



COVID app data and Intelligence Agencies within IGIS jurisdiction

16 November 2020 – 15 May 2021

Second Report

A handwritten signature in black ink, appearing to read 'Chris Jessup', is positioned above the printed name of the Inspector-General. The signature is fluid and cursive, with a large initial 'C'.

The Hon Christopher Jessup QC
Inspector-General of Intelligence and Security

17 May 2021

IGIS Report to OAIC on COVID app data – 16 November 2020 to 15 May 2021

Background

This is the second report¹ by the Inspector-General of Intelligence and Security regarding intelligence agencies within jurisdiction and their compliance with Part VIII A of the *Privacy Act 1988* (the Privacy Act). This report is provided to the Privacy Commissioner so that she may take this information into account when preparing her report under s 94ZB of the Privacy Act.

Summary of findings to date

The Inspector-General's staff have continued to work with relevant² agencies to monitor their activities in ensuring compliance with Part VIII A of the Privacy Act. We remain satisfied that these agencies have appropriate policies and/or procedures in place and are taking reasonable steps to avoid intentional collection of COVID app data.

In addition to ongoing monitoring, IGIS staff have conducted inspections of these agencies to determine whether COVID app data that has been collected incidentally as part of agency functions has not been accessed or used, and that any COVID app data has been deleted as soon as practicable after the agency becomes aware it has been collected. The key findings from these inspections are as follows:

- Appropriate procedures remain in place and continue to be followed regarding any incidental collection of COVID app data that is identified.
- While relevant agencies have incidentally collected COVID app data, which the Privacy Act recognises may occur, IGIS has found that there is no evidence to suggest that these agencies have deliberately targeted or have decrypted, accessed or used such data.
 - Relevant agencies are also taking reasonable steps to quarantine and delete such data as soon as practicable after the agency becomes aware it has been collected.
- IGIS notes that there are ongoing discussions between relevant parties regarding the application of the prohibition against 'disclosure' as set out in s 94D of the Privacy Act.

Complaints

- No complaints or public interest disclosures about COVID app data have been received.

Next steps

- IGIS will continue to review how COVID app data is being handled by relevant agencies within IGIS jurisdiction, including the appropriateness and effectiveness of policies and procedures.

¹ For context this report should be read together with the first report available at www.igis.gov.au/what-we-do/inspections/cross-agency-matters

² Not all intelligence agencies with IGIS's jurisdiction have functions or technical capabilities which may enable them to collect COVID app data.