



Australian Government
Attorney-General's Department

MC21-045310

5 November 2021

Dr Juanita Fernando
Chair - Health Committee
Australian Privacy Foundation
juanita.fernando@protonmail.ch

Dear Dr Fernando

Thank you for your letter of 24 September 2021 to the Prime Minister, the Hon Scott Morrison MP, regarding controls on the secondary use of COVID-19 check-in data. Your correspondence has been referred to the Attorney-General and Minister for Industrial Relations, Senator the Hon Michaelia Cash as the matters you raise fall within her portfolio responsibilities. The Attorney-General has requested that the Attorney-General's Department respond to you on her behalf.

The Australian Government recognises the importance of protecting individual privacy as well as the interests of entities in carrying out their functions or activities, such as the protection of public health. The *Privacy Act 1988* seeks to balance these objectives and, as you identify, provides strong protections for the handling of COVIDSafe app data.

State and Territory check-in apps are an important component of the test, trace, isolate, quarantine public health measures in place to control the spread of COVID-19 in our community. Collection of check-in data is required under State and Territory public health orders. Similarly, the use and disclosure of this data, including by police and law enforcement, is governed by State and Territory laws. As these matters fall within the responsibility of the States and Territories, it is appropriate that those jurisdictions determine the applicable restrictions on the handling of check-in data.

Thank you again for bringing your concerns to the Government's attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Jarvoll', written in a cursive style.

Amy Jarvoll
Director
Information Law Branch