



**Australian  
Privacy  
Foundation**

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Media and Public Relations  
ACT Policing  
Australian Federal Police  
[https://www.afp.gov.au/email\\_forms/media.html](https://www.afp.gov.au/email_forms/media.html)

Mr Mark Baker  
The Editor  
Canberra Times  
[Mark.Baker@canberratimes.com.au](mailto:Mark.Baker@canberratimes.com.au)

Dear AFP Person, Mr Baker

**Re: Publication of CCTV Photos of Passers-By**

The Canberra Times published on p. 5 on Friday 21 December 2007 four photographs of people taken at Casino Canberra. The photos were accompanied by a request for the individuals to come forward as witnesses and provide any information that they had in relation to a vicious assault.

The photographs were also published on the AFP web-site, at:  
[http://www.afp.gov.au/media\\_releases/act/2007/police\\_seek\\_to\\_identify\\_persons.html](http://www.afp.gov.au/media_releases/act/2007/police_seek_to_identify_persons.html)

The Australian Privacy Foundation (APF) submits that this is a serious breach of privacy, because it identifies individuals and the location that they were in on a particular date, and does so unnecessarily. The APF requests your organisations to cease the practice of distributing and publishing such photographs.

The APF of course fully supports the AFP's efforts to gather evidence in such matters. Protection of the person is the most fundamental of privacy rights, and the investigation and prosecution of vicious assaults are vital activities.

For any benefit to arise from the publication of photographs of people who were in the vicinity, however, a series of conditions would have to be fulfilled:

- the person concerned would not otherwise have seen or heard the request for information;
- the person has to be recognised by someone, e.g. a family-member, friend or co-worker;
- the person has to be notified by the person that recognises them;
- the person has to have relevant information; and
- the person has to still be prepared to come forward with the information, despite the breach of their privacy perpetrated by the Police and the newspaper.

Alternative approaches exist that do not involve unreasonable disclosure of personal data. For example, the call for witnesses can be accompanied by detailed information about the time, place, event and suspect, and can be made more attractive to the media by means of images of the location, the perpetrator or (with consent) the victim, without invading the privacy of passers-by. In particular, such a call would be much more effective if issued much sooner than 38 days after the event.

The publication of photos of people in circumstances such as this is therefore highly unlikely to achieve anything that cannot be achieved in other ways. It is therefore unjustifiable.

Would you please confirm that you are amending your procedures to avoid such unjustified intrusions in future. (We appreciate that the time of year is awkward, and that you may require a month to respond to this request).

Thank you for your consideration.

Yours sincerely

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

Roger Clarke  
Chair, for the Board of the Australian Privacy Foundation  
(02) 6288 6916 [chair@privacy.org.au](mailto:chair@privacy.org.au)