

25 November 2020

Michael Tidball
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Dear Mr Tidball

REVIEW OF THE *PRIVACY ACT 1988* (CTH)

I refer to your Memorandum dated 30 October 2020. Thank you for the opportunity to contribute to your submission on the above.

Firstly, the Law Society of Western Australia considers the exclusion of the interaction of Part VIII to the COVID-Safe application to be an inappropriate exclusion from the Terms of Reference.

In the absence of specific privacy legislation in Western Australia, the Law Society generally supports strong and adaptive national privacy laws to protect the privacy of Western Australians.

The Law Society makes the following comments in relation to the objectives and definitions in the Act:

Objectives of the Privacy Act (the Act)

The Law Society considers that the commoditisation of personal information in the digital age requires recognition in the objects of the Act and a focus of the Act should be to promote individuals' ability to make informed choices regarding their personal information.

The Definition of 'personal information'

The Law Society supports a revision of the definition of 'personal information' to clarify the uncertainty regarding technical data, in line with recommendation 16(a) of the Australian Competition and Consumer Commission *Digital Platforms Inquiry*.

The Law Society also supports an express inclusion of inferred personal information in the definition as an important protection of consumers, particularly individuals on social media platforms who are targeted by advertisers based on inferred personal information. The ever-increasing capacity for technology to be used by corporate actors to collate data from different sources and devices to reveal new information, warrants regulation through the Act.

If you have any queries please contact Mary Woodford, General Manager Advocacy on (08) 9324 8646 or mwoodford@lawsocietywa.asn.au

Yours sincerely



David Price
Chief Executive Officer

