

INQUIRY INTO CYBERSECURITY

Name: Name suppressed

Date Received: 27 August 2020

Partially
Confidential

Attn: Inquiry into Cybersecurity

Hon Tara Moriarty MLC, Australian Labor Party - Chair
Hon Robert Borsak MLC, Shooters Fishers and Farmers Party - Deputy Chair
Hon Ben Franklin MLC, The Nationals
Hon Taylor Martin MLC, Liberal Party
Hon Adam Searle MLC, Australian Labor Party
Mr David Shoebridge MLC, The Greens
Hon Natalie Ward MLC, Liberal Party

To whom it may concern,

My name is [redacted] I am a student and disability support worker. In my spare time I have volunteered for community groups such as the Wayside Chapel and the Asylum Seekers Resource Centre. I strongly believe in the importance of supporting members of the community if you are able to do so. I am of the belief that it is the moral obligation of every Australian to support and stand up for vulnerable members of our community if you are able to.

I am writing this submission under the suggestion of Shadow Minister for Police and Counter Terrorism Lynda Voltz. I have submitted this letter to this inquiry in regards to a data breach of the personal information of 155 complainants by the NSW Police Force.

On June 9th, 2020 I made my initial complaint through my personal email, to customerassistance@police.nsw.gov.au. This complaint was in regards to the excessive use of force on a crowd of non-combatant civilian Black Lives Matter protesters and the usage of capsicum spray, a chemical weapon banned in warfare, by the NSW Police Force.

I did not receive any recognition of my complaint [redacted] until the 12th of August, where I was informed by Chief Inspector [redacted], Professional Standards Manager that my complaint had been assessed and that Chief Inspector [redacted] had 'deemed that there is no reason to conduct a further internal investigation.'

On the 13th of August, 2020, through an article published by Gizmodo.com's Mr. Cameron Wilson, I was made aware that 155 complainants against the NSW Police Force's usage of capsicum spray on civilian protestors have had personal and identifying information, in this instance personal email addresses, shared both internally and externally. This was done by the NSW Police Force without the direct consent and in consultation with those who lodged complaints. **At no point of this happening was I made aware by the NSW Police Force that this had occurred.**

I understand this breach of data directly violates the following articles of NSW Legislation:

1. Police Act 1990 No 47 NSW - Part 8A: Division 2 and Division 3
2. Privacy and Personal Information Protection Act NSW - Part 5: s3 & s2
3. NSW Information Classification, Labelling & Handling Guidelines July 2015 - Section 5.3

Upon conversation with _____ an identified external recipient of this list of complainants emails, **I was able to ascertain and confirm that my identity and my email address had been disclosed internally and externally, and without my consent, without consultation and without notification.**

I was quite shocked that I had to find out about my personal information being shared without my consent third hand, and through an online publication. After making a further complaint to the NSW Police Force's _____ egregious error, I contacted Mr. David Shoebridge and my State Member for the New South Wales Legislative Assembly Ms. Jenny Leong. I also contacted _____ of the _____ who interviewed _____ and myself in regards to how we were shocked by the NSW Police's lack of accountability and **their lack of transparency for action by NSW Police Force.** I also lodged a complaint with the Office of the Australian Information Commissioner (_____ , the Office of Information and Privacy Commissioner _____ and the Law Enforcement Conduct Commission _____

On the 17th of August, 2020 I received an email from Detective Chief Inspector _____ who informed me that:

"The complaint is under assessment and I understand your concerns relate to a breach of your privacy, where your email address was provided to a third party, and also that s.169A of the Police Act was breached. Given your concern about the privacy breach the matter has also been referred to the NSW Police Force Office of General Counsel, who manage claims of breaches of privacy, for their consideration and assessment. The NSW Information Privacy Commission is aware of this matter."

On the 19th of August, 2020 I responded to Detective Chief Inspector and **requested to know:**

1. *“How many times has the NSWPF leaked my email address to the public domain?”*
2. *How many times has the NSWPF shared my email address within the NSWPF (contrary to section 169A (a)&(b) of the Police Act 1990 No 47 as well as Division 2 of the Law Enforcement Conduct Commission Act 2016 No 61.*
3. *In relation to questions 1 & 2 above, please provide the time, date and place?*

I did not receive a response or answer from Chief Inspector but received an email from Senior Police Lawyer and Acting Inspector of the Office of the General Counsel, NSW Police Force who acknowledged that I have requested an internal review under:

“s53 of the Privacy and Personal Information Protection Act 1998 I refer to your email dated 14 August 2020 to the NSW Police Force Customer Assistance Unit. We consider your email to be a request for the NSW Police Force (NSWPF) to conduct an internal review pursuant to section 53 of the Privacy and Personal Information Protection Act 1998 (the Act).”

As of writing this (27/08/2020) I have not received an answer by any member of the NSW Police Force in regards to the questions I asked Detective I find the passing on of this information, either intentionally or through maladministration, to be troubling at best and terrifying at worse. For the sake of full transparency, I am disclosing to this inquiry that I have expressed the following to Acting Inspector via our correspondence:

“I would like to make my actions and requests clear going forward:

- I have discontinued my complaint, to the IPC*
- I reserve my NCAT rights*
- I am prepared and willing to settle with the NSWPF on the basis of a monetary offer by the NSWPF to myself*
- I will only accept the offer if I believe it to be fair and reasonable*
- I am prepared to sign a reasonable NDA”*

I also request the inquiry, on behalf of myself and the 154 others who have had their personal information disclosed without their consent, provide the answers to:

- 1. How many times has the NSWPF leaked my email address to the public domain?*
- 2. How many times has the NSWPF shared my email address within the NSWPF (contrary to section 169A (a)&(b) of the Police Act 1990 No 47 as well as Division 2 of the Law Enforcement Conduct Commission Act 2016 No 61.*
- 3. In relation to questions 1 & 2 above, please provide the time, date and place?*

Please feel free to contact me through replying to this or through contacting me on