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MEDIA RELEASE

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The Immigration Data Breach Must be Independently Investigated

The Department of Immigration's exposure of the personal data of thousands of refugees is one of the most serious data breaches in this country to date.

Release of the information potentially puts those people, and their relations in their home-countries, at risk of serious harm – a risk that has previously been acknowledged by the Department. It also undermines the Department's ability to refuse their claims for asylum.

The Australian Privacy Foundation (APF), Australia's leading civil society organisation concerned with privacy, calls on the Office of the Australian Information Commissioner (OAIC) to vigorously pursue its investigation of the data breach.

The APF urges that this be done irrespective of any limitations that may exist in relation to the scope of the Commissioner's more specific powers. The Commissioner's general powers are ample to enable an investigation to be undertaken.

The OAIC must take action promptly, while the Commission is promoting Australia's new privacy regime. A timely response will demonstrate that the Commission appreciates how important privacy is to everyone in Australia. It will also demonstrate that the Commission can quickly and effectively deal with potentially life-threatening data breaches.

When the OAIC has conducted investigations in the past, it has suppressed the information arising from them. This event represents an opportunity for the Privacy Commissioner to increase transparency, particularly given the unprecedented nature and scale of the breach and its potentially serious implications for both the data subjects and their families.

The OAIC missed an opportunity when it revised its Security Guidelines last year. It should have declared that a range of specific security safeguards are no longer merely optional, but essential, so that organisations that lack those safeguards will be *prima facie* in breach of the Privacy Act. This serious data breach represents an excellent opportunity for the Privacy Commissioner to finally put some teeth into its Security Guidelines.

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