



**Australian  
Privacy  
Foundation**

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## **Call for Action**

### **Looking Beyond the Optus Data Breach**

#### **October 2022**

With the Optus data breach, many of the concerns long expressed by the Australian Privacy Foundation regarding the way that the personal information of Australians is collected and handled have been realised.

Australia's telecommunication providers play a crucial role in the life of every Australian. Telecommunication companies provide the infrastructure at the centre of our communications, they support connections between all Australians and collect enormous amounts of data about us as part of that. However, according to [Deloitte Australia's Privacy Index 2022](#), the telecommunication industry is one of the least trusted by consumers for protecting their online information. The recent Optus hack will reduce that trust even further.

It is important for all Australians that the government take whatever efforts it can to re-instate trust and confidence in Australia's telecommunications providers.

To go some way towards achieving this, the Australian Privacy Foundation calls for the following:

- An immediate review of statutory data retention obligations in Australia, particularly those applicable to telecommunications providers, to confirm the necessity and proportionality of those requirements;
- A minimum set of security controls be prescribed for organisations with large holdings of personal information (like that held by Optus) – as a stand-alone exercise or as part of the development of risk management plans under Australia's critical infrastructure laws;
- Appropriate reforms to the Privacy Act in the current [Privacy Act Review](#) including the introduction of a data minimisation principle, a right to erasure, and a right to sue for damages for breach of the Privacy Act so that individuals in Australia who suffer a data breach can individually and collectively advance their claims in court;
- Strengthening Australia's mandatory data breach notification scheme to include **immediate** notification to people affected wherever there is a critical data breach and the provision of clear instructions on steps to take to mitigate potential harms. Organisations need to have the systems or processes in place to enable it to meet these requirements;
- Extended powers for the Australian Information Commissioner and Privacy Commissioner and increased penalties for breaches as [demanded also](#) by the Commissioner;
- Commitment to ensuring that the Office of the Australian Information Commissioner has the resources needed to perform its statutory oversight functions rigorously and effectively.

The Optus data breach points to the need for extra-vigilant cyber security by telecommunication service providers in the face of [increasing risks of hacking](#). But it also raises broader policy questions about the need for Australian entities to collect and hold large amounts of personal data including identity data, the length of mandatory data retention, and the case for giving Australians a right to have their data erased and a right to claim damages under the Act for data breach.

The time for complacency is over. We urge the government to consider our call for reform.

The Foundation also draws attention to the specious arguments of some lobbyists who are seeking to use this event to again talk up centralised, single-identity schemes along the same simplistic lines that have been advanced multiple times since the Australia Card fiasco.

Treating humans like objects in warehouses isn't just demeaning; it demonstrably doesn't work. Human identity is complex, and it plays many vital roles in society, economies and political systems. Identification schemes need to be conceived to reflect both the complexities, and the importance, of human identity.

Yours sincerely

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

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