

20 January 2022

By email: peter.dutton.mp@aph.gov.au

Dear Minister Dutton,

Open letter: Australian Border Force warrant-less seizure of comms

The Australian Privacy Foundation (APF), the nation's preeminent civil society body concerned with defending people's privacy, is alarmed by the ongoing privacy incursions enabled by Government legislation reported in the media this week.

The recent media report states that returning Australian travellers were asked to write their passcodes on paper before a Border Force official seized their smartphones and disappeared with these for around 30 minutes without a warrant.¹

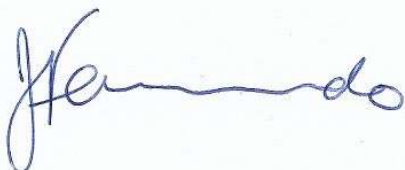
Not only is this process, the interception of private information on smartphones, ostensibly contrary to law, but it also lacks transparency and infringes human rights. Individuals cannot exercise their limited civil entitlements under the law if no record of what occurred after smartphones are seized exists or is obtainable outside your department.

Australian people cannot rely upon our non-existent Bill of Rights, unlike the case in other democratic countries. Even worse, this category of apparently illegitimate privacy violation by Border Force at the Australian border has occurred previously and will endure into the future.²

Australian citizens also need to be warned prior to international departure and arrival about any other searches or interference with personal electronic devices that Border Force asserts it is entitled to conduct.

The APF beseech you to act so that such egregious and opaque breaches of citizen rights as discussed herein cannot occur into the future, restoring some public confidence in Border Force accountability to Australian citizens.

Yours sincerely,



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REFERENCES

1. Taylor, J. Returning travellers made to hand over phones and passcodes to Australian Border Force, The Guardian, 18 January 2022. <https://www.theguardian.com/world/2022/jan/18/returning-travellers-made-to-hand-over-phones-and-passcodes-to-australian-border-force>.
2. Michael, K. Border agents can demand access to your digital device — here's what to say if it happens to you, 8 October 2018. <https://www.abc.net.au/news/2018-10-08/if-a-border-agent-demands-access-to-your-digital-device/10350762>