

11 December 2014

Privacy Commissioner
Officer of the Australian Information Commissioner

By email through: Tim De Sousa - Tim.DeSousa@oaic.gov.au

Dear Commissioner,

DATA BREACH NOTIFICATION

Background

On 19 September 2014, an FOI request was submitted to the AFP through the "Right to Know" website seeking access to information under the *Freedom of Information Act 1982* (Cth) (the Act) in the following terms:

"all emails sent to the Apple.com APAC Police Requests email address (apac_police_requests@apple.com) from the 1st of July 2014 until 19 September 2014, and any replies to those emails."

The applicant did not seek duplicates of documents or the personal information of individuals other than AFP members.

On 5 December 2014, the FOI decision and documents relating to the request were notified to the FOI applicant which was subsequently published on the "Right to Know" website.

On 8 December 2014, a journalist from *The Guardian* notified the AFP Media team that it appeared that the names of the two individuals had been inadvertently released on the top page of a statement.

The document that revealed the names of the two individuals was a statement that was prepared for the purposes of an AFP Investigation and court proceedings. The name of the witness providing the statement and the individual to which the statement related to was redacted on the first page of the statement, however, was inadvertently released at the top of the statement on the second page.

Evaluation of the risks associated with the breach

Advice from ACT Policing management has indicated that risks associated with the data breach concerning the investigation are low. In addition, the harm or risk to the individuals is also considered low due to the following factors:

- No personal information concerning either individual was released apart from their names;
- The information contained within the statement refers to Apple procedures and not personal information that would readily identify the individuals; and
- The statement is contained (unredacted) in a brief of evidence served on the parties and the matter is currently before the Court.

Response to the breach

In response to the breach, the following action has been taken:

- On 8 December 2014 the AFP requested that the FOI applicant remove the documents from the "Right to Know" website. The AFP was advised by the FOI applicant that he could not remove the documents and provided a contact details for the Administrator of the site that would be able to assist. The Administrator was contacted on 9 December 2014 and the documents were removed from the website.
- Both individuals have been contacted and advised of the data breach and that the documents have been removed from the website together with an apology for the data breach. Details of how they could contact the AFP and make a complaint if they wished were also provided.
- A revised redacted version of the document has been provided to the FOI applicant.
- A review of the quality assurance methods and procedures undertaken by the Information Access team when processing FOI requests to ensure data breaches do not occur in the future.

If you have any queries regarding this matter, I am the contact person and can be contacted on 6131 2808 and at jacqueline.ellery@afp.gov.au.

Yours sincerely,



Jacqueline Ellery
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Acting Coordinator
Information Access (Freedom of Information)
Operations Support