

👁️ BIG BROTHER WATCH 👁️

👁️ AUSTRALIA TO ADHERE TO OECD GUIDELINES

Attorney General Senator Gareth Evans (as he then was) chose 10 December, Human Rights Day, to announce that Australia proposes formally to adhere to the Organisation For Economic CO-Operation and Development (OECD) Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.

The Guidelines were adopted by the Council of the OECD in 1980, and were developed by a committee of experts under the chairpersonage of Justice Michael Kirby. The Guidelines are intended to assist harmonisation of member countries' laws by establishing minimum standards in the handling of personal data. They also require that privacy protection measures do not restrict transborder flows of personal data.

Senator Evans said that the Government has been considering the ALRC's Privacy Report and that he hoped to introduce legislation based on its recommendations during the Autumn 1985 Parliamentary sittings. The Information Privacy Principles in the ALRC's Privacy Report were stated to be based on the OECD Guidelines.

Whether Attorney General Lionel Bowen intends to adhere to Senator Evans' timetable is as yet unknown. His Department is understood to still be receiving submissions on the ALRC Report.

Copies of the Guidelines can be obtained from the ANZ Book Company Pty Ltd, PO Box 450, Brookvale 2100 NSW.

👁️ PROJECT ON EXPUNGEMENT OF CRIMINAL RECORDS

The ALRC is still involved in privacy law reform, with a project on expungement of criminal records being undertaken as part of the Commission's more general Reference on Sentencing of Commonwealth Offenders, and against the background of the ALRC's Privacy Report.

An outline of the project states that 'the Commission will investigate the degree to which it is desirable and possible within the limits of Commonwealth legislative power, to control or limit the dissemination of information relating to criminal records. The investigation will include a study of :

- the ways in which criminal records are generated;
- the types of criminal records kept;
- the storage of criminal records;
- the uses made of criminal records;
- the need to keep criminal records, generally and in special cases;
- the problems that arise to citizens through the keeping of criminal records relating to them;
- the various attempts that have been made in Australia and overseas to limit dissemination of criminal records;
- various possible modes of limiting dissemination of criminal records.

The criminal record and intelligence records of Australian Police Forces are increasingly being computerised, and this will no doubt be a significant influence on the Commission's findings.

The ALRC Commissioner responsible for the project is Robert Hayes, who completed the Commission's Privacy Report. The other Commissioner involved, as part of the sentencing reference, is George Zdenkowski. A group of consultants have been appointed, and a Discussion Paper is in preparation to stimulate public discussion and feedback.

👁️ NEW WATCHDOG

The NSW Privacy Committee has a new Executive Member. He is Jim Nolan, formerly an industrial advocate with the Australian Journalists' Association. Former Executive Member, Jocelyn McGirr, is now a member of the Repatriation Commission.

(Adapted from ALRC material outlining the project)



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