

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

#### Outcome 1 - Employment

Department of Employment Question No. EMSQ17-004201

Senator Marshall asked on 29 May 2017 on proof Hansard page 86

#### Question

##### Procedure investigating deed breaches

Senator MARSHALL: Do you think it is an adequate response to a serious breach—consumer data being made public—to have the people who breached privacy in the first place investigate themselves, instead of having a third party doing it?

Mr Hehir: In the first instance, we certainly do ask the provider to have a look at the issue. My team then looks at their report to determine whether they think it is accurate and fully covers all the material.

Senator MARSHALL: Sure. But do you really think self-investigation is the way to go? Surely that is not best practice? Surely the department does not do that internally itself?

Mr Hehir: That certainly has been our practice, my understanding is, for a number of years. I can check that. But my understanding is that this is a deed requirement that has been in place for a number of years.

#### Answer

Where a privacy breach may have occurred the Department requires the provider to investigate the incident and report to the department.

The Department will consider this report, in addition to other information and evidence. Under the deed, the Department can also have an independent party undertake an investigation.

Provisions requiring providers to appropriately investigate all complaints are encompassed in the *jobactive* deed 2015 – 2020 and were also within the proceeding Employment Services Deed 2012 – 2015.