



Inquiry into the Liquor Amendment Bill 2025

Answer to question taken on notice

Asked by: Mr Shane Rattenbury MLA

Addressed to: Attorney-General

In relation to: Legal limit for on selling data

Hearing: 5 December 2025

Uncorrected Proof Transcript p 73

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Answer Due: 18/12/2025

MR RATTENBURY: Yes, that thought has crossed my mind too. I was very struck by that DrinkWise data monitoring program what it suggests is both in this case Uber Eats and DoorDash have an extraordinary level of data on somebody's alcohol consumption patterns. I asked them whether they on-sell the data, and they are coming back to us on notice. This perhaps will be an on-notice one, but is there any legal limit on them on-selling that data about people's alcohol consumption?

Ms Cheyne: I think we will need to take it on notice. That is probably—

MR WERNER-GIBBINGS: Probably should do.

MR RATTENBURY: Yes, I think it is in a slightly different space, I think privacy rules and—

Ms Cheyne: Yes, and fair trading and consumer affair—like, it—yes, let me take it on notice and we will look across the statute book.

MR RATTENBURY: Yes, thanks.

MS TARA CHEYNE MLA: The answer to the Member's question is as follows:

There are a range of applicable laws that may limit delivery platforms' ability to on-sell users' data, including privacy law and consumer law that regulate the terms of service between a delivery platform and individual users. These laws are primarily the responsibility of the Australian Government.

Privacy law

Uber Eats and DoorDash acknowledge in their respective privacy policies that they have obligations under the Commonwealth *Privacy Act 1988* (Privacy Act).

The Privacy Act requires organisations to handle personal information in accordance with the Australian Privacy Principles (APPs)—including requirements about the notice, collection, use, disclosure, retention, security, access and correction of personal information.

A breach of an APP is an interference with the privacy of an individual. Where this occurs, the individual can make a complaint to the national privacy regulator, the Office of the Australian Information Commissioner, which can investigate and seek to conciliate the complaint. If the Commissioner finds that the complaint is substantiated, they can make a declaration—including that the respondent must take certain steps to stop the privacy-interfering conduct, to redress any loss or damage suffered, or that the complainant is entitled to compensation.

While the Privacy Act provides an exemption for small businesses with annual turnover of \$3 million or less for a financial year, this exemption does not apply where a business is trading in personal information unless the business has the consent of all the individuals concerned.

The Australian Government has committed to further privacy law reform to strengthen protections for individuals and to bring the laws into the digital age.

Consumer law

Significant civil penalties may apply for breaches of the Commonwealth *Competition and Consumer Act 2010* (including the Australian Consumer Law), which act as a deterrent against inappropriate sharing of consumers' data.

Approved for circulation to the Standing Committee on Legal Affairs

Signature: 

By the Attorney-General, Ms Tara Cheyne MLA

Date: 18/12/25