

Thursday 24 October 2012

Peter Nikolettatos
Chief Information Officer

Mr Roger Clarke
Chair, for the Board of the Australian Privacy Foundation

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CRICOS Provider No. 00120C

Dear Roger,

I refer to your correspondence to Professor Ian Young on September 17th regarding ANU's announcement to move to a cloud based email system based on Microsoft Office 365.

Information relating to this activity has been communicated openly on the ANU website since the pilot began in September, and will continue to record updates as the project progresses (see <http://itservices.anu.edu.au/project-updates/anu-email/index.php>). Naturally, as individual areas of the University are moved to the cloud service, they will be directly engaged and informed as a part of the project rollout.

We note your concern regarding privacy issues and I can advise that none of our cloud-based email activity in contravention of the guidance on the APF website. Key to this is the fact that personal data will not be released beyond the University.

There are two specific Information Privacy Principles (IPP) contained within section 14 of the Australian Privacy Act 1988 (Privacy Act) which are relevant to this activity:

- a. IPP2: Solicitation of personal information from an individual. When an agency collects personal information, this requires the agency to advise the individual concerned whether the information is likely to be disclosed to any other entity.
- b. IPP4: Storage and security of personal information. This requires that agencies ensure that personal information that they hold is protected, by such security safeguards, as it is reasonable in the circumstances to take, against misuse or loss, and unauthorised access, use, modification or disclosure.

Therefore, ANU has opted to exercise the following precautions:

- We will continue to use our on-premise authentication model. This means that personal information, such as names, dates of birth and addresses are not released to the service provider.
- The service provider is contractually bound to adhere to the Privacy Act with regard to corporate information, such as emails and documents. The contract only allows the provider access to the data for the provision of the service itself. This means they will not scan emails or documents to build analytics, data mine or target advertising.

Further, the decision to adopt a cloud-based email model was taken with the awareness that all official ANU documentation, which includes emails, constitutes a corporate record. Part III of the Freedom of Information Act 1982 (FOI Act) includes emails within its definition of discoverable documents.

Thus, all emails written from an ANU address may already be the subject of an FOI request, and should always be authored with this in mind.

The ANU has carefully analysed the potential threats to privacy by moving email service provision to an external provider; and has ensured that any risks have been minimised by the use of a rigorous contract and selective adoption of cloud services.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,



Peter Nikolettatos
Chief Information Officer

cc Professor Ian Young AO, Vice Chancellor
Dr Brok Glenn, Executive Director Administration & Planning
Ms Rachel Vance, Legal Counsel