



Attorney-General

Reference: MC22-023166

Dr Roger Clarke
Australian Privacy Foundation
78 Sidaway Street
CHAPMAN ACT 2611

By email: Roger.Clarke@xamax.com.au

Dear Dr Clarke

Thank you for your email of 29 September 2022 providing the Australian Privacy Foundation's response to the Commonwealth Ombudsman's Report on agencies' compliance with their obligations under the *Telecommunications (Interception and Access) Act 1979*. I would like to thank the Australian Privacy Foundation for its engagement with the Commonwealth Ombudsman's Report and with the Attorney-General's Department as part of consultations on the development of a new electronic surveillance legislative framework.

The Australian Government is committed to the transparency and accountability of the mandatory data retention regime and recognises the need to protect the privacy of Australians while also supporting law enforcement and national security agencies to effectively fulfil their important functions. The Ombudsman's inspections and reports are a key part of the legal framework that regulates agencies' access to electronic surveillance powers, by providing independent oversight and scrutiny and transparency to the public. I am disappointed with the findings identified in the Ombudsman's recent report, and I expect to see improvement across Australia's enforcement agencies as they work to implement the Ombudsman's recommendations.

Your correspondence refers also to the Parliamentary Joint Committee on Intelligence and Security report on the mandatory data retention regime, which made 22 recommendations focussed on increasing transparency and accountability and the appropriateness of existing thresholds for access to telecommunications data. The Government is working to quickly respond to the Committee's recommendations.

The Optus data breach has highlighted the need to update and strengthen our laws to manage the immense amounts of personal information collected by companies about Australians. I hope to bring reforms to Parliament before the end of the year to toughen penalties and increase safeguards for privacy protection. The government is also committed to protecting Australians' personal information and to strengthening privacy laws through the Privacy Act review. A comprehensive review by the department will be completed this year. This will inform future reforms to ensure our Privacy Act remains fit-for-purpose, protects personal information of Australians, supports an innovative economy and responds to new challenges in the digital age.

The departmental officer with responsibility for the mandatory data retention regime is Ashleigh McDonald, Assistant Secretary, Electronic Surveillance Branch, who can be contacted on (02) 6141 5770 or via email at: Ashleigh.McDonald@ag.gov.au.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Dreyfus', written over a blue circular stamp.

THE HON MARK DREYFUS KC MP

24/10/2022