

SENATE INQUIRY INTO THE PRIVACY ACT 1988

AUSTRALIAN RED CROSS SUBMISSION

Introduction

Australian Red Cross (ARC) has considerable experience in dealing with the Privacy Act 1988 through the provision of relief to victims of disasters and welcomes the opportunity to provide input into the Inquiry. The DFAT submission to this Inquiry has highlighted the relevance of the Act to disaster management issues in crisis situations.

ARC has been consistently raising privacy issues with relevant agencies since the 2002 Bali Bombings when we launched and managed the ARC Bali Appeal. Our lessons from this appeal form the basis for this submission.

Background

Following the Bali Bombings in October 2002, Australian Red Cross launched the ARC Bali Appeal. Both the nature of this crisis and the ARC appeal were unprecedented within Australia.

The ARC Bali Appeal raised in excess of \$15.4million, which was used to provide assistance to Australian victims, their families and the people of Bali. \$10.3million was provided in direct financial assistance to 570 affected Australians and a further \$0.4million to provide client support, referral and advocacy.¹

ARC established a network of caseworkers across its 8 State and Territory Offices and provided case management support to victims and their families for 20 months. Although well versed in the operations of emergency appeals and distribution of assistance, this was a role which had not previously been undertaken by ARC. The provision of this case management support was necessary because:

- ARC commenced providing coordinated national assistance within 5 days of the bombing.
- Australian disaster recovery arrangements prior to the Bali bombing were largely State and Territory focused.
- Many victims chose to have ARC provide coordination on their behalf, including liaison with Government agencies.

ARC assistance was tied closely to the Appeal Intent. A rolling series of lump-sum and ongoing assistance programs was established, with all assistance provided according to consistent national guidelines and coordinated through the ARC National Office.

¹ Of remaining funds: \$3.6million was used for programs in Bali, \$0.5million to support two Australian projects associated with the tragedy and \$0.6million to cover administration costs.

ARC participated in the Australian Government Interdepartmental Committee which met to coordinate government assistance. These meetings provided an invaluable opportunity to integrate ARC's response with that of governments wherever possible.

Impact of Privacy Restrictions

A series of issues emerged for ARC in its distribution of assistance to Australian victims and their families. In particular:

- ARC was unable to access lists of deceased, injured and missing which were held by the Department of Foreign Affairs and Trade (DFAT). While ARC liaised closely with DFAT, Privacy provisions prevented sharing of this information.
- ARC was unable to share its own lists of deceased and injured although requested by some State/ Territory Governments, which did not have comprehensive lists.
- Some victims were registered on the National Registration and Inquiry System (a computerised victim registration and inquiry system operated by ARC), but because of the extent of their injuries were unable to give permission to share this information.
- ARC needed to seek individual client permission to share even basic information about assistance provided.

The consequences of this inability to share information in such a crisis situation included:

- ARC had to develop its own list of deceased and injured, compiled through advertisements, media, web searches, word of mouth and referral.
- Many affected Australians expressed surprise and concern about having to provide the same information to many different agencies and did not understand why this information could not be provided once and then shared across relevant agencies.
- It provided an additional barrier to providing assistance to affected persons at a time when that assistance was most needed.

Information Sharing by Agencies in Emergency Situations

ARC is mindful of the importance of the protections afforded people through the Privacy Act 1988 and does not advocate a weakening of these protections. However, ARC contends that, in emergency situations, there is a need for provisions that enable sharing of information across agencies engaged in the emergency response and ongoing disaster recovery functions.

While the DFAT submission refers accurately to the need for information sharing across government agencies, ARC asserts that in emergency situations this need

goes beyond inter-government agency sharing and extends to non-government organisations engaged in disaster recovery, particularly where emergency appeal assistance is provided.

PriceWaterhouseCoopers Review

An independent, external review of the ARC Bali Appeal was undertaken by PriceWaterhouseCoopers (PWC) following a number of issues raised in the media.

In the final report (August 2003), PWC highlighted these privacy issues and recommended that:

“ARC should continue to discuss with Government the need to amend privacy laws in emergency situations to enable sharing of information between organisations providing disaster relief”. (pg 11)

ARC has continued to raise these issues and is appreciative of the strong support shown by government agencies. These issues continue to be raised in key policy forums.

Concluding Comments

Australian Red Cross recommends that the Privacy Act be amended to enable sharing of information between agencies involved in response and recovery in emergency situations, including government and non-government agencies.

ARC is available and willing to attend the Inquiry to speak to this submission and provide any other relevant expertise and evidence to assist.

Please contact:

Noel Clement
General Manager, Domestic Operations (National Programs)
Email: nclement@redcross.org.au
Phone: (03) 9345 1804

Thank you for the opportunity to share this experience with the Inquiry.