



Australian Government

Office of the Australian Information Commissioner

Our reference: s 22

s 22

Dear Ms s 22

Notice to Produce Information

I refer to s 22 complaint about s 22

The Office of the Australian Information Commissioner (OAIC) provided you with a summary of the complaint in a letter dated 26 November 2014 and requested information relevant to s 22 complaint by 19 December 2014. s 22 sought an extension of time and we agreed the response would be provided by 23 January 2015. s 22 advised on 4 February it could not confirm when it would provide the response.

Given it has now been more than eight weeks since we notified s 22 of this matter in order to progress this matter I have decided to issue a notice requiring production of the information and documents relevant to the investigation.

Under s 44 of the *Privacy Act 1988* (Cth) (the Privacy Act), I require you to produce the information requested in the OAIC's letter of 26 November 2014, as specified in Annexure A as part of the OAIC's investigation into the complaint.

I require you to provide this information by **Wednesday 25 February 2015** to:

The Office of the Australian Information Commissioner
Level 3
175 Pitt Street
Sydney NSW 2000

You are legally obliged to comply with the requirements of this notice. I would also draw your attention to s 66(1) of the Privacy Act, which outlines the penalty for failing to comply with this notice.

Dated this 9th day of February 2015

Karen Toohey

Delegate of the Australian Privacy Commissioner

ANNEXURE A

Information required – as previously requested in 26 November 2014 letter

1. Did s 22 disclose s 22 personal information to s 22 as alleged? Please provide a detailed response, including the circumstances surrounding the alleged disclosure of the information from s 22 Statement of Reasons (SOR).
2. If yes to question one, does s 22 consider Information Privacy Principle (IPP) 11.1 allows for this disclosure? Please provide a detailed response, including any exception to IPP 11.1 s 22 is seeking to rely on, and any information or evidence in support of your view.
3. Please provide details of any directions, policies or procedures that relate to the disclosure of this type of information from an SOR.
4. What steps did s 22 take to investigate and respond to s 22 allegations? Please provide copies of any response(s) provided to s 22 in response to his complaint.
5. Is there any other information, relevant to this complaint that s 22 would like to provide to the OAIC?

Statutory provisions

Section 44 of the Privacy Act:

- (1) If the Commissioner has reason to believe that a person has information or a document relevant to an investigation under this Division, the Commissioner may give to the person a written notice requiring the person:
 - (a) to give the information to the Commissioner in writing signed by the person or, in the case of a body corporate, by an officer of the body corporate; or
 - (b) to produce the document to the Commissioner.

Section 66 of the Privacy Act:

- (1) A person shall not refuse or fail:
 - (a) to give information; or
 - (b) to answer a question or produce a document or record;

when so required under this Act.

Penalty:

- (a) in the case of an individual-\$2,000 or imprisonment for 12 months, or both; or
- (b) in the case of a body corporate-\$10,000.



Australian Government

Office of the Australian Information Commissioner

Our reference: s 22
Your reference: s 22

s 22

Dear Mr s 22

Notice to Produce Documents

I refer to s 22 privacy complaint about the s 22 dated s 22 2016.

Under s 44 of the *Privacy Act 1988* (Cth) (the Privacy Act) I require you to produce an unredacted copy of the s 22 documents that were identified as within the scope of s 22 request for access to personal information under Australian Privacy Principle 12, namely the documents listed in the schedule to your decision letter of s 22 December 2015.

I require you to produce the documents to me by **Friday, 11 March 2016** either by:

- email at caitlin.emery@oaic.gov.au; or
- post at Office of the Australian Information Commissioner, Level 3, 175 Pitt Street, Sydney, NSW 2000.

You are legally required to comply with the requirements of this notice. I draw your attention to s 66(1) of the Privacy Act, which outlines the penalty for failing to comply.

If you would like to discuss this notice, please contact Caitlin Emery, the officer handling this matter, on (02) 8231 4223 or by email at caitlin.emery@oaic.gov.au.

Thank you for your assistance in this matter.

Yours sincerely

Karen Toohey
Delegate of the Privacy Commissioner
Assistant Commissioner
Dispute Resolution Branch
19 February 2016

Statutory provisions

Section 44 of the Privacy Act:

- (1) If the Commissioner has reason to believe that a person has information or a document relevant to an investigation under this Division, the Commissioner may give to the person a written notice requiring the person:
 - (a) to give the information to the Commissioner in writing signed by the person or, in the case of a body corporate, by an officer of the body corporate; or
 - (b) to produce the document to the Commissioner.

...

Section 66 of the Privacy Act:

- (1) A person shall not refuse or fail:
 - (a) to give information; or
 - (b) to answer a question or produce a document or record;when so required under this Act.

Penalty:

- (a) in the case of an individual—\$2,000 or imprisonment for 12 months, or both; or
- (b) in the case of a body corporate—\$10,000.

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