

## **PRIVACY CASE NOTES**

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### **Information about a Confidential Residence - IPP 2, IPP 4**

The Complainant operated a residence for vulnerable persons, the address of which was kept confidential. A person with a known history of serious offending and a connection to one of the persons residing with the Complainant was driven to the address by a staff member of a public sector organisation during the course of the staff member's duties. This was done because the staff member was picking up an item from the Complainant's residence, and the driving route was more efficient.

The Complainant alleged this was an unauthorised use or disclosure of her personal information and a breach of IPPs 2 and 4. The *prima facie* decision maker considered that using a more efficient driving route was not a secondary purpose for which the Complainant would reasonably expect the Respondent to use the residential address information.

The Respondent argued that legislation gave it a discretion to release residential address information to other persons. However, the *prima facie* decision maker considered that the extent of information that the Respondent was authorised to provide was limited by contrary advice in its own procedures, and by the IPPs. The *prima facie* decision maker relied on *Coco v The Queen* (1994) 179 CLR 427 to support a view that the law will not authorise an exception to privacy obligations unless it does so by clear and direct language.

The *prima facie* decision maker also considered that in all the circumstances the Complainant had an arguable case that the Respondent did not take reasonable steps to protect the personal information it held from misuse, and hence there was sufficient *prima facie* evidence to substantiate an alleged breach of IPP 4.1. The matter was referred to mediation and ultimately settled.