

SENATE STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION
ATTORNEY-GENERAL'S DEPARTMENT

INQUIRY INTO HUMAN SERVICES (ENHANCED SERVICE DELIVERY) BILL 2007

Senator Lundy asked the following question at the hearing on 6 March 2007:

On the issue of data matching, for the purposes of this inquiry it would be very useful to have a table which shows what type of data matching is permitted, that is, a general description and the section of the act I am referring to the data matching act and other acts that permit data matching of any type, so that we can get a global picture.

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

For the purposes of this response, data-matching is taken to mean inter-agency comparison of information collected or held for different purposes. It would be necessary to consult all agencies in order to comprehensively identify legislative provisions permitting data-matching and a description of the data-matching program. However, the following information is provided for the assistance of Senators.

The *Data-matching Program (Assistance and Tax) Act 1990* provides for the transfer of data between participating agencies (the Australian Taxation Office, Centrelink and the Department of Veterans' Affairs) of certain identity, income and tax data, the matching of that data by the matching agency (a unit within Centrelink) and for the provision of results to the participating agencies (see section 6). In general terms, where a discrepancy is identified, the participating assistance agencies (Centrelink and the DVA) and the ATO may take certain action, set out in section 10, in relation to income support payments and tax payments respectively. The matching agency and the participating agencies are required to comply with (statutory) guidelines issued by the Privacy Commissioner.

The Privacy Commissioner has issued (voluntary and non-binding) *Guidelines on the Use of Data Matching in Commonwealth Administration* to assist agencies who carry out data-matching activities that are not covered by the Data-matching Program (Assistance and Tax) Act. Under those Guidelines, agencies should prepare and make publicly available a data-matching program protocol including identifying the legal authority for the uses and disclosure of personal information involved in the program. Table 3.13 of *The Operation of the Privacy Act Annual Report, 1 July 2005 – 30 June 2006*, prepared by the Privacy Commissioner, provides a summary of each protocol received by the Privacy Commissioner in the reporting period. The table includes a brief description of the program protocols (but not the legal authority to support the various data-matching programs which would appear in the individual protocols). The programs may be supported by various statutory provisions; for example the Centrelink Program Protocols for *Pay-As-You-Go Data Matching* and *Matching Australian Securities and Investments Commission and Australian Taxation Office Data with Centrelink Customer Records* (available from the Centrelink website).

Examples of provisions which permit disclosure and exchange of identifying information for the purpose of authenticating identity include section 336E of the *Migration Act 1958* (see also section 336F authorising disclosure to foreign countries) and clause 53, schedule 2 of the *Torres Strait Fisheries Act 1984*.