



**Australian Privacy
Foundation**

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<https://privacy.org.au/about/contacts/>

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Dear Steven Hodgkinson

Re: CRISSP data breaches

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

I refer to news indicating that the Victorian Department of Health and Human Services' (DHHS') Client Related Information for Service Providers (CRISSP) database was allegedly breached by a contractor, who continued on to assault the health and wellbeing of at least one victim for more than a year after his employment had ceased.¹⁻²

The reportage claims that the Office of the Victorian Information Commissioner (OVIC) was initially notified of the breach in December 2018. By May 2020, the OVIC had found that the DHHS failed to cancel the contractor's access to CRISP when his contract ended. The report highlighted the absence of an effective procedure for terminating an end-user's access to CRISP, which breached Victorian Information Privacy Principles (IPPS).^{1, 3} More than 3-4 years after the breach was discovered, and more than a year after the OVIC report, the DHHS still needs to contact all the people affected by the breach.²

The Victorian community, which trusts governments to store and use sensitive and detailed medical and health information, has been disappointed by the breach. The breach highlights the risks to electronically linked personal health data, where risk is balanced by benefit. In this instance, unacceptable DHHS

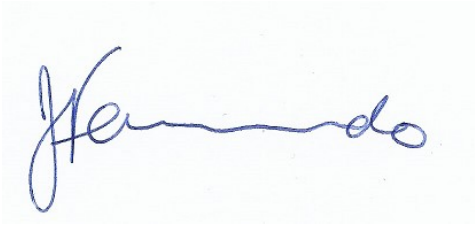
information handling practices have exposed Victorians to an unsatisfactory level of risk. Robust data security and privacy controls implemented to protect government stores of information is every individual's right.

The APF is disturbed by the poor security mechanisms underpinning the CRISSP data breach, shortcomings informing individuals that their information has been 'hacked' and the department's lack of accountability under the law. A statutory tort for invasion of privacy, where government department privacy controls can be examined through legal action, a reform to Victorian and Australian citizen human rights law, is long overdue.

The APF asks for information about the steps you have taken or plans the DHHS has developed to prevent breaches of the Victorian IPPs in future.

I look forward to your reply and would be happy to help with developing responses to these issues.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Fernando", is centered on a light blue rectangular background.

Acknowledgment

I acknowledge and thank the members of the APF Health Committee for their guidance herein.

References

1. Hendry, J. Ex-contractor accessed Vic govt IT system 260 times a year after leaving. *IT News*, 12 March 2021. Available from <https://www.itnews.com.au/news/ex-contractor-accessed-vic-govt-it-system-260-times-a-year-after-leaving-562038>
2. Taylor, J. & Curnow, S. Victoria's child protection department misled watchdogs after sex offender Alex Jones CRISSP data breach, *ABC News*, June 8 2021. Available from <https://www.abc.net.au/news/2021-06-08/victorian-department-in-watchdogs-sights-over-handling-of-breach/100186524>
3. Office of the Victorian Information Commissioner. IPP 4.1, Information Privacy Principles, Full text. OVIC. Available from https://ovic.vic.gov.au/privacy_trashed/information-privacy-principles-full-text/#:~:text=4.1%20An%20organisation%20must%20take,longer%20needed%20for%20any%20purpose.

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 is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, Committees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

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

The Board is supported by Patrons The Hon Michael Kirby AC CMG and The Hon Elizabeth Evatt AC, and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <https://privacy.org.au/publications/by-date/>
- Media <https://privacy.org.au/home/updates/>
- Current Board Members <https://privacy.org.au/about/contacts/>
- Patron and Advisory Panel <https://privacy.org.au/about/contacts/advisorypanel/>

The following pages provide outlines of some of the campaigns that the APF has conducted:

- The Australia Card (1985-87) <https://privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <https://privacy.org.au/campaigns/consumer-credit-reporting/>
- The Census (2006) <https://privacy.org.au/campaigns/census2006/>
- The Access Card (2006-07) <https://privacy.org.au/campaigns/id-cards/hsac/>
- The Media (2007-) <https://privacy.org.au/campaigns/privacy-media/>
- The MyHR (2012-) <https://privacy.org.au/campaigns/myhr/>
- The Census (2016) <https://privacy.org.au/campaigns/census2016/>