

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

Question No. 5

Senator McKenzie asked the following question at the hearing on 14 February 2012:

Senator McKENZIE: My questions go to government's response to the Joint Select Committee on Cyber-Safety interim report *High-wire act: cyber-safety and the young* and to the Office of the Privacy Commissioner.

Mr Pilgrim: If you have questions on the cyber side, I think they may be best directed to the department.

Senator McKENZIE: In the government's response out of the recommendations the Privacy Commissioner was mentioned in terms of some of the recommendations and outcomes, so I wanted to assess how you were going in working towards those.

...

Mr Pilgrim: Our assistant commissioner of our policy section is working with the Department of the Prime Minister and Cabinet on how we can further those particular recommendations. At this stage I do not have any particular detail on how they may look or what form those responses will be, but we are actively involved at that level in discussions with the Department of the Prime Minister and Cabinet.

Senator McKENZIE: For the recommendations 5, 6, 7, 21 and 8, which your office is involved in, your only progress so far is discussions with PM&C?

Mr Pilgrim: At this stage as I would say, yes, that is where we are at with it. I would like to take that on notice to get any further detail I can from the committee.

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

The Australian Government's response to the Joint Select Committee on Cyber-Safety interim report *High-wire act: cyber-safety and the young* was released on 20 December 2011. The Office of the Australian Information Commissioner (OAIC) is now considering how to further those recommendations.

The current privacy law reform process proposes changes to a number of provisions affecting the application of the *Privacy Act 1988* (Cth) and the Australian Information Commissioner's code making powers. The OAIC will consider how best to give effect to the Committee's recommendations following the amendments.

However, while the law reform process is underway, the OAIC has focussed its efforts in two particular areas regarding online privacy. First, the OAIC published a fact sheet in July 2011 on *Online Behavioural Advertising: Know Your Options*.¹ This fact sheet is an important part of the OAIC's messaging about enabling consumers to choose and manage their behavioural marketing preferences online.

¹ http://www.oaic.gov.au/publications/privacy_fact_sheets/privacy_fact_sheet_advert_know_options.html

Secondly, the OAIC has looked for opportunities to support industry in its efforts to develop measures to assist individuals to make informed and meaningful choices about their online activities. For example, the OAIC participated in a review of the Australian Direct Marketing Association's *Best Practice Guideline for Online Behavioural Advertising* (the Guideline) which was released in March 2011 (www.youronlinechoices.com.au/). The OAIC welcomed the Guideline as an industry led initiative to create a regulatory framework for Third Party online behavioural advertising practices.

The OAIC continues to seek suitable opportunities to contribute to efforts to increase the community's capacity to engage online safely and contribute to the initiatives of other agencies. The OAIC will also continue to foster strong ties with other privacy authorities in the region, via the Asia Pacific Privacy Authorities group, to promote privacy protections for Australians online.