



Application for Grant of Authorisation (*Information Act*, s.81)

Applicant:	Power and Water Corporation
Subject:	Assistance to Australian Red Cross International Tracing Service
Date of Decision:	10 February 2014

Decision and Reasons for Decision

1. I have decided to grant an authorisation under s 81 of the *Information Act* to allow Power and Water Corporation (PowerWater) to depart from Information Privacy Principles 1 and 2 in order to assist the International Tracing Service conducted by the Australian Red Cross (the ARC). The scope of the Grant, and the terms and conditions of the Grant, are set out in the Authorisation that appears at the end of this document.
2. PowerWater and the ARC have jointly applied for a renewal of Grant of Authorisation No 1 of 2005, in the same terms as the original Grant. As a statutory corporation, PowerWater is a public sector organisation as defined by the *Information Act*, and as such is bound by the Information Privacy Principles (the IPPs).
3. PowerWater and the ARC wish for PowerWater to continue using and sharing information in a way that would technically be a breach of the IPPs. The proposed practice would involve PowerWater receiving personal information about individuals for a purpose not necessary to its functions, namely to try and locate such persons for the purpose of the ARC's family re-unification program. The kind of personal information being collected by PowerWater through this process includes individuals' names and dates of birth. The scheme would also involve PowerWater using personal information of individuals in its databases for a secondary purpose unrelated to the purpose for which this information was collected, namely to contact those persons to inform them that the ARC is seeking them as part of its family re-unification program. The kind of personal information used for this purpose will be the name, date of birth, and contact details of individuals who match the search criteria.

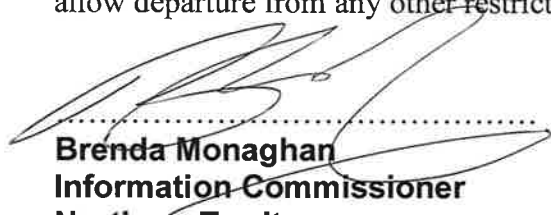
4. Under section 81 of the *Information Act*, I have the authority to authorise the collection and use of personal information in a manner that would otherwise contravene IPP 1 (collection), IPP 2 (use and disclosure), and IPP 10 (sensitive information). I may only grant this authorisation if I am satisfied that:
 - the public interest in collecting or using the information outweighs to a substantial degree the interference with the privacy of persons that might result from collecting, using or disclosing the information; and
 - the benefit to persons of collecting, using or disclosing the information outweighs the interference with the privacy of those persons that might result from collecting, using or disclosing the information.
5. I am satisfied that the proposed scheme meets these criteria.
6. In forming this view, I have considered and adopt the reasoning of Commissioner Shoyer when issuing the original Grant, which was made after careful consideration and consultation. I consider that there are strong factors in favour of granting the authorisation, which can offer hope and restore relationships for persons who have been separated by war, natural disasters, and other circumstances. This is obviously of enormous benefit to the individual in question, but I consider that improving the support networks and choices of individuals who have lost these through unfortunate circumstances provides a benefit to society as a whole through improving the happiness and wellbeing of persons who are connected, and persons who participate in the process of connecting others. It is consistent with Australia's humanitarian obligations under the Geneva Conventions.
7. I note that public consultation as part of the original grant process resulted in three responses in support of the scheme and none that expressed an issue with it. These strongly outweigh the minimal interference with privacy involved in the scheme. I note that the scheme does not involve providing contact details back to the ARC, but rather notifies a person that the ARC is seeking to contact them. I appreciate that this may sometimes result in unwanted or mistaken contact, which an individual may find distressing, but I believe this is reasonably managed by giving the individual the opportunity not to pursue such contact, and by the ARC's process of using trained counsellors to handle queries. I note that no complaints or privacy concerns have been raised about the operation of the scheme or about the granting of the authorisation.
8. I note that actual queries handled by PowerWater have not resulted in any known successful reunifications, however I also note that this is an international scheme which as a whole has numerous successes. The ARC's capacity to locate people is enhanced by access to a broad range of sources, and the public interest is still served by involving PowerWater as a potential source of information. In the event that PowerWater's searches do not result in a match, the interference with privacy is extremely minimal.
9. Based on the information before me, the benefits of the scheme far outweigh the small interference with privacy that may result, both from the perspective of the public interest and the perspective of the individuals who will benefit.

Grant of Authorisation – No. 1 of 2014

I grant an authorisation under section 81 of the *Information Act* in the following terms:

Organisation	Power and Water Corporation
Authorisation	<ol style="list-style-type: none"> 1. To collect, use and disclose personal information for the purposes of assisting the Australian Red Cross International Tracing Service, subject to the terms and conditions set out below and otherwise in a manner that substantially complies with the scheme outlined in this decision (the “authorised practice”). 2. To disclose personal information collected for the purpose of the authorised practice to organisations with a similar grant of authorisation, for the purpose of reduction of interference with the privacy of individuals.
Terms and conditions	<ol style="list-style-type: none"> 1. PowerWater will maintain a register that will record: <ul style="list-style-type: none"> • the names and dates of birth of individuals who have been contacted under the authorised practice; • details of any complaints made by, or on behalf of, individuals who have been contacted. 2. PowerWater will not attempt to contact any individual under the authorised practice more often than once in a 3 year period. 3. PowerWater will not attempt to contact any person who objects to further contact. 4. PowerWater will, prior to 1 March 2016, make a report to the Information Commissioner on the effectiveness and impact of the authorised practice. The report will include numbers of contacts, details of any positive outcomes, of any complaints made, and of any adverse effects on individuals. 5. PowerWater will, prior to 1 March 2019, make a report to the Information Commissioner on the effectiveness and impact of the authorised practice. The report will include numbers of contacts, details of any positive outcomes, of any complaints made, and of any adverse effects on individuals.
Length of authorisation	Until 1 March 2019, or earlier termination by the Information Commissioner.
Date	10 February 2014

NOTE: This authorisation only extends to departures from IPPs 1 and 2 as stated above. The organisation remains bound by the IPPs in all other respects. The authorisation does not allow departure from any other restrictions or requirements that bind the organisation.



Brenda Monaghan
 Information Commissioner
 Northern Territory