

Jackie Morris  
Committee Secretary  
Senate Legal and Constitutional Legislation Committee  
Department of the Senate  
Canberra ACT 2600

Enquiries: Alex Barski  
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Our ref:A07/0267  
Your ref:

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Dear Ms Morris

**Inquiry into the Telecommunications (Interception and Access) Amendment Bill 2007**

We are writing in reply to your invitation to provide comments in relation to the Telecommunications (Interception and Access) Amendment Bill 2007.

We rely on our federal colleagues, the Office of the Privacy Commissioner, to provide you with a detailed feedback on the Bill as the proposed legislation requires consultation with the (federal) Privacy Commissioner on certain procedural matters (section 183(3)). For our part, we would like to limit our contribution to a brief comment on the issue generally.

We are pleased to see that privacy considerations received attention in the Bill. This is reflected by a requirement in section 180 (5) for an authorised officer to have regard to likely interference with the privacy of individuals when giving authorisation for access to prospective information or documents. May we suggest proscribing (by way of regulation or similar) a requirement to have each enforcement agency (to whom authorising officers belong) develop guidelines on how should the privacy implications of an authorisation be considered and documented.

We also note that section 189(4)(c) provides, similarly, that the Minister, before making determinations in relation to interception capabilities, must take into account the privacy of the users of telecommunications systems. Again, we would suggest developing a more precise mechanism by way of which such decisions are to be made and documented.

We thank you for the opportunity to provide our comments.

If you have any queries, please contact Alex Barski at Privacy NSW on (02) 9228 8581. Please quote the reference number at the top of this letter.

Yours sincerely

John Dickie  
Acting Privacy Commissioner