



Speech by

JACK PAFF

MEMBER FOR IPSWICH WEST

Hansard 9 December 1999

INFORMATION PRIVACY BILL

Mr PAFF (Ipswich West—ONP) (10.09 a.m.): I move—

"That the Bill be now read a second time."

This Bill seeks to introduce information privacy laws in the Queensland public sector. The purpose of this Bill is to provide information privacy principles with regard to the collection, storage, security, access, accuracy, amendment and disclosure of personal information acquired or held by public agencies. The inadequacy of Queensland's information privacy laws was demonstrated by the Legal, Constitutional and Administrative Review Committee Report on Privacy in Queensland, released in July 1998. A thorough review was conducted. The report states—

"The committee concludes that Queensland's current law with respect to protecting individuals' privacy is inadequate and that there are valid privacy concerns which need to be addressed by legislative and/or administrative action.

Therefore, the committee recommends that the Queensland government introduces measures to ensure the greater protection of individuals' privacy. In particular, the committee recommends that the privacy protection of personal information held by Queensland government departments and agencies is addressed as a matter of priority."

This has not yet occurred. The objectives of this Bill are achieved through legislative requirements on Government agencies, regarding—

- the collection of personal information,
- the storage and security of personal information,
- accessing personal information,
- amending personal information,
- checking the accuracy of personal information, and
- limits on the use and disclosure of personal information.

A public agency is defined in the Bill as meaning a Government entity under the Public Service Act 1996, which covers departments, Public Service offices, agents, authorities, commissions, corporations established under State authorisation for a public purpose and other specified Government entities. Public agency incorporates local government and Government-owned corporations. This definition is comprehensive and covers the majority of Government departments, bodies and agencies.

The Bill makes exceptions to privacy principles for law enforcement purposes, the protection of public revenue and if non-compliance is otherwise permitted under another Act or law.

Limited privacy protection exists under common or statutory law in Australia. The Commonwealth's Privacy Act 1988 is the most comprehensive privacy legislation, although New South Wales introduced the Privacy Committee Act in 1975 that still functions today. The remaining States are in the process of developing privacy legislation or have introduced limited privacy laws.

The Commonwealth Privacy Act functions according to a number of information privacy principles (IPPs) that were drawn from a set of guidelines developed and issued by the Organisation for

Economic Development, the OECD. These information privacy principles are comprehensive and effective. This Bill is modelled on the information privacy principles of the Commonwealth Privacy Act and relates to Government entities as defined in the Public Service Act.

I note here also that LCARC recommended in its review of privacy in Queensland that "the IPPs to be implemented in respect of personal information collected and held by Queensland government departments and agencies be modelled on those contained in s14 of the Privacy Act 1988 (Cth)." This Bill achieves that.

The committee also recommended that a Queensland Privacy Commissioner and committee be established to deal with information privacy details. We have chosen not to follow the recommendations in relation to the appointment of a commissioner and the establishment of a committee. We have chosen not to do so because we do not believe that it is necessary to create another costly Government bureaucracy in order to achieve the protection of personal information. This Bill is simple and straightforward legislation that does not need to be made complex and costly through the establishment of committees or boards. I seek leave to have the remainder of my speech incorporated in Hansard.

Leave granted.

Government departments and agencies currently follow some type of privacy policy or procedures that make the implementation of this legislation quite simple and extremely low cost. It also means that the implementation role of a committee and commissioner is not required. Another factor removing the need for a commissioner or committee is the non-requirement for enforcement of this Bill. The legislation contains no offence provisions, as it is self-regulatory.

Public awareness of the legislation and the inevitable ministerial embarrassment should a breach of the legislation occur will be sufficient to ensure compliance with the provisions of the Bill. Also, had offence provisions been included and acted upon, they would result in the State penalising the State. We excluded them based upon legal opinion.

There is no doubt that information privacy legislation is required in Queensland. It is most certainly necessary in the public sector and should eventually be introduced to cover the private sector also. Personal information should be carefully acquired, stored, used and disclosed in order to protect the rights and liberties of individuals.

It is clear from the recent uproar over the Packer/Axiom database that information privacy is something that the public are concerned about. Kerry Packer's affiliation with the American 'data miner' Axiom and the huge amount of detail that their database cross-references, stores and sells created widespread concern in Australia.

The Australian database is reported to be operational by the end of the year and will cross-reference information from shops, credit card companies, electoral rolls, house purchase records and other sources. It is also reported that this database will eventually allow potential marketers to target their ideal customer profile right down to the names and ages of children, what schools they attend, what books you read, whether or not you like gardening, your household income, your gambling habits and the presence of household pets.

A Courier-Mail article of 1 November summed it up. It states—

'The ethical quandaries involved multiply the longer you consider all this.'

The Federal Government has found the public outcry sufficient to rush the development of some information privacy laws for the private sector that will be ready for introduction next year.

Although the Packer/Axiom example belongs in the private sector the point is clear: the public do not want their personal information sold to third parties for profit, without their knowledge or without even knowing the database exists.

This Bill begins the information privacy process in Queensland by providing for information privacy in the public sector. Individuals deserve and expect Governments to protect them from commercial exploitation and to protect their rights and liberties. Information privacy is an important aspect of this protection and most certainly should be respected by Government agencies established for the service of the public.

One Nation's information privacy legislation is about the protection of the privacy of individuals. It is their right to have information about them collected in an appropriate manner, to know what information is collected, to have access to that information, to feel secure that it is stored safely and to know that it is not being used or disclosed for anything other than its original purpose of collection. This Bill achieves this. This Bill will give Queenslanders some piece of mind that their information is dealt with appropriately by all public agencies. I commend the Bill to the House.
