

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. SBE4/067

Senator McKenzie asked the following question at the hearing on 11 December 2014:

Senator McKENZIE: Is there a list of where we have data exchange—so that we know our privacy regime is compatible and so that our citizens can have confidence in that? Is there a list of preferred—

Mr Minogue: I will take that on notice. One of the issues in privacy internationally is concepts of compatibility or recognition of alternative schemes and how we measure up or how other regimes measure up. There are consequences flowing from that. That is probably as far as I can take that today.

The answer to the honourable senator's question is as follows:

No, the Department does not have lists of preferred overseas jurisdictions to receive personal information. The Australian Privacy Principles (APPs) set high-level principles for the handling of personal information by entities. Consistent with this approach, entities are responsible for ensuring that they comply with the APPs, including with the obligations set out in the APPs in relation to cross-border disclosures of personal information to overseas recipients. Entities are in the best position to determine whether a proposed disclosure to an overseas recipient will ensure appropriate protection of personal information consistent with the obligations set out in the APPs, including APP 8 which deals with cross-border disclosures of personal information.