

Privacy Amendment (Enhancing Privacy Protection) Bill 2012  
[Which submissions - closed in July and the report is due September.]

Senate Committee on Privacy Amendment (Enhancing Privacy Protection) Bill 2012

Sorry I was just slow at finding out about this.  
Is it possible to make a submission still.

My fundamental issue is: The consequence of the proposed amendments in this Bill. Have the potential to lead to the information about Australian citizens increasingly being sent offshore. Off shore is effectively a place where there is no Protection. The intentional criminal or potential misuse of my Data is not covered by any relevant legislation or in a jurisdiction that has powers to protect Australian citizens from having our privacy breached.

Its Interesting that GE as a Major Credit provider in their submission concluded that: There is no stated policy basis for imposing more restrictive requirements on cross-border disclosure of credit eligibility information. In our view, there are sufficient protections for all cross-border disclosures in APP 8..

I conclude that the proposed provisions in the current laws and or the amendments proposed are just there for show. And exploitation will lead to a token slap on the wrist.

Without clearly defining a policy on issues such as processing of business and private transactional as well, This along with what I would call Master data which identifies Individuals, and businesses. We have failed to Protect Privacy

Our context is one where all sectors increasingly move into a Cloud based world. This is a world where business and equally Governments host there / our data and process transactions that link to individuals' identity and Data

This new world is no longer traditionally within Australian borders but In a Place where the only link to Australian Laws is the raw data point of collection.

We need Laws that strengthen the right to privacy. The potential spin off this is a Social one, it is local Investment and increase in confidence, sadly the world needs these too....

**\*Data processed and storage in the Cloud.** . Not only will impact on my personal privacy but the individual businesses too are fair Game for **Anyone, anywhere outside of Australia can legally access and or misuse Australian citizen data, because it been sent to an inappropriate place.**

This Place of processing is a location / possibly another nation or destination [The Cloud] where there is no privacy protection.

"No amount of holding Australian institutions, responsible" Will make my data any more secure off shore. It's fundamentally not protected.

**\*No disclosure of exposure.**

What is more amazing is, there is no disclosure by Banks, businesses or by Australian Government or State Governments that my Citizen / your citizen data will be sent off shore to be processed and held. No disclosure at all.

Government insists on citizens using banks for transactions, By Acts regulation and business practices. But effectively has and under this Bill will continue to walk away from the responsibility to properly secure our privacy. Because they do not disclose the Risk to Citizens

**Further Comment:**

The proposed amendments to [National Security Legislation](#) look useless.

As .the information that can be intercepted for national security purposes argument is based on the flow of information within Australia. But If the data is packaged and sent offshore for processing, There is little ASIO can do there to stop .Identity / Data trafficking and subsequent fraud. As any breach of Privacy can already have happened beyond our Borders long before Australians are made aware of this.. ‘

This is where the Cloud is, by any definition it's a moving linked entity for which data can be stored and transformed.

Currently even locally Hosted Clouds have no guarantees, as we have **no Policy** and subsequent laws that stop the switch to another hosting location.

I can't see any legal methods detecting / intercepting changes in the location of data being held.

As it is now possible to Host it free in China! Or almost free in India! It's a business choice as to which service at the time is the best risk!. This choice is one that is managed for us by a NON Australian linked provider

Regards