



Australian Government
Office of the Privacy Commissioner

Level 8 Piccadilly Tower
133 Castlereagh Street
Sydney NSW 2000
GPO Box 5218
Sydney NSW 2001

P +61 2 9284 9800
F +61 2 9284 9666
privacy@privacy.gov.au

Enquiries 1300 363 992
TTY 1800 620 241
www.privacy.gov.au

ABN 13 152 473 225

Mr Peter Hallahan
Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Hallahan

Inquiry into the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 [Provisions]

I refer to the series of questions I took on notice at our Office's appearance, on Friday 28 August 2009, before the Senate Legal and Constitutional Affairs Legislation Committee as part of its inquiry into the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 [Provisions] (the Bill).

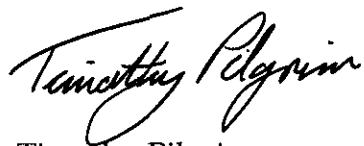
The questions were all concerned with the scope of section 266A of the Bill and in particular how it may impact on the use and disclosure of personal information. In the Office's view, section 266A could authorise the disclosure of personal information about individuals in a potentially wide range of circumstances. As such, the Office recognises that this may affect the privacy of individuals especially when personal information is obtained through mandatory orders or other similar powers.

It was for these reasons that the Office suggested in its submission to the Committee that the purposes for disclosure of information under s266A should be limited to the investigation and prevention of serious offences. The Office believes that linking section 266A's application to serious offences could achieve a more appropriate balance between the objectives of the Bill and the protection of individuals' personal information. As the Office also noted in its submission, this recommendation is consistent with Recommendation 1 of the Sherman Report.

The Office recognises that the Committee's questions also raise some issues relating to the complexity of the interrelationship between the various provisions in the Bill. In that respect the Office suggests that the Committee seek clarification on the application of section 266A from the Attorney-General's Department as the policy Department responsible for the Bill.

In its submission to the Committee the Office also recommended there be a review of the Bill after a fixed period. The Office believes that this would assist in determining whether any of the provisions of the Bill, in practice, have unforeseen effects on the handling of individual's personal information.

Yours sincerely

A handwritten signature in black ink, reading "Timothy Pilgrim". The signature is written in a cursive, flowing style with a large initial 'T'.

Timothy Pilgrim
Deputy Privacy Commissioner

9 September 2009