

Question on notice no. 2

Portfolio question number: BE24-002

2024-25 Budget estimates

Legal and Constitutional Affairs Committee, Attorney-General's Portfolio

Senator David Shoebridge: asked the Office of the Australian Information Commissioner on 29 May 2024—

Senator SHOEBRIDGE: Alright. The reason I'm asking is that many of the privacy investigations undertaken by your office—and I know you've only recently come in—have taken years to come to a conclusion. That is of incredible frustration to the public, to myself and I assume to other elected representatives—the length of time these investigations are taking. How many other live privacy investigations are there? Ms Kind: First of all, I acknowledge your frustration and that of the Australian community. We have six major investigations afoot, 12 further commissioner initiated investigations and around 100 preliminary inquiries that we've begun making into particular practices and entities.

Senator SHOEBRIDGE: I think we may have covered some of this ground in a different context recently, but can you identify the six major investigations?

Ms Kind: Yes. They are into the Optus data breach, the Medibank data breach, HWL Ebsworth and Latitude Financial. Then there is one afoot in relation to American Express. Then there is an earlier Optus matter as well. So there are two Optus matters, Medibank, Latitude, HWL Ebsworth—sorry.

Senator SHOEBRIDGE: No; that makes six. Optus, Medibank by two, HWL, Latitude and AMEX—that makes six.

Ms Kind: That's right.

Senator SHOEBRIDGE: In relation to Medibank, I'm assuming the initial data breach is the 2022 data breach?

Ms Kind: Correct.

Senator SHOEBRIDGE: When did that investigation commence?

Ms Kind: We opened the investigation in December 2022.

Senator SHOEBRIDGE: What stage is that up to now?

Ms Kind: It's in the final stages of investigation.

Senator SHOEBRIDGE: And Optus? That data breach was in—was it September 2022?

Ms Kind: We opened our investigation in March 2023.

Senator SHOEBRIDGE: But the data breach went back to September 2022, didn't it?

Ms Kind: I believe that's right. We deal with data breach matters first under the Notifiable Data Breaches scheme. Once that element of our handling is complete, we move to looking to whether or not there were issues of compliance that we should launch an investigation into. So I think that may account for the delay between the data breach and the opening of an investigation.

Senator SHOEBRIDGE: Amex?

Ms Kind: We opened our investigation in March 2023.

Senator SHOEBRIDGE: Could I ask you, if you wouldn't mind, to provide details of the 12 further investigations, and I think there are a couple more: HWL and Latitude.

Could you provide that on notice, and the time at which those commenced-only because of the time.

Ms Kind: Yes.

Answer —

Please see the attached answer.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO
BUDGET ESTIMATES 2024-2025

PA-Office of the Australian Information Commissioner

BE24-002 - Details of privacy investigations

Senator David Shoebridge asked the following question on 29 May 2024:

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provide that on notice, and the time at which those commenced—only because of the time.
Ms Kind: Yes.

The response to the senator’s question is as follows:

Respondent	Date commenced	Current Status
Medibank Private Limited	1 December 2022	Civil penalty proceedings filed in Federal Court on 5 June 2024
Latitude Financial Services	9 May 2023	Under investigation
HWL Ebsworth	20 February 2024	Under investigation
Singtel Optus Pty Ltd (data breach)	11 October 2022	Under investigation
Singtel Optus Pty Ltd (White Pages)	2 August 2021	Under investigation
Auror Limited (NZ)	2 February 2024	Under investigation
7-Eleven Stores Pty Ltd	6 October 2023	Under investigation
Regional Australia Bank Limited	30 August 2023	Under investigation
Venture 5 Group Pty Ltd	7 July 2023	Investigation closed 20 June 2024
Master Wealth Control Pty Ltd	19 May 2023	Under investigation
Property Lovers Pty Ltd	19 May 2023	Under investigation
Vinomofo Holdings Pty Ltd	5 April 2023	Under investigation
Bunnings Group Limited	1 July 2022	Under investigation
Kmart Australia Limited	1 July 2022	Under investigation
Oxfam Australia	10 September 2021	Under investigation
American Express	23 March 2023	Under investigation