

SalingerPrivacy

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The Hon Natasha Maclaren-Jones MLC
Chair, Standing Committee on Law and Justice
Legislative Council
NSW Parliament

20 November 2015

Re: Inquiry into remedies for the serious invasion of privacy in New South Wales

Dear Ms Maclaren-Jones,

Thank you for the invitation to answer the supplementary question on notice from the Committee on 16 November 2016.

The question was:

Supplementary questions on notice – hearing on 16 November 2015

Question for all witnesses

1. If the committee were to recommend a statutory cause of action for serious invasions of privacy, one option might be to recommend that a fault element encompassing negligence (as well as intent and recklessness) apply to corporations; while recommending a more limited fault element (intent and recklessness only) that would apply to natural persons.

Do you have any concerns or comments in regards to this?

I would support an extension to include negligence. Some of the examples I outlined in my written submission could be described as arising from a negligent, rather than intentional, reckless or malicious, attitude by organisations to matters such as data security or data quality; see for example the final four examples referred to in relation to the s.27 Police exemption.

However I would add that any rule in relation to “corporations” should include government organisations too; not only those representing the Crown, but local government, Universities, statutory corporations and the like.

Please do not hesitate to contact me if you have any questions arising.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anna Johnston', written in a cursive style.

Anna Johnston
Director | **Salinger Privacy**