

Subject: FW: Senate Environment and Communications Committee - online privacy inquiry
- employment issues raised - Response from the Business Council of Australia

Dear Sir/Madam

Thank you for providing us with the Australian Council of Trade Unions' submission to the Senate Standing Committee on Environment and Communications' inquiry into online privacy.

Unfortunately, due to the timeframe provided, the BCA will not be making a detailed submission in respect of online privacy in employment relationships. However, as with all evidence-based policy making, the BCA considers that intervention should comply with the following key principles:

- action should only be taken where there is clear evidence of a problem to be addressed;
- all alternatives for intervention should be considered, including no action;
- a cost-benefit analysis should be undertaken to ensure that unnecessary costs and burdens imposed on business and the community are avoided; and
- wide consultation should be undertaken with those stakeholders likely to be effected.

Accordingly, in the context of the principles outlined above, and given that there is an extensive existing body of regulation and common law dealing with privacy issues as well as an existing inquiry into the Australian Privacy Principles, then the BCA considers that a consideration of the options for intervention in the context of online privacy in employment relationships (if any), should include responses such as the development of the voluntary, non-prescriptive guidance to assist employers and employees to understand their rights and obligations.

We understand that draft voluntary guidelines are already being developed and consider that, with appropriate consultation, this may be an appropriate mechanism for responding to these issues.

I hope this assists the Committee in its inquiry.

Kind regards
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