

Submission to the Serious Data Breach Notification Consultation

(Consultation closes 4 March 2016 — please send electronic submissions to privacy.consultation@ag.gov.au)

Your details

Name/organisation <i>(if you are providing a submission on behalf of an organisation, please provide the name of a contact person)</i>	Mrs Petá Sweeney President, Queensland Branch Council of the Records and Information Management Professionals Australasia (RIMPA)	
Contact details <i>(one or all of the following: postal address, email address or phone number)</i>	Petá Sweeney FRIM President Queensland Branch RIM PA [contact details redacted]	

Publication of submissions

In meeting the Australian Government's commitment to enhancing the accessibility of published material, the Attorney-General's Department will only publish submissions to this website that have been submitted electronically.

Our preference is that submitters complete this template and send it to privacy.consultation@ag.gov.au.

However, if submitters choose to provide a separate document, the following formats are preferred:

- Microsoft Word
- Rich Text Format (RTF)
- txt format.

Please limit individual file size to less than 5MB. The department may create PDF documents from the above formats.

The department will still consider hardcopy submissions received by mail, but these submissions will not be published on the website.

Confidentiality

Submissions received may be made public on the Attorney-General's Department website unless otherwise specified. Submitters should indicate whether any part of the content should not be disclosed to the public. Where confidentiality is requested, submitters are encouraged to provide a public version that can be made available.

Would you prefer this submission to remain confidential? NO

Your submission

The Records and Information Management Professionals Australasia (RIMPA) is supportive of the introduction of a draft breach notification Bill to provide a process for mandatory data breach notification applicable to Government agencies and businesses subject to the *Privacy Act 1988*.

RIMPA views this addition as a logical extension of an organisations responsible management of personal information. RIMPA supports the intention of the Bill to ensure organisations have a legal obligation to notify individuals of personal information breaches with the exception of eHealth information.

It is understood that the Bill would require Government agencies and businesses, subject to the *Privacy Act 1988*, to notify the national privacy regulator (Office of the Australian Information Commissioner) and affected individuals following a serious data breach.

The following suggestions are submitted for your consideration:

1. It appears that an entity has 30 days to determine if a serious data breach has occurred, however there is not a stipulated period for entities to actually notify individuals whose personal information has been breached. To enable affected individuals to take remedial action to protect their personal details within a reasonable period following the breach, a notification period is recommended.
2. Flowcharts within the discussion paper would be more effective if combined into a single decision tree. In the current format the flowcharts do not add value.
3. Inclusion of a harm threshold with indicative levels of exposure to risk would be beneficial to users trying to identify the impact of the breach.
4. Under S26WD(5) there should be a defined period as to when the entity must comply with the directions. For consistency a recommendation of 30 days is offered.

RIMPA commends the Attorney-General's Department for the opportunity to comment on the Draft Bill. Subject to the aforementioned points (1-4) RIM PA is supportive of the intention to ensure the

citizens of Australia are notified within a reasonable period of any serious data breaches affecting them.