

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

OAIC PRIVACY ACTIVITIES IN RELATION TO THE ACT MOU – 2023-24

**Presented by
Tara Cheyne MLA
Attorney-General
December 2024**



Australian Government

Office of the Australian Information Commissioner

Our reference: [D2024/026523](#)

Mr Richard Glenn
Director-General
Justice and Community Safety Directorate
GPO Box 158
CANBERRA ACT 2601

By email: richard.glenn@act.gov.au

OAIC - ACT Privacy Activities 2023-24

Dear Mr Glenn

Please find attached statistical information on the activities performed under the Memorandum of Understanding (MOU) between the Australian Capital Territory (ACT) and the Office of the Australian Information Commissioner (OAIC) for the provision of privacy services related to the *Information Privacy Act 2014* (ACT) (Information Privacy Act). The information covers the period from 1 July 2023 to 30 June 2024.

If your staff have any questions about this matter, please contact Stephanie Otorepec, Director, Regulation and Strategy Branch on 02 9942 4120 or at stephanie.otorepec@oaic.gov.au.

Yours sincerely

Elizabeth Tydd
Australian Information Commissioner

13 September 2024

Attachment A: OAIC privacy activities in relation to the ACT MOU - 2023-24



OAIC privacy activities in relation to the ACT MOU – 2023-24

This information relates to the period of 1 July 2023 to 30 June 2024 for the provision of privacy services related to the *Information Privacy Act 2014* (ACT) (Information Privacy Act).

The Information Privacy Act contains the Territory Privacy Principles (TPPs) which ACT public sector agencies must comply with when collecting and handling personal information (other than personal health information).

Number of complaints, assessments, written and telephone enquiries

Number of	Total
(a) Complaints open as at 1 July 2023	9
(b) Complaints received in 2023-24	18
(c) Complaints closed in 2023-24	17 ¹
(d) Complaints open at 30 June, transferred to the ACT with consent of both parties	10
(e) Complaints that resulted in a report to the Minister under section 43 of the Information Privacy Act	N/A
(f) Complaints about which the Commissioner has given a notice under section 45 of the Information Privacy Act	N/A
(g) Assessments finalised	1
(h) Written and telephone enquiries about ACT public sector agencies	22

¹ For completeness, this figure includes one matter that was settled externally by the parties after 1 July 2024, and 8 complaints that were closed but not transferred to ACT Human Rights Commission due to lack of consent from one or both of the parties.

Summary of issues raised in written and telephone enquiries

Telephone calls

The OAIC received 14 telephone enquiries during the reporting period:

- 1 individual called with concerns about the accuracy and security of their personal information held by ACT Government agencies. The OAIC provided advice about TPPs 10 and 11, and the OAIC’s complaints process.
- 6 individuals’ calls were misdirected and were redirected to the appropriate FOI or ACT agency.
- 6 individuals called for general TPP advice. The OAIC gave general advice about the TPPs, and the OAIC’s complaints process.
- 1 individual called regarding an alleged inappropriate disclosure of personal information about them by ACT Government agencies. The OAIC provided advice about TPPs 6, 10, and 13, and the OAIC’s early resolution complaints process.

Written enquiries

The OAIC received 8 written enquiries during this reporting period:

- 1 individual was misdirected, and the enquiry unrelated to the TPPs.
- 2 individuals wrote with potential tip offs and were advised of the OAIC Notifiable Data Breach (NDB) team’s contact details to undertake the usual NDB process.
- 1 individual enquired about the status of an NDB. The OAIC provided an update.
- 3 individuals had general questions regarding privacy. The OAIC provided general advice.
- 1 individual wrote with a query regarding collection under the TPPs.

For each complaint received in 2023-24, a summary of issues raised and outcomes

Respondent: Access Canberra

Details: The complaint was received in September 2023. The complainant alleged the respondent had failed to delete the complainant’s personal information on request.

This complaint was closed under Territory Privacy Principle 11.

Respondent: ACT Health

Details: The complaint was received in October 2023. The complainant complained about the respondent's handling of the health records it holds.

This complaint was closed as it was out of the OAIC's jurisdiction.

Respondent: ACT Office of the Director of Public Prosecutions

Details: The complaint was received in October 2023. The complainant alleged that the respondent improperly disclosed their personal information to third parties.

This complaint was closed on the basis that there was no interference with privacy.

Respondent: Telopea Park School

Details: The complaint was received in December 2023. The complainant alleged that personal and sensitive information was shared with third parties. The primary issue was under Territory Privacy Principle 6.

This complaint was transferred to the ACT.

Respondent: Environment, Planning and Sustainable Development Directorate

Details: The complaint was received in December 2023. The complainant alleged that the respondent improperly disclosed their personal information to a third party without their knowledge or consent. The primary issue was under Territory Privacy Principle 6.

This complaint was closed and not transferred to the ACT Human Rights Commission (HRC) due to lack of consent from one or both of the parties.

Respondent: University of Canberra

Details: The complaint was received in December 2023. The complainant alleged that the respondent had collected and held inaccurate personal information and that this information was shared without consent. The primary issue was under Territory Privacy Principle 6.

This complaint was transferred to the ACT HRC.

Respondent: ACT Magistrates Court

Details: The complaint was received in February 2024. The complainant alleged that the respondent improperly disclosed their personal information. The primary issue was under Territory Privacy Principle 6.

This complaint was closed and not transferred to the ACT HRC due to lack of consent from one or both of the parties.

Respondent: Access Canberra

Details: The complaint was received in February 2024. The complainant alleged that the respondent has failed to protect their information from loss. The primary issue was under Territory Privacy Principle 11.

This complaint was transferred to the ACT HRC.

Respondent: ACT Human Rights Commission

Details: The complaint was received in February 2024. The primary issue was under Territory Privacy Principle 6. The complaint was settled externally by the parties after 1 July.

Respondent: ACT Health

Details: The complaint was received in March 2024. The complainant alleged that the respondent had mishandled their health information. The primary issue was under Territory Privacy Principle 11.

This complaint was closed and not transferred to the ACT HRC due to lack of consent from one or both of the parties.

Respondent: ACT Health

Details: The complaint was received in March 2024. The complainant alleged health information was removed from their record. The primary issue was under Territory Privacy Principle 11.

This complaint was closed and not transferred to the ACT HRC due to lack of consent from one or both of the parties.

Respondent: ACT Health

Details: The complaint was received in March 2024. The complainant alleged inaccurate information about them was included on another person's record. The primary issue was under Territory Privacy Principle 10.

This complaint was closed and not transferred to the ACT HRC due to lack of consent from one or both of the parties.

Respondent: Environment, Planning and Sustainable Development Directorate

Details: The complaint was received in March 2024. The complainant alleged that the respondent shared their personal information with a third party without consent. The primary issue was under Territory Privacy Principle 6.

This complaint was closed and not transferred to the ACT HRC due to lack of consent from one or both of the parties.

Respondent: ACT Government Solicitor

Details: The complaint was received in April 2024. The complainant alleged that the respondent collected information about them without consent. The primary issue was under Territory Privacy Principle 3.

This complaint was transferred to the ACT HRC.

Respondent: University of Canberra

Details: The complaint was received in March 2024. The complainant alleged that the respondent released their personal information without consent. The primary issue was under Territory Privacy Principle 11.

This complaint was transferred to the ACT HRC.

Respondent: ACT Office for Multicultural Affairs

Details: The complaint was received in June 2024. The complainant alleged that the respondent has mishandled the information it holds. The primary issue was under Territory Privacy Principle 11.

This complaint was transferred to the ACT HRC.

Respondent: Canberra Health Services

Details: The complaint was received in June 2024. The complainant alleged that the respondent shared their personal information with a third party without consent. The primary issue was under Territory Privacy Principle 12.

This complaint was transferred to the ACT HRC.

Respondent: ACT Shared Services

Details: The complaint was received in June 2024. The complainant alleged that the respondent sought to collect personal information that was not necessary. The primary issue was under Territory Privacy Principle 3.

This complaint was transferred to the ACT HRC.

For each finalised assessment, a summary of the outcomes

Data Breach Response Plan Assessment

As described in the [MOU with the ACT for the provision of privacy services: Annual Report 2022-23](#), the OAIC has conducted an assessment of the data breach response plans for each ACT government directorate. The OAIC finalised 4 assessment reports within the 2022-23 reporting period and finalised the other 3 reports for the assessment in August 2023. A [summary report](#) was published on the OAIC website on 6 September 2023.

In total 11 recommendations were identified during this assessment which were all accepted by the ACT Directorates.

Information about any complaints that have not yet been finalised

Not applicable.

Details of formal reports and recommendations made to ACT public sector agencies as a result of complaints or other investigations

Not applicable.

Any other information about the management of complaints or significant issues, including an analysis of systemic issues and common themes that have come to the Commissioner's attention during the year

Not applicable.

Acronyms and abbreviations

ACT	Australian Capital Territory
APPs	Australian Privacy Principles
Cth	Commonwealth
Information Privacy Act	<i>Information Privacy Act 2014</i> (ACT)
MOU	Memorandum of Understanding
OAIC	Office of the Australian Information Commissioner
Privacy Act	<i>Privacy Act 1988</i> (Cth)
TPPs	Territory Privacy Principles ²

² Schedule 1 of the Information Privacy Act.