



**Australian
Privacy
Foundation**

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6 November 2012

Prof. Ian Young AO
Vice-Chancellor, Australian National University

cc. Mr P. Nikolettatos, CIO

Dear Professor Young

Re: Microsoft Office 365

We refer to our letter to you dated 17 September, and Mr Nikolettatos' response dated 24 October.

Regrettably, the response failed to address our specific requests:

- your advice regarding the Privacy Impact Assessment (PIA) conducted prior to this project being commenced
- a copy of the resulting PIA Report
- an explanation of what contingent liabilities the ANU has allowed for and what mitigating measures it has designed to address the measure's privacy impacts
- a copy of the communications provided to ANU staff and students to ensure that they are fully informed of the steps that they need to take to protect their privacy

The letter's contention that "personal data will not be released beyond the university" is unsustainable. Most emails contain personally identifying information, and hence are clearly subject to the Privacy Act. Yet they would now be out in the cloud, and subject to disclosure risks additional to those that arise in respect of emails kept under direct ANU control.

The ANU has an obligation to perform a PIA, including consultation with affected parties, including its staff associations, and undergraduate and postgraduate student associations, and preferably also advocacy organisations such as APF; but it appears that this has not been done.

In the absence of a constructive response from your organisation, APF intends escalating the matter to the Office of the Australian Privacy Commissioner. Would you please advise whether there are any further aspects that we should consider before we do so.

Thank you for your consideration.

Yours sincerely

Roger Clarke
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