

SENATE SELECT COMMITTEE ON COVID-19

28 APRIL 2020

Attorney-General's Department

Question No. Question No. 1-4

Senator Senator Rex Patrick asked the following question at the hearing on 28 April 2020:

1. Who does the Department understand to be the lead authority for the app? Please indicate if this has changed over time, and if so, why?
2. What involvement has the Department (or its portfolio agencies) had in the design/development/procurement of the app?
3. Which Government Departments/Agency have provided the Department with advice relating to the app?
4. What contracts has the Department let in relation to the application (including development/data storage etc)? For each contract:
 - a. When was the tender released?
 - b. What procurement method was used?
 - c. If a limited tender was used:
 - i. What was the reason for choosing a limited tender?
 - ii. What date was the tender issued?
 - iii. Which entities were invited to tender?
 - iv. How was clause 4.7 of the Commonwealth Procurement Rules assessed?
 - v. On what date were the tender responses received?
 - vi. Which officials were involved in the decision to award a tender – please provide a name if the official was a member of the Senior Executive Service
 - vii. What date was the contract signed?
 - viii. What is the scope of work?
 - ix. What is the contract value?
 - x. What is the term of the contract?
 - d. Does the contract award conform with Digital Transformation Agency and Government principles as enshrined in DTA's Whole-of-government Hosting Strategy"? <https://www.dta.gov.au/our-projects/whole-government-hosting-strategy>)

The response to the honourable Senator's question is as follows:

1. The Department of Health has the lead policy responsibility for the COVIDSafe app.
2. In terms of design and development of the COVIDSafe app, the department was involved in commenting on the draft privacy impact assessment, the Government's response to that assessment, and supporting privacy policies/notices and public communications material for the app. The department was also involved in development of the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus*

with Pandemic Potential) (*Emergency Requirements—Public Health Contact Information*) *Determination 2020*, which provided strengthened privacy protections for COVIDSafe app data, and developed the *Privacy Amendment (Public Health Contact Information) Act 2020* to enshrine these protections in legislation. The department was not involved in procurement processes relating to the COVIDSafe app. The Office of the Australian Information Commissioner (OAIC) and the Australian Human Rights Commission were briefed on the operation of the COVIDSafe app, the Biosecurity Act determination and the legislation. The OAIC was consulted in the development of the privacy impact assessment.

3. The department was involved in discussions relating to the COVIDSafe app with the Department of Health, the Digital Transformation Agency, the Australian Government Solicitor, the Australian Human Rights Commission, the Department of Home Affairs, the Department of Infrastructure, Transport, Regional Development and Communications, the Department of the Prime Minister and Cabinet and the Office of the Australian Information Commissioner.
4. The department has not let any contracts in relation to the COVIDSafe app.