

## Senate Community Affairs Legislation Committee

### SUPPLEMENTARY ESTIMATES - 18 OCTOBER 2012 ANSWER TO QUESTION ON NOTICE

#### Human Services Portfolio

**Topic:** Privacy breaches and unauthorised access by staff

**Question reference number:** HS 29

**Senator:** Fifield

**Type of question:** Hansard pages 116-117

**Date set by the committee for the return of answer:** 7 December 2012

**Number of pages:** 2

#### **Question:**

- a) Ms Bird: Regarding privacy breaches across the department, are you looking for annual statistics or those for the last quarter?

Senator FIFIELD: For 2011-12.

Ms Bird: Across the department for 2011-12, we had a total 1,616 complaints, of which 487 were substantiated.

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Senator FIFIELD: Regarding the 487 substantiated cases, what was the range of action taken?

Ms Bird: I am sorry, Senator, I do not have that detail with me.

Senator FIFIELD: Could you take on notice what the nature of the breaches was in whatever the categories are that you break them up into and what actions were taken? For example, it might be that 100 people were counselled, 10 staff cautioned and two staff dismissed.

Ms Bird: I will see what we can pull together.

Senator FIFIELD: Thank you. Could you also give me what the disciplinary action was—

Ms Campbell: Sometimes there will not be disciplinary actions, if there were inadvertent privacy breaches. We will provide those details.

- b) Senator FIFIELD: Thank you. Do you know if any staff lost their jobs as a result of—

Ms Bennett: Ms Bird has just explained components of certain bits of activity through the staffing issue. There are two stages to this. Not all of the instances of unauthorised access by staff lead to a formal code of conduct process. It depends on the nature or pattern of it. Sometimes a staff member may just be advised that they should not do that and not to do it again. Some cases do progress to a code of process, and we have provided you information on code of conduct processes at previous estimates hearings. The question, if I heard it correctly, was whether there was, as a result of unauthorised access, a dismissal of a member of staff.

Senator FIFIELD: That is right.

Ms Bennett: I can tell you that between 1 October last year and 30 September this year, so a rolling 12 months, there were 43 code of conduct processes conducted for improper access to personal information. I do not have the number of cases that led to either someone resigning or their appointment being terminated, but we can provide the information on those 43 at another point in time.

Senator FIFIELD: Thank you.

**Answer:**

a) Privacy breaches are sometimes confused with unauthorised access issues.

Unauthorised access occurs when staff inappropriately accesses personal information, for example from departmental mainframe systems. This occurs when a staff member accesses:

- their own information - this is **not** a privacy breach;
- someone else's information with that person's permission (e.g. a family member) - this is **not** a privacy breach;
- someone else's information without that person's permission (e.g. a celebrity, or someone with whom they are in dispute such as an ex-spouse) - this **is** a privacy breach and is sometimes called browsing.

The Department investigates all unauthorised access complaints, as well as being pro-active in the monitoring of staff access.

Where unauthorised access is found, a code of conduct investigation is undertaken to determine whether or not some sanction should be applied to the staff member. These matters are counted as unauthorised access matters.

b) During the rolling 12 months from 1 October 2011 to 30 September 2012, there were 43 code of conduct investigations related to unauthorised access to personal information. Of the 43 matters investigated:

- two employees had their employment terminated;
- one employee resigned prior to having their employment terminated; and
- two employees resigned during the course of the investigation.