

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2011-2012

Attorney-General's Portfolio

Department/Agency: Office of the Australian Information Commissioner

Outcome/Program:

Topic: Facebook – Access by children

Senator: Senator Rhiannon

Question reference number: 181

Type of question: Written

Date set by the committee for the return of answer: 2 December 2011

Number of pages: 1

Question:

1. What is your reaction to the indications that Facebook is unwilling to enforce its own rules about access to children under 13?
2. How can Facebook be held accountable for its treatment of its Australian users?

Answer:

1. The OAIC only expresses an opinion on a specific allegation in response to an investigation of a complaint or an own motion investigation and can only regulate organisations on their compliance with the Privacy Act. It should be noted that the Privacy Act does not impose different obligations in relation to children.
2. In order for an act or practice to be covered by the Privacy Act, the entity must have an organisational link to Australia, in accordance with section 5B of the Act. Where this is established, the Information Commissioner's functions include investigating acts or practices that may be an interference with the privacy of an individual.