

# Privacy

## **Welcome to the Defence Privacy site**

This site provides information about the [Privacy Act 1988](#) (the Act), including the Australian Privacy Principles (APPs), and the obligations of all Defence personnel and Defence contractors to meet the requirements of the Act.

## **The Privacy Act 1988**

The Act provides for the privacy of personal information in certain circumstances. Personal information is defined in Section 6 of the Act as:

*information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- a. *whether the information or opinion is true or not; and*
- b. *whether the information or opinion is recorded in a material form or not.*

The Act does not cover verbal comments about an individual or their physical privacy, nor privacy intrusions such as stalking, harassing, surveillance cameras or eavesdropping. These matters are dealt with under other laws, such as trespass.

Schedule 1 of the Act details the thirteen Australian Privacy Principles (APPs) which govern the handling of personal information by public sector agencies. The APPs are designed to safeguard ADF members and their families, Defence APS employees and Defence contractors from inappropriate collection, use and disclosure of their personal information. In addition, they establish requirements for appropriate storage, security, access and alteration to records. Information on the APPs and how they apply to Defence is available at the [Privacy Knowledge Site](#).

## **Privacy Toolbox**

The [privacy toolbox](#) provides a range of privacy resources for Defence personnel including: 'Privacy in Practice' notes, guides for drafting APP 5 privacy notices, and OAIC publications.

## **Defence Privacy Policy**

In accordance with APP 1, Defence is required to have a clearly expressed and up to date privacy policy, accessible to all Defence personnel and members of the public. The Defence Privacy Policy is available to view on the Defence internet at the following link: <http://www.defence.gov.au/complaintresolution/privacy.asp>.

## **Privacy Knowledge Site**

The Privacy Knowledge Site is a resource developed by Complaint Resolution to inform Defence personnel about the changes to the *Privacy Act 1988* and how the new APPs affect Defence.

The Privacy Knowledge Site also provides the information component of the Australian Privacy Principles: eAssessment (Campus ID# 7392), which is now available on CAMPUS. The Privacy Knowledge Site can be accessed via the following link: <http://intranet.defence.gov.au/people/sites/ComplaintResolution/comweb.asp?page=113255>

## Privacy complaints

The Defence complaint handling principles (listed in Chapter 1 Part 3 of [CARM](#) ) state that all complaints should be raised at the lowest appropriate level in the first instance. Defence personnel who have concerns regarding the collection, use or disclosure of their personal information should contact the unit or directorate where they believe the breach occurred in the first instance or write to [defence.privacy@defence.gov.au](mailto:defence.privacy@defence.gov.au) .

Until a specific policy is developed, privacy complaints should be managed in accordance with Annex D of [DI\(G\) PERS 35-3 -Management and reporting of unacceptable behaviour](#) by the commander/manager of the area responsible for the alleged breach.

Some privacy complaints raise matters that occurred while the Information Privacy Principles (IPPs) were in force. Information on the IPPs can be found in the following documents:

[IPPs fact sheet](#)

[IPP 1-3 guidelines](#)

[IPP 4-7 guidelines](#)

[IPP 8-11 guidelines](#)

## The Privacy Commissioner

The Privacy Commissioner resides in the [Office of the Australian Information Commissioner \(OAIC\)](#).

The functions of the Privacy Commissioner include:

- Providing advice about the Act and privacy issues more generally;
- Investigating complaints from individuals about interferences with privacy under the Act against federal and ACT government agencies and private sector organisations.

The Privacy Commissioner has the power to initiate own motion investigations about potential breaches of privacy that do not relate to a particular complainant. More information about the Office of the Australian Information Commissioner can be found at the [OAIC information page](#).

The OAIC [Privacy regulatory action policy](#) explains the OAIC's range of powers, and its regulatory strategy, approach and priorities.

## Point of contact

If you have any questions regarding the Act and/or its application in a Defence context, you can email the Defence Privacy Office at [defence.privacy@defence.gov.au](mailto:defence.privacy@defence.gov.au) .