



Our Privacy Policy

Protecting your personal information

"The Democrats want privacy back on the federal agenda. We want to ensure that whichever party forms government doesn't know more about each Australian than they need to."

Natasha Stott Despoja
Democrats Spokesperson for Privacy
Senator for South Australia

Photo courtesy of Daniel Noone

How much does your Government know about you?

Privacy is a fundamental human right that ensures that you have the final say about the sort of sensitive information that governments and private companies can access. Yet, sometimes privacy is elusive and its importance is overlooked by governments.

Over the last decade, new technologies, a heightened security environment, the rapid advance of big business and the failure of the government to ensure that privacy laws keep pace have meant that personal privacy is more under threat than ever before.

The Australian Democrats: your privacy guardians

The Australian Democrats are the original privacy party. Senator Stott Despoja and others have campaigned hard to protect the privacy of Australians for many years by initiating inquiries, introducing legislation and advocating reform of Australia's privacy laws.

The Democrats' top 5 privacy concerns:

1. Reform the Privacy Act
2. Say no to the Access Card
3. Wind back intrusive anti-terror laws
4. Protect personal data
5. End genetic discrimination

The Democrats' top 5 privacy concerns:

1. Reform the Privacy Act:

The Privacy Act is full of loopholes. Confusing differences between State and Commonwealth laws make compliance a nightmare, while different rules apply to government and business. Moreover, exemptions for political parties, the media and small businesses mean that the Privacy Act is more like a block of Swiss cheese than a bulwark against undue incursions into personal privacy. It was enacted in 1988, and reforms have failed to keep pace with rapid advances in technology.

To cap it off, under-funding of the Privacy Commissioner and a lack of penalties or remedies for privacy breaches means that there is little incentive for people to take any notice of the existing law.

The Democrats have long campaigned for Privacy Act reform. We initiated a Senate inquiry into the Privacy Act in 2004 which led to a review of the Act by the Australian Law Reform Commission (ALRC). We opposed the exemptions for small businesses and political parties when they were introduced. The ALRC has now proposed wholesale reforms to the Act, but both the Government and Opposition refuse to take privacy seriously. The Democrats are the only party that is willing to speak out for your right to privacy.

2. Say NO to the Access Card:

The Democrats have consistently opposed the introduction of any form of identity card and led the campaign to vote down the Australia Card when it was proposed in 1986.

The Democrats consider the Access Card is an ID card in disguise. The Government wants every Australian to have one, and it will include your most sensitive personal information, plus a biometric photo. It would create the greatest mass centralisation of information ever known in Australia, ripe for hacking opportunities and identity theft.



Senator Stott Despoja has led a public campaign to stop the introduction of the Access Card and conducted widespread consultation on the proposed legislation. Polling by the Democrats suggests that 73% of respondents are outright against the card, while 79% believe it will morph into an I.D. card and 77% are concerned that the card will lead to an invasion of privacy.

3. Wind back Australia's intrusive anti-terror laws:

Since September 11, the Howard Government has enacted around 40 pieces of security related legislation, many of which have broadened the information and intelligence gathering powers of the AFP and ASIO. Many laws have removed independent judicial scrutiny of applications to conduct surveillance and intelligence gathering operations, in favour of self-authorising mechanisms with little oversight.

The Democrats want an urgent inquiry into Australia's anti-terrorism laws. The piecemeal development of the laws, together with disregard for fundamental human rights and legal principles, means that the laws have created a complicated system that has wound back individual rights too far in favour of 'national security'. As the Mohamed Haneef affair and recent bungles by ASIO show, the AFP has failed to comprehend and implement the laws effectively.

The Democrats moved for a Senate inquiry into the anti-terror laws in August 2007 and will continue to push for a review with whichever party forms government in 2008.

4. End genetic discrimination:

While many forms of discrimination are unlawful in Australia, it is not unlawful for employers, businesses and other organisations to discriminate against you on the basis of your genetic makeup. While this is inherently unfair, the Government refuses to act.

In 1998, Senator Stott Despoja introduced the Genetic Privacy and Non-Discrimination Bill. Debate surrounding this bill and a Senate committee inquiry led to the establishment of an ALRC and Australian Health Ethics Committee inquiry into issues of genetic privacy and discrimination. Their report, *Essentially Yours: the Protection of Human Genetic Information*, was released in May 2003 and made 144 recommendations to improve the protection of our genetic information. Many of those recommendations are yet to be acted upon by the Government.

It is time to close this legal loophole and put an end to genetic discrimination.

5. Protect personal data:

As privacy laws stand, a company that holds sensitive personal information about thousands of Australians can suffer a mass security breach, but it does not have to tell anyone about it.

There is substantial evidence that privacy breaches are occurring routinely - but with no legal obligation for

such breaches to be disclosed, the problem is unrecognised and people are left in the dark about whether and to whom their sensitive personal information may have been disclosed.

This situation must change. In August, Senator Stott Despoja introduced a Private Senator's Bill which would amend the Privacy Act to introduce a notification requirement where an unauthorised disclosure of personal information has occurred. It would place the onus on government and businesses to notify an individual when there has been a confirmed or reasonably suspected breach of data security involving that person's sensitive information.

Senator Stott Despoja's Bill would define the problem and focus the industry and consumers on tightening data security procedures, minimising the risk of identity theft and other adverse outcomes.

