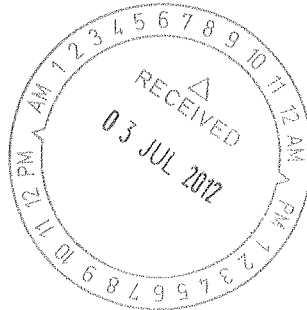


1.



26th June 2012.

Committee Chair
House Standing Committee of Social Policy and Legal Affairs
PO Box 6021, Parliament House, Canberra, A.C.T., 2600.

I wish to make the following submission towards the Committee's enquiry into the proposed legislation relating to the National Privacy Principles.

Several years ago, I learned of an anomaly which exists within National Privacy Principle 6.1(c), which currently provides protection for instances of fraud and unscrupulous business practices, by allowing an organisation to deny an individual access to their own personal information, on the grounds that providing such access would have an unreasonable impact upon the privacy of another individual.

In effect, this prevents the Privacy Commissioner, and other similar authorities, from intervening on behalf of individuals who are denied access under N.P.P.6.1(c), leaving low income earners with no realistic avenue of appealing such decisions, whilst individuals who can afford legal representation can generally gain access to their personal information through the courts.

I am requesting that the Parliament acts to amend N.P.P.6.1(c) , in order to allow the Privacy Commissioner, or some other relevant authority, to have the discretion to decide if there are genuine privacy concerns, where access should be refused, such as a Will, or instances where there should be no legitimate privacy issues preventing access being granted to either party, such as an insurance policy where one person is the life insured, and another is the policy owner. The Privacy Commissioner should already have the necessary expertise to reach such impartial decisions, if N.P.P.6.1(c) could simply be amended along the following lines, for example –

N.P.P.6.1(c) (as it stands presently)

Providing access would have an unreasonable impact upon the privacy of other individuals;
or

2.



Committee Chair
House Standing Committee of Social Policy and Legal Affairs
PO Box 6021, Parliament House, Canberra, A.C.T., 2600.

N.P.P.6.1(c) Revised version)

Providing access would have an unreasonable impact upon the privacy of other individuals, at the discretion of the Privacy Commissioner; or

It is now 24 years since the Privacy Act 1988 was introduced, and regrettably there is an ever increasing occurrence of fraud, identity theft, and unethical business practices. Indeed, I initially became aware of this issue after discovering that I had been a victim of serious identity fraud, and subsequently learning that the Privacy Commissioner's office was prevented from interceding on my behalf because of the implications of N.P.P.6.1(c) I have enclosed a copy of the Privacy Commissioner's letter regarding this matter.

I can only implore the Parliament to take this opportunity to act on behalf of other vulnerable people, and to restore a more balanced approach between the rights of access, and privacy, for all individuals involved. Surely, in 2012, N.P.P.6.1(c) is one instance where the ability to obtain justice should no longer depend upon a person's financial resources to be able to pay for such a legal remedy?

Yours faithfully,



Ms Julie Edwards.

For more information on NPP 6 and Access to information, please see [Information Sheet 4](#).

The Complaint Process

If you believe the insurance company has handled your personal information in a manner that does not comply with the NPPs, you may wish to make a formal complaint with our Office.

- **To do this you would first need to make a written complaint to the organisation directly and give it 30 days to respond.**
- If after 30 days, they do not respond, or if you are not satisfied with the response you receive, you could lodge a complaint with this Office.

Information on our [complaint process](#), and our [complaint form](#), is available on our website.

Additional Information

If you have a complaint about the conduct of the insurance company you may wish to contact the Insurance Ombudsman Service on **1300 780 808**.

You may also want to seek independent legal advice.

I hope this information has been helpful. If you have any further queries please contact the Privacy Enquiries Line on 1300 363 992.

Yours sincerely



Steven Edwards
Enquiries Officer
Compliance Section

31 July 2009