



**Australian
Privacy
Foundation**

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

Secretary@privacy.org.au

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

8 December 2009

Mr D. Watts
Commissioner for Law Enforcement Data Security
PO Box 281
World Trade Centre
MELBOURNE VIC 8005

cc. Victorian Privacy Commissioner
Federal Privacy Commissioner

Dear David

Re: Disclosure of Personal Data by Victoria Police

As I'm sure you're well aware, the Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

The APF notes with serious concern the report in The Age of 4 December 2009 entitled 'Secret files on protesters given to desal consortium'.

We appreciate that, like any media report, it may contain inaccuracies. However, it appears on the surface to have identified gross breaches of public expectations of privacy protections for members of the public, including in relation to sensitive personal data. Moreover, these breaches seem to have become a routine part of the operations of Victoria Police.

We have written separately to the Victorian Privacy Commissioner, and to the Federal Privacy Commissioner in relation to the collection of personal data by the companies involved.

The APF understands that your role is to "promote the use by Victoria Police of appropriate and secure management practices for law enforcement data". Further, "CLEDS provides independent advice on law enforcement data security". We interpret the term 'security' as being intended in its broadest sense, to encompass data quality, data use, and data access and disclosures, whether authorised or not.

The APF appreciates that the law places some constraints on the extent to which you can exercise regulatory restraint in relation to these matters, firstly on Victoria Police and particularly on other parties. We also understand that your Office was not established as a complaints-handling body, and we are aware that internal complaints-handling processes exist in such forms as the Victoria Police Ethical Standards Department, and the Office of Police Integrity.

However, we urge you to exercise your full legal powers and standing to investigate the matter.

We express especial concern about the apparent lack of published justification for these measures, and of public consultation by the Government prior to making decisions about such disclosures, and about the apparent absence from public view of the terms of the Memoranda of Understanding, of the means of ensuring that they are enforceable, and of processes to actually enforce them.

We urge you to publish as much of your findings as the law permits. If you find the accusations to be materially correct, we further urge you to communicate to relevant agencies, Ministers and the Parliament the gravity of these actions, and to communicate clearly to the public your serious concern about them.

Thank you for your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Roger Clarke', written over a faint rectangular stamp or box.

Roger Clarke, Chair, for the Board of the APF
(02) 6288 6916 chair@privacy.org.au

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's Board comprises professionals who bring to their work deep experience in privacy, information technology and the law.

The following pages provide access to information about the APF:

- papers and submissions <http://www.privacy.org.au/Papers/>
- resources <http://www.privacy.org.au/Resources/>
- media <http://www.privacy.org.au/Media/>
- Board-members <http://www.privacy.org.au/About/Contacts.html>

The following pages outline several campaigns:

- the Australia Card (1985-87)
<http://www.privacy.org.au/About/Formation.html>
- the Medicare Smart Card (2004-06)
http://www.privacy.org.au/Campaigns/ID_cards/MedicareSmartcard.html
- the Human Services Card (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/HSCard.html
- the Australia Card Mark II (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/NatIDScheme.html
- the 'Access Card' (2006-07)
http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html