



Privacy (Disclosure of Homicide Data) Public Interest Determination 2019

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

Dated: 18 March 2019

Signed

Angelene Falk
Australian Information Commissioner

1. Name

This is the *Privacy (Disclosure of Homicide Data) Public Interest Determination 2019*.

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*.

AIC means the Australian Institute of Criminology

Applicant means the Australian Federal Police.

5. Repeal of this determination

This determination is repealed 7 years from the day on which this determination commences.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 to the AIC of the personal information set out in subsection (2) for the purposes of the AIC's research under the National Homicide Monitoring Program and the publication of aggregate findings.
- (2) The personal information referred to in subsection (1) is limited to:
 - a. personal information (including sensitive information) requested by the AIC about the offender in relation to homicides in the Australian Capital Territory
 - b. personal information (including sensitive information) requested by the AIC about suspects in relation to homicides in the Australian Capital Territory.

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.