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Queensland

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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

20 June 2013

Dear Sirs;

RE: Inquiry into the Privacy Amendment (Privacy Alerts) Bill 2013

Thank you for inviting the Office of the Information Commissioner of Queensland (OIC) to make a submission to the parliamentary inquiry into the Privacy Amendment (Privacy Alerts) Bill 2013 (**bill**). The bill will amend the *Privacy Act 1988* to introduce mandatory data breach notification provisions for Commonwealth government agencies and certain private sector organisations.

Queensland government agencies are subject to the *Information Privacy Act 2009* (Qld) which does not presently include a data breach notification requirement. The OIC notes that mandatory data breach notification is a significant privacy reform.

Consultation with our counterparts at the Office of the Victorian Privacy Commissioner (OVPC) identified some technical issues with the bill which are canvassed in that Office's submission to the Committee. These relate to:

- Definitional clarification of the circumstances that trigger the notification requirement – particularly to clarify the term 'serious' when determining ***real risk of serious harm***; and
- Further consideration of how s 26ZB will operate - particularly considering inclusion of a maximum time period in which the OAIC must make a decision to exempt/not exempt an entity from notification.

As regards the above, the OIC concurs with the points raised in OVPC's submission.

Sincerely,

Clare Smith
A/ Information Commissioner