

Senate Estimates Hearing – 9 February 2016

Opening Statement

- Timothy Pilgrim, Acting Australian information Commissioner
- Thank you Chair I would like to make a brief opening statement, outlining the current work of the Office of the Australian Information Commissioner and touch on some of our priority areas.
- As the Committee is aware the functions of the OAIC fall primarily from our regulatory role under both the Privacy Act and the Freedom of Information Act.
- I am pleased to be able to report that while our workload and responsibilities under both statutes grows the Office is continuing to manage its responsibilities effectively within the resources available to us.
- I'll start by way of some statistics:
 - In the previous financial year (14/15) the Office received 18,066 enquiries covering both Privacy and FOI matters. In the first 6 months of the current financial year (to 31 December) we received approximately 10,266.
- In terms of our **Privacy functions**:
 - In 2014/15 we received 2840 complaints. In the first 6 months of this financial year we have received 1076.
 - And finalised 1107 in an average time of 5 months.
 - We have also received 55 voluntary data breach notifications in the current year to 31 December, having received 117 in the previous financial year.
 - I have opened 7 Commissioner Initiated Investigations, having opened 4 in the previous financial year.
 - We have undertaken 9 Assessments (previously known as Audits) of both private and public sector entities to 31 December 2015. Having undertaken 12 in the previous financial year.

- We have lodged 19 submissions to various parliamentary Committees and Government consultation processes dealing with the use of personal information. In the previous financial year we made 36 such submissions.
- In 2016 some of our priority areas in privacy will focus on:
 - Our continuing oversight role in the e-health sector particularly with the trials of the opt-in system with the My-health record
 - The extension of our oversight role emanating from the Data Retention and Foreign Fights Acts.
 - Providing regulatory oversight of the privacy implications arising from the Enhanced Welfare Payment Integrity initiative.
 - Working with the Attorney General's Department on the Security Agenda including specific issues such as the National Facial Biometric Matching Capability.
 - Also working with the Attorney general's Department on the proposed Mandatory Data Breach Notification Scheme.
 - Further, under what I would describe as the broad title of data usage, we are engaging with the Department of PM&C on The Public Sector Data Management initiative.
 - We will be working on guidance for both the private and public sectors on Big Data and privacy, as well as data matching and de-identification.
 - We continue to work with our international counterparts in terms of the globalisation of personal data flows and the need for cross border cooperation in the regulation of these movements of personal information.
 - Taking opportunities to engage with the community on privacy more generally through our education and promotion work such as Privacy Awareness week in May where this year the newly appointed United Nations Special on Privacy, Rapporteur Professor Joseph Cannataci, will be in Australia to speak at our functions.

- Turning now to our **FOI functions**:
 - In the 2014/2015 financial year we received 373 applications for Information Commissioner Reviews of agency decisions. In the current financial year to 31 December we have received 249 and finalised 236.
 - I am also pleased to advise the Committee that our average time taken to close an IC review has reduced from approximately 10 months in 2013, just prior to the announcement of the disbanding of the OAI, to 3 months at the end of 2015.
 - Of the 236 IC Reviews applications finalised:
 - 31% (72) were conciliated or withdrawn
 - 24% (58) were finalised as being misconceived, frivolous or vexatious.
 - 18% (43) went to formal decision of the Commissioner.
 - 10% (25) were referred to the AAT
 - 10% (25) were out of jurisdiction
 - 3% (7) substituted access refusal decision.
 - 2% (6) were the subject of an IC review decision by agreement.
- I hope this provides the Committee with a useful overview, albeit a brief summary, of the activities of our Office. Of course, as I have said to the Committee before we are able to achieve this through a very committed and enthusiastic team of people. Thank you.