

**SENATE STANDING COMMITTEE ON ECONOMICS QUESTION**  
**(Supplementary Budget Estimates 20 October – 21 October)**

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**Question: SBT 76**

**Topic: ATO Oversight**

Senator Bushby asked:

1. Earlier this year the ATO agreed with the Commonwealth Ombudsman to institute a new system for greater checks and balances for ATO use of their 'wallet access power' – power to enter premises without a bench warrant. How many decisions have been made under this system? Will data on this new policy be posted annually on the ATO web site?
2. What agreement has been reached with the Federal Privacy Commissioner to ensure that the recommending person is outside the business line of the decision maker when sensitive tax payer information is passed to other agencies such as police forces or government agencies?
3. What data does ATO currently have on the transfer of this sensitive data to agencies outside ATO? Could you provide data as follows for the last three years:
  - Number of data transfers in total for each year; and
  - Number of transfers and to which agency (please identify each agency by name)?

**Answer:**

1. During 2009–10, we used our access-without-notice powers on 10 occasions. From 1 July to 31 October 2010, we used our access-without-notice powers on 4 occasions.

In February 2010, we agreed with the Commonwealth Ombudsman to report annually on use of our access-without-notice powers in our Annual Report. In line with that agreement, we reported our use of these powers in the recently released Annual Report 2009-10 at page 83, also available online at [www.ato.gov.au](http://www.ato.gov.au).

2. The Privacy Commissioner has not sought an agreement of this nature with the ATO. There are, however, strict controls in place for the disclosure of sensitive taxpayer information to police forces and other law enforcement agencies. The ATO has dedicated gatekeepers who have sole responsibility for responding to disclosure requests of this nature. These gatekeepers carefully supervise and monitor requests for information and assiduously record subsequent disclosures to ensure compliance with secrecy and privacy laws.

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3. The following table shows the information the ATO currently has on the transfer of this sensitive data to agencies outside of the ATO. This information is also provided in our Annual Report.

Agency	Number of transfers	Number of transfers	Number of transfers
	2007-08	2008-09	2009-10
ASIO	0	0	1
Attorney General's Department	-	2	153
	2	2	2
Australian Commission for Law Enforcement Integrity			
Australian Crime Commission	156	276	363
Australian Customs and Border Protection Service	93	139	88
Australian Federal Police (and Australian High Tech Crime Centre)	240	232	288
Australian Securities & Investments Commission	69	124	46
Corruption and Crime Commission of Western Australia	1	-	1
Commonwealth Director of Public Prosecutions	15	27	12
Independent Commission Against Corruption (NSW)	5	7	11
New South Wales Crime Commission	247	224	211
New South Wales Police	163	233	254
New South Wales Police Integrity Commission	8	6	4
Northern Territory Police	10	7	9
Queensland Crime and Misconduct Commission	19	39	30
Queensland Police	64	70	108
South Australian Police	5	11	10
Tasmanian Police	14	8	4
Victorian Police	38	46	85
Western Australian Police	15	50	29
AUSTRAC	-	7	36
Australian Government Solicitor	-	1	6

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<b>TOTAL</b>	<b>1164</b>	<b>1511</b>	<b>1751</b>
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