

12 October 2011

Research Director
Legal Affairs, Corrective Services
and Emergency Services Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Committee Research Director

The Australian Federal Police (AFP) wishes to comment on the amendments that the Civil Proceedings Bill will make to the *Information Privacy Act 2009 (Qld)* (Information Privacy Act) (item 233). These amendments will allow Queensland Government agencies to provide personal information to Commonwealth agencies and other State and Territories for law enforcement purposes. The AFP supports these reforms that will enhance the capability of the AFP to perform its law enforcement functions.

The AFP routinely requires personal information from State and Territory Government agencies to assist in the prevention, investigation and prosecution of Commonwealth criminal offences. Information that is routinely required by the AFP to perform its law enforcement functions includes motor vehicle licence details (including photographs), motor vehicle registration details, business name details and personal details of tenants in rental accommodation. Such information is generally required to assist in gathering information about persons of interest to the AFP such as where the person resides/ works and vehicles/vessels linked to that person.

The Information Privacy Act does not allow for the disclosure of routine personal information by Queensland government agencies to the AFP and other Commonwealth law enforcement agencies for law enforcement purposes. Information Privacy Principle (IPP) 11(1)(e) of the Information Privacy Act provides an exception to the general principle that agencies must not disclose an individual's personal information. IPP 11(1)(e) permits disclosure of personal information held by an agency in a range of circumstances, including if the agency is satisfied on reasonable grounds that the disclosure is necessary for the prevention, detection, investigation, prosecution of criminal offences or breaches of laws imposing penalties or sanctions by or for a law enforcement agency. The AFP does not fall within the definition of "law enforcement agency" as the definition is restricted to Queensland government agencies.

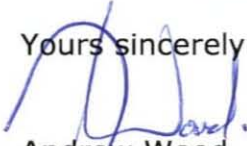
As the Information Privacy Act does not permit Queensland government agencies to disclose personal information to the AFP for law enforcement purposes, where the disclosure is not authorised under another Queensland law, the AFP must obtain a search warrant for the release of information. This process creates a significant operational and administrative burden for the AFP and results in delays in obtaining information related to the investigation of criminal offences. Personal information that the AFP routinely requires from Queensland agencies, such as motor vehicle licence details, is normally required to assist in the initial developmental stages of an investigation. In these circumstances it is impractical to obtain a search warrant for the release of the information as it is not possible to determine whether the information will constitute evidential material relevant to the commission of an

offence. Personal information, such as who resides at a particular address, is also required by the AFP to ensure the safety of its members attending an address or intercepting a particular vehicle as part of an investigation.

The amendments to the Information Privacy Act will ensure that Queensland agencies are able to provide personal information to the AFP that is immediately required for the performance of its law enforcement functions.

The AFP is available to assist the Committee further with its inquiry if required. The AFP contact is Federal Agent Sonia Sawczak who can be contacted on (02) 6131 4519 or by email sonia.sawczak@afp.gov.au .

Yours sincerely



Andrew Wood
Chief Operating Officer