



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Peter Cain MLA

Addressed to: Minister for Human Rights

Reference: Attorney- General

Hearing: 19/02/2025

In relation to: Privacy Commissioner

Question received: 25/02/2025

Answer Due: 05/03/2025

1. What have been the primary challenges faced by the Privacy Commissioner since the role's commencement?
2. Why did the ACT Government decide to assume these responsibilities rather than continue its arrangement with the Office of the Australian Information Commissioner, which had been in place since 2014?
3. Can the government provide an update on how the ACT Privacy Commissioner has been carrying out these duties?

Ms Tara Cheyne MLA: The answer to the Member's question is as follows:

1. From 1 July 2024, the functions of the Information Privacy Commissioner (IPC) under the *Information Privacy Act 2014* have been carried out by the ACT Human Rights Commission.

One of the key challenges has been the management of matters transferred from the Office of the Australian Information Commissioner (OAIC) to the Human Rights Commission. The Human Rights Commission has advised that due to the length of time some of those matters had been open, there has been limited opportunity to resolve those matters informally.

The ACT Human Rights Commission has updated its website, has been in contact with the OAIC and other privacy regulators to ensure ACT is informed about developments in privacy law and policy and can contribute effectively to improving the Information Privacy Act to better protect the rights of Canberra community members.

2. Since 2014, the ACT Government has had an arrangement with the Office of the Australian Information Commissioner (OAIC) to provide some of services and functions of an information privacy commissioner under the Information Privacy Act. The most recent Memorandum of Understanding with the OAIC expired on 30 June 2024. In May 2024, the OAIC advised JACS it

OFFICIAL

would not be entering into a new Memorandum of Understanding and they could no longer undertake the function to provide privacy services to the ACT.

Following this, the ACT Government appointed the Discrimination, Health Services, Disability and Community Services Commissioner within the ACT Human Rights Commission to take on this role from 1 July 2024. This appointment aligns with the Commission's new jurisdiction to consider complaints about breaches of human rights, including the right to privacy, and will further enhance the Commission's role as a 'one-stop shop' for dealing with complaints against ACT public sector entities.

3. The IPC has been promoting the function within government through the Human Rights Community of Practice convened by JACS and HRC to support the implementation of the human rights complaint mechanism.

The IPC has received 25 complaints in the period 1/7/24 to 31/12/24 including 14 matters transferred from the OAIC that we are endeavouring to resolve or finalise on some basis.

The IPC has made a number of observations to Directorates about privacy practices in handling the complaints received.

Approved for circulation to the Standing Committee on Legal Affairs

Signature: 
By the Minister for Human Rights, Ms Tara Cheyne MLA

Date: 7/3/25