



**Australian
Privacy
Foundation**

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

Secretary@privacy.org.au

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

19 December 2011

Mr Steve Tully
Electoral Commissioner
Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne VIC 3000

cc.: Ms H. Versey, Information Privacy Commissioner

Dear Mr Tully

Re: Police Action in Relation to Fairfax

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

According to newspaper reports, the recent police raids on the offices of Fairfax newspapers were undertaken as a result of a request by your Office. Nothing about the topic is apparent on your Office's web-site at <http://www.vec.vic.gov.au/>. We would accordingly appreciate it if you could advise whether the newspaper reports are correct. If so, we would further appreciate information about the reasons why your Office requested police action.

The APF is very concerned about the privacy of information about electors, and specifically about the use of compulsorily collected data for extraneous purposes, by politicians, marketers and others. It naturally welcomes positive action by your Office in relation to privacy protection.

However, such evidence as is available suggests that the Fairfax media took great care to protect the privacy of the individuals whose data they exposed. Moreover, the disclosures about the nature and intensity of information stored by political parties, in part arising from the abuse of the Electoral Roll, were very clearly in the public interest.

Your Office's actions, as portrayed in the media, appear to be a means whereby political parties can bring pressure to bear on the media, suppress information about their practices, and sustain their abuses of people's personal data. We would therefore greatly appreciate any information you can provide that assures us and the public that your Office has acted appropriately in this matter.

Thank you for your consideration.

Yours sincerely

Roger Clarke
Chair, for the Board of the Australian Privacy Foundation
(02) 6288 1472 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 is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, SubCommittees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, SubCommittees and Reference Groups comprise professionals who bring to their work deep experience in privacy, information technology and the law.

The Board is supported by a Patron (until very recently, Sir Zelman Cowen), and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <http://www.privacy.org.au/Papers/>
- Resources <http://www.privacy.org.au/Resources/>
- Media <http://www.privacy.org.au/Media/>
- Current Board Members <http://www.privacy.org.au/About/Contacts.html>
- Patron and Advisory Panel <http://www.privacy.org.au/About/AdvisoryPanel.html>

The following pages provide outlines of several campaigns the APF has conducted:

- The Australia Card (1985-87) <http://www.privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <http://www.privacy.org.au/Campaigns/CreditRpting/>
- The Access Card (2006-07) http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>