



Our reference: [D2025/013183](#)

**The Hon. Jim Chalmers MP**  
Treasurer

**Senator The Hon. Katy Gallagher**  
Minister for Finance

**By email:**

**Cc:** The Hon. Michelle Rowland, MP, Attorney-General

Dear Treasurer and Minister for Finance

**OAIC submission on productivity enhancing regulatory reforms**

As a contemporary regulator, the Office of the Australian Information Commissioner (OAIC) promotes and upholds privacy and information access rights. In delivering our regulatory mandate, we recognise our contribution to building greater trust and confidence in our democracy and our economy to deliver the best results for the Australian people.

**Regulatory Collaboration**

Our significant contribution is amplified through engagement with industry and regulatory networks that promote consistency and avoid duplication. Our active participation in the: Digital Platform Regulators Forum (DP-REG); Regulatory Leadership Cohort (RLC); National Data Advisory Council, Administrative Review Council; and myGov Strategic Committee, all facilitate the OAIC's effective and consistent regulatory efforts. The specific actions we will deliver (**Appendix A**), reflect our regulatory insights and our commitment to furthering a seamless, effective regulatory approach responsive to contemporary issues.

Our recently released [regulatory action priorities](#) (published on 29 July) demonstrate how we take a targeted approach that is both data driven and directed to significant harms. We are proactive and adopt a risk-based, educational and enforcement-focused posture, which seeks to maximise our impact where it is most needed. Our priorities provide certainty to businesses about our areas of focus, and our consultation with regulated entities informs our actions. Our 2025 stakeholder survey shows our efforts as a contemporary regulator to build trust with regulated entities through collaboration are delivering improved outcomes.

## **Supporting productivity-enhancing innovation**

A recent example of our proportionate approach is our inquiry into the use of AI by an Australian radiology business, which used patient data to train a diagnostic artificial intelligence model. We found that the patient data had been de-identified sufficiently to enable successful deployment of the AI technology. The case study shows how innovative data-driven technologies can be implemented in a way that also effectively protects the data of individuals. We are now sharing these insights with other businesses, to promote safe training of generative AI models.

## **Regulatory Transparency**

Our FOI statistics dashboard presents key data over the last 5 years to allow agencies to track their own performance over time and through comparisons with other agencies. Increasing availability of government-held information and data can facilitate the development of innovative products and services, enhance competition and improve the delivery of government services. This is shortly to be complemented by a Notifiable Data Breaches dashboard, providing transparency and insights to the regulated community to assist them in strengthening their security against malicious third-party actors.

## **Regulatory Simplification**

As requested, we have also applied our regulatory insights to inform consideration of potential options to streamline privacy regulation by the Attorney-General's Department. This includes exploration of harmonising the regulation of health industries and reviewing the public sector privacy code. We are also examining the operation of the privacy aspects of the Consumer Data Right to determine opportunities to streamline regulation and reduce compliance costs for participants.

This submission is in line with your request for proposals that are adaptive, proportionate and balance risk mitigation with innovation and growth. We look forward to working with government and industry to identify further opportunities that can support the Government's goals to improve and streamline our regulatory environment while effectively responding to emerging risks and opportunities.

Yours sincerely

Elizabeth Tydd  
Australian Information Commissioner

1 August 2025



## APPENDIX A

### PART A: KEY ACTIONS THAT CAN BE IMPLEMENTED IN THE NEAR TERM

THEME - REGULATORY COLLABORATION and SIMPLIFICATION		
Action	Key points	Implementation pathway
<b>NDB self-assessment tool.</b>  <b>Proposed expansion over time to notifiable Artificial Intelligence (AI) register (see Tranche 2).</b>	<b>Current state</b> <ul style="list-style-type: none"><li>The OAIC received 1,113 notifications in calendar 2024, a record number and 25% increase from 2023.</li><li>IBM calculates that in 2024 the average cost to business of a data breach was \$4.26 million, and the estimated total of individual losses from data breach events reported to IDCARE in 2024 was \$41 million.</li><li>The <a href="#">French privacy regulator CNIL</a> has reported on the significant economic benefits to community being informed in a time way about data breaches (e.g. reducing identity theft cases, resulting in between €585 million and €1.4 billion losses in the EU since 2018). <a href="#">New Zealand</a> and <a href="#">Canada</a> have similar self-assessment tools.</li></ul> <b>Proposed uplift</b> <ul style="list-style-type: none"><li>OAIC will design a pilot quick-response tool to assist entities to understand how to comply with the regime, reducing the regulatory</li></ul>	<ul style="list-style-type: none"><li>Pilot low cost NDB self-assessment tool within financial year 2025-26.</li></ul>

	<p>response burden. An automated process (phase 2) could also assist OAIC in triaging and closing matters based on risk.</p> <ul style="list-style-type: none"> <li>• OAIC is also creating a single front door for NDB notifications made to it, to create a simpler experience.</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• The pilot tool would lower business costs by reducing the number of low-risk data breaches reported to the OAIC (211 voluntary data notifications [18.6% of total] - reported in 2024 were not required).</li> <li>• This initiative will lead to impacted individuals being notified and accessing support sooner.</li> <li>• It will also give greater clarity to business and reduce compliance costs.</li> </ul>	
<p><b>Expand the use of industry/professional dispute resolution schemes (EDR) in resolving low level privacy complaints.</b></p>	<p><b>Current state</b></p> <ul style="list-style-type: none"> <li>• The OAIC receives approximately 3,300 privacy complaints p/a. A significant majority are closed with no further action for a range of reasons e.g. the respondent adequately dealing with the complaint or the complaint not being a breach of privacy.</li> <li>• In 2024-25, the OAIC finalised 3,123 privacy complaints. Of these, 309 (9.9%) were referred to external dispute resolution (EDR) schemes<sup>1</sup>. The top sectors were Finance (incl. superannuation); Telecommunications; Insurance; and Credit Reporting Bodies.</li> <li>• These EDR schemes offer free and independent dispute resolution for individuals. EDR schemes may resolve complaints more holistically e.g. non-privacy related matters which cannot be resolved by the OAIC.</li> </ul>	<ul style="list-style-type: none"> <li>• OAIC would aim to have 1-2 of the identified industries onboarded as EDR schemes within 12 months, with other industries onboarded within 24 months.</li> </ul>

<sup>1</sup> A primary issue outcome of s41(1)(dc), s41(1)(dd), or s50.

	<p>There are currently EDR schemes approved for financial services, telecommunications and essential services.</p> <p><b>Proposed uplift</b></p> <ul style="list-style-type: none"> <li>• The following industry sectors (which accounted for 22% of privacy complaints in 2024-25) should be considered for the establishment of additional EDR schemes: <ul style="list-style-type: none"> <li>○ the health care sector (via State health care complaints commissions),</li> <li>○ the legal/other professions</li> <li>○ digital platforms (as recommended by the ACCC), and</li> <li>○ direct marketing.</li> </ul> </li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• The supply of information from EDR schemes will allow the OAIC to apply its current resources to targeted data-driven interventions directed toward systemic non-compliance issues within the relevant industries.</li> <li>• Consumers have a ‘one stop shop’ for resolving complaints with multiple regulatory dimensions.</li> <li>• Businesses will have a single point of regulatory contact to resolve a complaint.</li> <li>• Government will benefit through more targeted use of OAIC resources for areas of systemic harm, through proactive compliance programs rather than reactive complaints-driven processes.</li> </ul>	
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THEME - REGULATORY TRANSPARENCY		
Action	Key points	Implementation pathway
<p><b>Promote an Open Government approach to publication of data sets to aid innovation.</b></p> <p>A single access portal for FOI would require discrete funding (see Tranche 2)</p>	<p><b>Current state</b></p> <ul style="list-style-type: none"> <li>• Australia's government-held data is currently underutilised by government and business. The Productivity Commission <u>estimates</u> the value of public sector data as being between \$625 million to \$64 billion. The Commission has said: "The inability of individuals and businesses to access data that relates to them is holding back productivity gains."</li> <li>• The OAIC is a co-regulator of the Data Availability and Transparency Act 2022 (DATA) and has been supporting the review of the DATA scheme, with a view to promoting greater usage of the DATA.</li> <li>• The Productivity Commission's examination has found that "privacy safeguards should be carefully considered and recalibrated to ensure that they strike the correct balance of protecting privacy without unduly precluding sharing that would result in clear public benefit. This should be done in coordination with any relevant reforms to the Privacy Act." The review recommended the introduction of a national interest test.</li> <li>• The OAIC has a mature decision-making capability regarding the application of a related public interest test. This experience will be harnessed to uplift decision-making capability to address findings contained in the review report including: "In some instances, Commonwealth agencies deploy substantial resources to identify,</li> </ul>	<ul style="list-style-type: none"> <li>• The OAIC will work with ONDC and the APS (including the APSC &amp; the Administrative Review Council) to promote the uplift of the APS's capacity to undertake administrative decision making.</li> <li>• The OAIC will work with the ONDC to provide guidance to agencies to promote awareness of legislative intersects with the FOI Act e.g. the exemption provided under s7(2F).</li> <li>• The OAIC will augment its current program encouraging APS agencies and other bodies to pro-actively publish their data and other information.</li> </ul>

	<p>amend or create authorising pathways to share data in response to issues of national importance (for example, in crisis response).”</p> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• As the <a href="#">Productivity Commission has stated</a> making data widely available for businesses and governments to use could generate significant productivity gains, through private sector innovation and better designed government services.</li> <li>• Improved capability within the APS on administrative decision in areas of increased complexity.</li> </ul>	
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**PART B: LONGER TERM IDEAS WHICH MAY REQUIRE CONSULTATION WITH STAKEHOLDERS,  
LEGISLATIVE CHANGE OR ADDITIONAL FUNDING**

THEME - REGULATORY TRANSPARENCY		
Action	Key points	Implementation pathway
<b>Freedom of Information (FOI) Portal to centralise FOI requests and to access government information.</b>	<p><b>Current state</b></p> <ul style="list-style-type: none"> <li>Australians must request their own information, make FOI requests (more than 30,000 a year) for other information or find FOI information that in many cases has already been published through numerous agency websites. Government agencies deploy multiple FOI case management systems. This creates a highly inefficient system.</li> </ul> <p><b>Proposed uplift</b> Streamline, simplify and increase the accessibility of non-personal information by:</p> <ul style="list-style-type: none"> <li>leveraging the role of the Information Commissioner to centralise and standardise access to published government information through one portal, maximising the utility of disclosure logs and linking to the myriad of Commonwealth data repositories. Consistent with international models, such as in the Philippines ,</li> <li>underpin the portal with a single FOI case management system for initial processing of FOI requests including registration and initial receipt correspondence.</li> </ul>	<ul style="list-style-type: none"> <li>This will require procurement, capital outlay and co-ordination</li> </ul>

	<p>Streamline, simplify and increase the accessibility of personal information by:</p> <ul style="list-style-type: none"> <li>• building in identification requirements into a single FOI portal to ease access to personal information by individuals requesting their own personal information</li> <li>• decrease agency processing time through 'front end' loading identification/authorisation requirements.</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Greater access to personal and non-personal information.</li> <li>• Significant reduction in the number of formal information access requests made to all Commonwealth agencies with a commensurate reduction in processing costs, review and appeal costs and complaint costs.</li> <li>• More timely and responsive FOI system reflective of a contemporary pro-disclosure model to build trust and confidence in the Australian democratic system.</li> </ul>	
<p><b>Proposed expansion to notifiable Artificial Intelligence (AI) register following NDB initiatives.</b></p>	<p><b>Current state</b></p> <ul style="list-style-type: none"> <li>• As mentioned in NDB self-assessment tool</li> </ul> <p><b>Proposed uplift</b></p> <ul style="list-style-type: none"> <li>• This model could be readily applied to support the government deployment of AI with the establishment of a register of adverse incidents.</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• It would facilitate an integrated approach to regulation and harm - informed regulatory approaches that also provide guidance to industry and government.</li> </ul>	<ul style="list-style-type: none"> <li>• Expansion to a single notification portal for adverse AI incidents involving government deployment of AI (discrete funding).</li> <li>• Proposed expansion to new tools for building privacy policies, collection notices and conducting PIAs could build on the approach taken to developing the NDB tool, in financial year 2026-27 (discrete funding).</li> </ul>