

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: Cloud computing – Risks and laws around

Senator: Senator Rhiannon

Question reference number: 182

Type of question: Written

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Number of pages: 2

Question:

1. What policy and enforcement efforts are being made to redress the unresolved privacy and personal information security risks in "cloud computing" where hosted offshore and used by Australian business or government to store or process Australian data?
2. What moves, if any, are being made to enforce a requirement that cloud services should be jurisdiction aware, so that Australian users can insist that their data remain under the jurisdiction of laws they can use? Has this been communicated to Australian IT industry?
3. Are Australia's privacy laws adequate to deal with the increasing use of 'cloud computing' services where personal information is held offshore? If not what changes in laws and/or powers are needed?

Answer:

1. The privacy risks of using cloud computing services, including services hosted outside of Australia, are unique to each proposal.

The OAIC has been assisting the Australian Government Information Management Office (AGIMO) to produce a better practice guide for agencies considering using cloud computing services.

The OAIC has engaged with a number of agencies proposing to use cloud services, and has participated in the Global Access Partners (GAP) Task Force on Cloud Computing – a cross disciplinary group established in 2010 by public policy network, Global Access Partners, in collaboration with the Australian Government's Department of Broadband, Communications and the Digital Economy (DBCDE).

2. This question as framed includes matters which are beyond the responsibility of the OAIC. The OAIC is not currently dealing with any complaints addressing these issues.

3. This question raises policy issues that are the responsibility of the Australian Government and Parliament. The Australian Government is currently considering various proposed reforms to Australian privacy laws.