



**Australian  
Privacy  
Foundation**

<http://www.privacy.org.au>

[Secretary@privacy.org.au](mailto:Secretary@privacy.org.au)

<http://www.privacy.org.au/About/Contacts.html>

2 February 2016

Senator the Hon George Brandis QC  
Attorney-General  
Parliament House  
CANBERRA ACT 2600  
cc. The Hon Mark Dreyfus QC  
Shadow Attorney-General

Dear Attorney-General,

### **Re-appointment of Information Commissioner**

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

We refer to the recent announcement that Mr Timothy Pilgrim has been re-appointed to the position of Information Commissioner for a period of just three months, now due to expire on 19 April 2016. The APF is deeply concerned by the treatment of the OAIC which, in our view, amounts to manifest neglect of this important public office.

Since the 2014 announcement of the in principle decision to disband the OAIC, the office has been inadequately funded. Furthermore, Mr Pilgrim has effectively been expected to perform the functions of three statutory offices with a series of temporary, short-term re-appointments. In our view, the failure to provide proper resourcing and the lack of tenure of the Privacy Commissioner can only be interpreted as an indication of the very low priority apparently given to the protection of privacy by your government.

We find this attitude to this important statutory office to be both surprising and distressing, especially given the significant ongoing threats facing the protection of privacy arising from rapidly changing technologies and business practices. Moreover, the failure to adequately resource the Privacy Commissioner is particularly perplexing given recent additional legislative responsibilities of the Commissioner, including under the 2014 amendments to the *Privacy Act 1988* (Cth) and the new data retention regime.

We therefore call on your government to act expeditiously to remedy this unsatisfactory state of affairs by appointing a dedicated Privacy Commissioner with appropriate funding. Given the seriousness of these circumstances, we would appreciate the opportunity to meet with you so that we may elaborate on our concerns in person.

We look forward to hearing from you at your earliest convenience.

Yours sincerely,

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## Australian Privacy Foundation

### Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, SubCommittees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, SubCommittees and Reference Groups comprise professionals who bring to their work deep experience in privacy, information technology and the law.

The Board is supported by Patrons The Hon Michael Kirby and Elizabeth Evatt, and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <http://www.privacy.org.au/Papers/>
- Resources <http://www.privacy.org.au/Resources/>
- Media <http://www.privacy.org.au/Media/>
- Current Board Members <http://www.privacy.org.au/About/Contacts.html>
- Patron and Advisory Panel <http://www.privacy.org.au/About/AdvisoryPanel.html>

The following pages provide outlines of several campaigns the APF has conducted:

- The Australia Card (1985-87) <http://www.privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <http://www.privacy.org.au/Campaigns/CreditRpting/>
- The Access Card (2006-07) [http://www.privacy.org.au/Campaigns/ID\\_cards/HSAC.html](http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html)
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>