

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Office of the Australian Information Commissioner

Question No. BE17-202

Senator Watt, Murray asked the following question on 18 August 2017:

Senator WATT: Earlier this year, you announced that you were making inquiries, with the Department of Human Services, about the disclosure of a particular person's personal information to a journalist—Ms Andie

Fox. Can you tell us a bit more about where those inquiries are up to?

Mr Pilgrim: I do need to be careful when talking about a specific matter. The considerations of that particular

matter you're referring to are still active, so I'm a bit reluctant to go into any detail at this stage.

Senator WATT: So that inquiry is ongoing?

Mr Pilgrim: It is at the moment, yes.

Senator WATT: Have you provided a draft report to ministers or to departmental officers?

Mr Pilgrim: I think what might be more efficient at this point in time is if we take that on notice. I'm not aware that we have provided one at this stage, but I would like to take that on notice.

Senator WATT: Just so we're on the same page, is this the investigation that you're undertaking into the actions of Minister Tudge and his office? That's what I'm talking about. Is that the same thing you're talking about?

Mr Pilgrim: Again, I'm just being cautious about not getting into an area of an open investigation. There are a number of related matters to which that is one, yes.

Senator WATT: Are there other ministers or ministers' officers who are the subject of that investigation?

Mr Pilgrim: No.

Senator WATT: Do you a time frame on when you think it's likely that that inquiry will be concluded?

Mr Pilgrim: Not at the moment I don't, but I'm happy to take that on notice.

Senator WATT: Will that report, ultimately, be made public?

The response to the honourable Senator's question is as follows:

The OAIC has not provided a draft report to ministers or to departmental officers.

In general, the OAIC aims to conclude Commissioner initiated investigations within 8 months.

Given the public interest in this matter, at the conclusion of the OAIC's inquiries the Commissioner intends to make a public statement in accordance with the OAIC's *Privacy Regulatory Action Policy*.

Some matters conclude with a public report of findings, but there are also other possible outcomes including:

- a notice on the OAIC's website advising of the outcome of the inquiries
- an enforceable undertaking under s 33E of the *Privacy Act 1988* (the Privacy Act)
- a determination under s 52(1A) of the Privacy Act.