

**INQUIRY INTO REMEDIES FOR THE SERIOUS INVASION
OF PRIVACY IN NEW SOUTH WALES**

Name: Name suppressed

Date received: 10/11/2015

Partially Confidential

I would like to provide some input into the Inquiry, which I'd suggest may be of interest and could be useful in helping bring about some positive change.

Among the issues I have which I feel might be of relevance are:

- 1) Universal access to legal services - there are limitations for recourse after a privacy breach by an organisation for individuals who do not have the financial capability to get the legal support they need. This leaves those whose privacy has been seriously breached with the inability to pursue an adequate response from the organisation (which can afford legal counsel).
- 2) Workplace deeds of release preventing precedents in law from being set - Regarding workplace breaches of privacy - Deeds of Release are precluding precedents to be set (I hope I have the terminology correct) with regard to privacy so that others have a precedent upon which to base their claims. Deeds of Release as I have found from discussions with others (including legal professionals in the Justice system) are useful tools for organisations to prevent privacy breaches within workplaces from coming to light and therefore being dealt with as a general issue through appropriate means such as this Inquiry, through legislative changes or by establishing a precedent for other cases. For example in my own case. There exists a large gap in the amount of legal precedents through the Administrative Appeals Tribunal with regard to privacy which means those challenging privacy breaches are not receiving adequate remedy for their claims – whether financially or through other means such as public apologies, or training to stop these breaches happening again. Perhaps in the Administrative Appeals Tribunal - it may be appropriate to state in legislation appropriate payout figures for breaches of privacy, as the precedents in law are inadequate and will remain so as organisations continue to put in place instruments such as 'Deeds of Release'
- 3) Disability and Privacy breaches - Privacy breaches against people with a disability and mental health issues need to be considered as an issue. If someone has a mental health issue it should not diminish their right to privacy. There is also the question of balancing a mentally unwell person's right to privacy with their ability to consent.
- 4) The degradation of the NSW Industrial Relations Commission - in the case of workplace breaches of privacy the Commission is a useful forum in which to seek remedy. However the commission is under resourced, waits are very long for cases to be heard - that's if the Commission doesn't try to strongly encourage matters to be dealt with between the parties.

As I am subject to a Deed of Release I'd also like to request my name be redacted.

thank you for your consideration