



**Australian  
Privacy  
Foundation**

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8 December 2009

Ms K. Curtis  
Federal Privacy Commissioner  
G.P.O. Box 5218  
Sydney NSW 2001

cc. Commissioner for Law Enforcement Data Security  
Victorian Privacy Commissioner

Dear Karen

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 the Victorian Commissioner for Law Enforcement Data Security in relation to the breaches of public expectations by the Victorian Police.

We are writing to you in relation to the breaches of public expectations, and possibly also of the law, by the companies involved.

The APF appreciates that the law places some constraints on the extent to which you can exercise regulatory restraint in relation to these matters, particularly on Victoria Police.

However, we urge you to exercise your full legal powers and standing as an Officer of the Parliament to investigate the aspects of the matter that involve actions within your scope, in particular by companies.

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 the companies, and to Victoria Police and the relevant Victorian Government Minister, the gravity of these actions, and to communicate clearly to the public your serious concern about them.

Yours sincerely

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