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MEDIA RELEASE

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ACMA Refuses to Protect Privacy

The Australian Communications and Media Authority has dropped the ball twice in one week.

ACMA found that Vodafone had breached public expectations in relation to the protection of its customers' personal data. But it then meekly issued the company with a warning that it needed to obey the law. Both oversight agencies failed to act constructively to protect privacy.

Now ACMA is set to release Guidelines for Broadcasters that set the bar for privacy protection so low that media organisations will remain free to behave basically as they do now.

The revised Guidelines say that an act isn't a privacy intrusion unless it is "highly offensive" to "an ordinary person of reasonable sensibilities".

They also interpret the public interest so broadly that it can include most things that the public might be interested in, rather than restricting the term to its proper meaning *.

"The intrusions may be completely unnecessary. And you may be annoyed, upset, or even distraught. But, unless the media's actions are completely beyond the pale, ACMA won't even issue a warning, let alone take any actual protective action", said the Chair of the Australian Privacy Foundation, Roger Clarke.

"ACMA is giving carte blanche to broadcasters to be as objectionable as they like in the pursuit of news, and to publish personal data that is unnecessary to the story, and that may cause the individuals concerned substantial offence or distress".

This follows ACMA's exoneration of Channel 7 over its widely-condemned exposé of a NSW Minister's private activities. It has become abundantly clear that ACMA is unwilling to respond to the public's needs for privacy protection.

It is essential that ACMA define far higher privacy standards in the broadcasting arena. Unless it does so, the responsibility must be vested instead in an organisation that has a commitment to achieving appropriate balances between public and private interests.

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* APF defines 'the public interest' as relevance to the performance of a public office, to the performance of a corporate or civil society function of significance, to the credibility of public statements, to arguably illegal, immoral or anti-social behaviour, to public health and safety, or to an event of significance

APF Policy Statement: <http://www.privacy.org.au/Papers/Media-0903.html>
APF Submission to the Media Inquiry: <http://www.privacy.org.au/Papers/MediaInq-Sub-111118.pdf>