queensland (**OIC**) to make a submission to the parliamentary inquiry into the Privacy Amendment (Privacy Alerts) Bill 2013 (**bill**). The bill will amend the *Privacy Act 1988* to introduce mandatory data breach notification provisions for Commonwealth government agencies and certain private sector organisations.

Queensland government agencies are subject to the *Information Privacy Act 2009* (Qld) which does not presently include a data breach notification requirement. The OIC notes that mandatory data breach notification is a significant privacy reform.

Consultation with our counterparts at the Office of the Victorian Privacy Commissioner (**OVPC**) identified some technical issues with the bill which are canvassed in that Office's submission to the Committee. These relate to:

- Definitional clarification of the circumstances that trigger the notification requirement – particularly to clarify the term 'serious' when determining *real risk of serious harm*; and
- Further consideration of how s 26ZB will operate - particularly considering inclusion of a maximum time period in which the OIC must make a decision to exempt/not exempt an entity from notification.

As regards the above, the OIC concurs with the points raised in OVPC's submission.

Sincerely,

Clare Smith
A/ Information Commissioner