

## Article Information

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## Government announces increased penalties for Privacy Act breaches

**On 24 March 2019, the Commonwealth Attorney-General and the Minister for Communications and the Arts announced the federal government's intention to legislate to strengthen penalties under the Privacy Act 1988 (Privacy Act) and other reforms to target major social media companies' conduct in relation to personal information.**

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On 24 March 2019, the Commonwealth Attorney-General and the Minister for Communications and the Arts announced the federal government's intention to legislate to strengthen penalties under the *Privacy Act 1988* (**Privacy Act**) and other reforms to target major social media companies' conduct in relation to personal information.

The announced reforms are:

- increasing the maximum penalty for serious or repeated interferences with an individual's privacy to the greater of \$10 million, three times the value of the benefit derived from the misuse of information or 10% of a company's annual domestic turnover
- empowering the Privacy Commissioner to issue infringement notices, and new penalties of up to \$12,600 for individuals and \$63,000 for bodies corporate for failure to cooperate with efforts to resolve minor breaches
- to provide other (unspecified) options to the OAIC to ensure that breaches are addressed through third-party reviews
- to enable individuals to be able to request that social media and online platforms stop using or disclosing their personal information, and to require social media and online platforms to comply with such requests, and
- to introduce specific (but unspecified) rules to protect the personal information of children and other vulnerable persons.

Draft legislation will be released for consultation in the second half of 2019. Since there is an election due before the draft legislation is due to be published, it is unclear whether anything more will come of this announcement.

More information can be found in the Attorney-General and Minister for Communications and the Arts' joint media release at <https://www.attorneygeneral.gov.au/Media/Pages/Tougher-penalties-to-keep-australians-safe-online-19.aspx>.