



THE HON. CHRISTIAN PORTER MP
Attorney-General
Minister for Industrial Relations
Leader of the House

Media Release

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Legislation for COVDSafe App Privacy Protections

The COVDSafe app is a critical tool in helping our nation fight the COVID-19 pandemic.

With more than 4 million COVDSafe registrations many Australian's are already doing their part to help protect and save lives.

Attorney-General, Christian Porter, today released draft legislation which will codify the existing protections for individuals' data collected by the COVDSafe app that have been established in the Health Minister's Biosecurity Act Determination.

The Privacy Amendment (Public Health Contact Information) Bill 2020, will reinforce the protections set out in the Determination made by the Minister for Health under the Biosecurity Act 2015 on 25 April 2020, placing the protections into primary legislation through amendments to the Privacy Act 1988.

Under the determination, it is a criminal offence to collect, use or disclose COVDSafe app data for a purpose that is not related to contact tracing. It is also a criminal offence to coerce a person to use the app, to store or transfer COVDSafe app data to a country outside Australia and to decrypt app data. A maximum penalty of 5 years imprisonment or \$63,000 applies to breaches of the determination.

"The draft Bill I have released today will enshrine these protections in primary legislation and gives Australians confidence to download COVDSafe, continue the fight against COVID-19 and get our nation back to business as usual," the Attorney-General said.

"As the final step of our 'triple lock' of privacy protections, this draft Bill will build upon the Biosecurity Determination and agreements with the States and Territories to comprehensively guarantee that Australians' data is in safe hands when they download and use COVDSafe.

"The draft Bill clarifies the enforcement mechanisms for the penalties that are already in place against misuse of data from the COVDSafe app. Criminal offences under the Bill can be investigated by the Australian Federal Police. Individuals can also have their complaints heard by the Office of the Australian Information Commissioner or the relevant State or Territory privacy regulator if appropriate.

“In addition to the protections provided by the Biosecurity Determination this Bill puts in place a clear process outlining how the Government will satisfy its obligation to delete all COVIDSafe data from the National COVIDSafe Data Store once the pandemic is over.”

The Government will introduce the Bill into Parliament next week.

The draft legislation is available her:

<https://www.ag.gov.au/RightsAndProtections/Privacy/Pages/COVIDSafelegislation.aspx>

Authorised by Christian Porter, Liberal Party of Australia, Parliament House, Canberra