

Senate Select Committee on COVID-19

6 MAY 2020

Attorney-General's Department

Senator Katy Gallagher asked the following question at the hearing on 6 May 2020:

Is the Commonwealth aware of any legislation, policy or practice in the United States (not Australia) that would prevent or mitigate any effort by US agencies to access COVIDSafe data? If so, to what extent is the Commonwealth confident that such US legislation/policy/practice would prevent access?

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

Complying with a request from a US agency to access COVIDSafe app data would constitute a criminal offence under, and conflict with, Australian law. The *Privacy Amendment (Public Health Contact Information) Act 2020* (COVIDSafe legislation) makes it a criminal offence to disclose COVIDSafe app data outside Australia, with a maximum penalty of five years' imprisonment and/or 300 penalty units.

The US Department of Justice's public advice regarding access to data under the Clarifying Lawful Overseas Use of Data Act (CLOUD Act) can be found at <https://www.justice.gov/dag/cloudact>.