



## **Inquiry into the Privacy Act**

The Senate Committee has just issued its report into the adequacy of the federal Privacy Act 1988, titled "The real Big Brother". The committee is concerned that the Privacy Act is not proving to be an effective or appropriate mechanism to protect the privacy of Australians.

The Senate Committee was set up because the Attorney General limited the terms of reference for the Privacy Commissioner's own review of the Act, prohibiting the Privacy Commissioner from reporting on some issues such as genetic testing and employee records.

The Committee believes a combination of factors are undermining the Privacy Act, including a lack of consistency with other legislation; the challenges of emerging technologies; the numerous exemptions under the Privacy Act; a lack of resourcing of the Office of the Protective Commissioner (OPC); and lack of effective complaints handling and enforcement mechanisms.

The Committee supports the recommendation that the Government undertake a wider review of privacy and advises the review be conducted by the Australian Law Reform Commission (ALRC). The ALRC would work to simplify and remove unnecessary laws, eliminate defects in the law, as well as having extensive experience in undertaking thorough public consultation with key stakeholders.

Some of the matters to be considered would include: a 'stock take' of emerging technologies and their privacy implications, and ways in which privacy regulation could be improved to deal with these technologies.

A copy of the full report can be downloaded at:

[www.aph.gov.au/senate/committee/legcon\\_ctte/privacy/report/report.pdf](http://www.aph.gov.au/senate/committee/legcon_ctte/privacy/report/report.pdf)

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