

SUBMISSION NO. 11



privacynsw

Office of the NSW Privacy Commissioner

The Hon Belinda Neil MP
Chair
Standing Committee on Communications
House of Representatives
Parliament of Australia

Enquiries: Judge K V Taylor
Tel: (02) 8688 8560
Our ref: A09/0309
Your ref:

26 June 2009

By email <coms.reps@aph.gov.au>

Dear Ms Neil

Enquiry into cybercrime

I refer to the enquiry into cybercrime being conducted by the House of Representatives' Standing Committee on Communications. This is a pressing issue, particularly given the prevalence of personal information on the internet and its increased use for criminal purposes. As you know, the *Cybercrime Bill 2001* (Cth) introduced a number of offences into the *Criminal Code* covering unauthorised access, modification and use of data.

My concern, as NSW Privacy Commissioner, is to ensure that the privacy rights of internet-users are protected. Privacy obligations might be imposed on persons or organisations (e.g. internet service providers) that hold electronic personal information (such as proxy logs, email details and passwords). They should be required to comply with standard privacy principles so that electronic personal information is: collected for lawful purposes; retained for no longer than is necessary; secured so as to prevent unauthorised access, use, modification or disclosure; and subject to limitations on use and disclosure.

Further, any measures instituted for the purpose of combating cybercrime should neither intrude upon, nor infringe, personal privacy more than is necessary in the circumstances.

Given the ease with which personal information can be transferred electronically across state and territory borders, a national approach to cybercrime is appropriate. However, the challenges of preventing crime in a cyberworld should not be met at the expense of personal privacy.

Please do not hesitate to contact this Commission if you wish anything further from us.

Yours faithfully

K V Taylor
Privacy Commissioner

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