



Our reference: D2018/005618

Mr Mark Fitt  
Committee Secretary  
Senate Economics Legislation Committee  
Parliament of Australia

By Email: [Economics.Sen@aph.gov.au](mailto:Economics.Sen@aph.gov.au)

Dear Mr Fitt

### Question on notice from 15 May 2018 public hearing

I am writing in response to a question on notice during the public hearing of the Senate Economics Legislation Committee, on Tuesday, 15 May 2018 in relation to the National Consumer Credit Protection Amendment (Mandatory Comprehensive Credit Reporting) Bill 2018 (the Bill).

On page 6 of the Proof Hansard transcript of evidence, in an exchange between Senator Ketter and myself, I requested to take a question on notice, as follows:

**Senator KETTER:** I want to go back to the Commonwealth Bank data breach. Are you able to table any correspondence—emails et cetera—between your office and the CBA in relation to that breach?

**Ms Falk:** May I draw your attention to a public statement that I made which is on the OAIC website—and of course I'm happy to provide you with a copy of that. It makes clear that I have made further inquiries of the CBA, particularly to be satisfied of the steps that they have in place to ensure the security of customers' personal information.

**Senator KETTER:** There is some public interest in this issue given that it took some time for the CBA to make this matter public, and the size of the breach is pretty spectacular. I think it's in the public interest that you provide some information about this. What are you doing about the fact that it took them so long to report the breach?

**Ms Falk:** I've made that public statement and I'm now making inquiries under the Privacy Act. The provisions of the act are such that, whilst I'm making those inquiries, the usual course would be that correspondence between the OAIC and the regulated entity remains confidential while those matters are being considered. But I've certainly put forward a public statement. The community should have confidence that the OAIC

is making further inquiries to be satisfied of the steps that have subsequently been put in place.

**Senator KETTER:** I'm not sure that that necessarily does satisfy our concerns. Are you able to provide that information confidentially to the committee?

**Ms Falk:** May I take that question on notice, please?

Following discussions between [REDACTED], Principal Lawyer Office of the Australian Information Commissioner (OAIC), and yourself today, I understand that in response to the above question on notice, the Committee has confirmed that it seeks the final piece of 2016 correspondence from the OAIC to CBA in relation to the 2016 data breach. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Yours sincerely

[REDACTED]

Angelene Falk  
Acting Australian Information Commissioner  
Acting Privacy Commissioner

29 May 2018



Our reference: DBN16/00062

[REDACTED]  
Chief Compliance Officer  
Commonwealth Bank of Australia

By email: [REDACTED]

Dear Ms Williams [REDACTED]

### Incident involving lost storage tapes

I refer to your letter of 19 October 2016 regarding the loss of two storage tapes by a Commonwealth Bank of Australia (CBA) supplier, Fuji Xerox Business Force Pty Ltd (FX).

Thank you for informing the OAIC of CBA's investigation into the incident and the steps taken by CBA to protect its customers and minimise the risk of recurrence.

In light of CBA's response and the apparent likelihood that the tapes have been disposed, the OAIC does not intend to take any further action at this time.

If there are any material changes with respect to CBA's understanding of the incident, particularly if CBA obtains information suggesting the tapes have been accessed by an unauthorised party, I request that CBA provide the OAIC with an update.

The OAIC contact for this matter is [REDACTED] Director, Dispute Resolution, who can be reached on [REDACTED] or at [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]  
Assistant Commissioner, Dispute Resolution

24 October 2016