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**Mr R. Clarke**  
Chair for the Board  
Australian Privacy Foundation  
(Secretary@privacy.org.au)

Dear Mr Clarke,

### **SUPPRESSION OF CASE DETAILS**

Thank you for your letter of 1 August 2013, referring to the article in The Canberra Times of Sunday 28 July 2013 titled 'Army chief: nude photo fine was apt', which related to my earlier letter to Fairfax Media.

The specific sections of the *Privacy Act 1988* that constrain publication of details of the case are contained in Section 14 – Principle 9 *Personal information to be used only for relevant purposes*, Principle 10 *Limits on use of personal information* and Principle 11 *Limits on disclosure of personal information*. They are applicable to the court in question because a court martial is not a Chapter III court under the Constitution; rather it is a disciplinary tribunal under the *Defence Force Discipline Act 1982*.

By way of background, the publication of court martial and Defence Force magistrate trials in Service newspapers, which gave rise to the article in the Canberra Times, is to contribute to general deterrence, reinforce transparency in the military justice system, and reinforce individual accountability for behaviour expected of members of a disciplined force. The Office of the Australian Information Commissioner was also consulted last year in the publication of military trial results, which confirmed that publication 'would be acceptable from a privacy perspective, provided that the information published is de-identified, and therefore is not personal information'. Army is therefore required to ensure that a soldier or officer's identity is not directly or indirectly divulged in the publication of trial results.

Should you have further concerns please do not hesitate to contact me.

Yours Sincerely  
A. J. Campbell

**A.J. CAMPBELL, DSC, AM**  
Major General  
Deputy Chief of Army

7 August 2013