

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE STANDING COMMITTEE ON
LEGAL AND CONSTITUTIONAL AFFAIRS

UNAUTHORISED PROCUREMENT AND DISCLOSURE OF INFORMATION

June 1991

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Secretary: Bronwyn McNaughton
 The Senate
 Parliament House
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TERMS OF REFERENCE

The question of whether there are effective legal and administrative deterrents to prevent the unauthorised procurement and disclosure of information, as discussed on pages 14 to 16 of the Privacy Commissioner's 1989-90 Annual Report.

(Journals of the Senate, No 83, 7 May 1991, pp 975-6)

RECOMMENDATION

The Committee recommends that:

the government provide as a matter of urgency its response as to action it has taken, is taking or intends to take in relation to the matters raised in this report, in particular:

- . sanctions against public servants who disclose personal information held by a government agency without authorisation;
- . the criminal law as it applies to those who procure the unauthorised disclosure of personal information held by a government agency; and
- . the coverage of the Privacy Act in relation to the Privacy Commissioner's power
 - (a) to investigate the unauthorised procurement and disclosure of personal information held by a government agency; and
 - (b) to award damages to those who have been harmed by the unauthorised disclosure of personal information held by a government agency.

(para 26)

ABBREVIATIONS

Evidence	Transcript of the Committee's public hearing to discuss its terms of reference with the Privacy Commissioner
PP	Parliamentary Paper
The Committee	Senate Standing Committee on Legal and Constitutional Affairs