



**Australian
Privacy
Foundation**

<http://www.privacy.org.au>

Secretary@privacy.org.au

<http://www.privacy.org.au/About/Contacts.html>

9 August 2010

Magistrate John Burns
Chief Magistrate of the ACT

Dear Mr Burns

Re: 'Serial crooks start early and often'

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

The Canberra Times of Sunday 8 August 2010 on p. 10 carried two stories by Louis Andrews, entitled 'Repeat offenders on crime spree' and 'Serial crooks start early and often'. The bottom of the front page carried a prominent pointer to the stories.

The story was informative and important. However, the articles contained the following:

"The Sunday Canberra Times has inspected the criminal histories of seven people well known to police. Most of these offenders are again facing criminal charges, so to avoiding [sic] breaching contempt of court guidelines this newspaper has declined to name them in relation to their records. [T]he documents [were] obtained through the ACT Magistrates Court ..."

Would you please advise if these aspects are correct.

If so, would you please advise on what basis this sensitive personal data was revealed to the media, including what the legal authority is for the disclosure. In particular, was the personal data available as part of a document that is routinely available to any member of the public, or was the disclosure exceptional? The concern is that the press report could have been readily enabled without disclosure to the reporter of the individuals' identities.

While it would be entirely reasonable for public policy deliberations to consider the potential benefits of public 'naming and shaming' of repeat-criminals, casual disclosure would be a disturbing breach of public norms relating to the handling of personal data.

Thank you for your assistance.

Yours sincerely

Roger Clarke
Chair, Australian Privacy Foundation
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Australian Privacy Foundation

Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF's Board comprises professionals who bring to their work deep experience in privacy, information technology and the law.

The following pages provide access to information about the APF:

- papers and submissions <http://www.privacy.org.au/Papers/>
- resources <http://www.privacy.org.au/Resources/>
- media <http://www.privacy.org.au/Media/>
- Board-members <http://www.privacy.org.au/About/Contacts.html>

The following pages outline several campaigns:

- the Australia Card (1985-87)
<http://www.privacy.org.au/About/Formation.html>
- the Medicare Smart Card (2004-06)
http://www.privacy.org.au/Campaigns/ID_cards/MedicareSmartcard.html
- the Human Services Card (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/HSCard.html
- the Australia Card Mark II (2005-06)
http://www.privacy.org.au/Campaigns/ID_cards/NatIDScheme.html
- the 'Access Card' (2006-07)
http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html