

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
OFFICE OF THE PRIVACY COMMISSIONER

Question No. 150

Senator Carr asked the following question at the hearing on 25 May 2006:

Please provide details of the information provided to you concerning the case of Mr Mark McBurney by:

- a) DIMA; and
- b) DFAT.

The answer to the honourable senator's question is as follows:

- a) DIMA has advised that it did disclose information pertaining to Mr McBurney's entry into Australia on his diplomatic passport and visa to two Commonwealth government agencies, namely the Australian Customs Service and DFAT. DIMA advises that in both instances the disclosure was required or authorised by law.

On 17 May 2006 DIMA advised this Office that it does not hold information concerning Mr McBurney's application for employment to the Victorian Department of Justice (DOJ) and hence could not therefore have disclosed such information to a third party.

Subsequently, on 20 June 2006 DIMA advised this Office that one of its Officers did hold information regarding Mr McBurney's application for employment to the DOJ. However, DIMA advises that it did not disclose this information to a third party. DIMA has advised that it will provide this Office with an explanation for the conflicting information provided on 17 May and 20 June 2006.

- b) DFAT has advised that it did disclose information pertaining to Mr McBurney's entry into and departure from Australia on his diplomatic passport to the US embassy on 5 January 2005 following a request for this information from the US Embassy in Canberra.

DFAT has advised that it did not collect information pertaining to Mr McBurney's application for employment with the DOJ.