



Privacy (Australian Honours System) Public Interest Determination 2018

I, Angelene Falk, Australian Information Commissioner, make the following determination under subsection 72(2) of the *Privacy Act 1988*.

Dated: 5 October 2018

Signed

Angelene Falk
Australian Information Commissioner

1. Name

This is the *Privacy (Australian Honours System) Public Interest Determination 2018*.

2. Commencement

This determination commences on the day of its registration on the Federal Register of Legislation maintained under section 15A of the *Legislation Act 2003*.

3. Authority

This determination is made by the Commissioner under subsection 72(2) of the *Privacy Act 1988*.

4. Definitions

Note: A number of expressions used in this determination are defined in the Act, including the following:

- (a) agency;
- (b) APP entity;
- (c) Australian Privacy Principle;
- (d) breach;
- (e) Commissioner; and
- (f) personal information.

In this determination:

Act means the *Privacy Act 1988*.

Applicant means the Department of Home Affairs.

Australian citizen has the meaning given by the *Australian Citizenship Act 2007*.

OOSGG means the Office of the Official Secretary to the Governor-General.

Order of Australia means the Order of Australia established by the *Constitution of the Order of Australia 1975*.

Permanent resident has the meaning given by the *Australian Citizenship Act 2007*.

PM&C means the Department of the Prime Minister and Cabinet.

5. Repeal of this determination

This determination is repealed 10 years from the day on which this determination commences.

6. Application for a public interest determination

- (1) The Applicant is an agency and an APP entity.
- (2) The Applicant has applied under section 73 of the Act for a public interest determination under section 72 of the Act in relation to the act or practice set out in section 7.

7. Act or practice

- (1) This determination applies to the disclosure by the Applicant of the personal information set out in subsection (2) to the OOSGG and PM&C for the purpose of verifying the Australian citizenship or permanent residency status of individuals who are the subjects of nominations for membership or honorary membership of the Order of Australia.
- (2) The personal information referred to in subsection (1) is limited to confirmation that:
 - a. a nominee is an Australian citizen and the date when the nominee became an Australian citizen;
 - b. a nominee is a permanent resident; or
 - c. the Applicant has no record that a nominee is an Australian citizen or permanent resident.

- (3) This determination applies to the disclosure by the Applicant of the personal information set out in subsection (4) to the OOSGG and PM&C for the purpose of verifying the Australian citizenship status of individuals who are the subjects of consideration for other awards in the Australian honours system.
- (4) The personal information referred to in subsection (3) is limited to confirmation that:
 - a. the individual is an Australian citizen and the date when the individual became an Australian citizen; or
 - b. the Applicant has no record that the individual is an Australian citizen.

8. Public interest determination

- (1) I make this determination that I am satisfied of the following matters:
 - a. the act or practice set out in section 7 breaches or may breach Australian Privacy Principle 6.1; and
 - b. the public interest in the Applicant doing that act, or engaging in that practice, outweighs to a substantial degree the public interest in adhering to that Australian Privacy Principle.