



**Australian
Privacy
Foundation**

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29 November 2012

Mr Andrew Rice
Assistant Secretary – Cyber and Identity Security Policy
National Security Resilience Policy Division
Attorney-General's Department

Dear Mr Rice

Re: The PIA Report on the DVS Extension Project

Thank you for your prompt reply of 26 November.

However, your reply did not actually address the points that we identified in our letter of 18 November. For clarity, we infer that there is nothing materially incorrect about any of those points. Your PIA process was therefore seriously deficient, to the point of actively excluding civil society from participation in the process.

Further, our email dated 18 November at 09:05 UT+11 asked "whether AGD proposes to engage on this matter, or is proceeding with its intentions irrespective of public opinion".

Your letter of 26 November again offers only a "briefing", and indicates only that "any suggestions you may have about privacy protections that might be afforded to the service would be welcome". Such an approach does not in the least resemble a consultation process.

We have no option but to treat your communications as express denials of any intention:

- to undertake any form of consultation with public interest advocacy organisations; and
- to take any notice of what they might have to say on the matter.

It is clear that AGD's actions are in breach of the Government's commitments:

- in relation to open access to government information; and
- to consultative processes.

If you wish to provide any further information relevant to those conclusions, would you please do so promptly.

Yours sincerely

Roger Clarke
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