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OFFICIAL

Good afternoon,

Thank you for the extension of time to provide submissions in response to the Children's Online Privacy Code Issues Paper (the **Paper**) regarding the development of the Children's Online Privacy Code (the **Code**).

The Australian Federal Police (**AFP**) acknowledges the importance of privacy protections for children and broadly supports the intention of this Code. However, the AFP's preliminary view is that it should be excluded from the Code. This could be an exclusion for all Government APP entities or otherwise at least entities that are 'enforcement agencies' for the purpose of the *Privacy Act 1988* (Privacy Act).

Our rationale for this request is that the definition of '*entities bound by the code*' in section 26GC(5) of the Privacy Act is drafted broadly enough that the AFP may be picked up within the definition and bound by the Code. The AFP has a significant law enforcement function that involves engaging with children online, not least of which includes if a child was to access the 'report a crime function' on our website. Having to comply with the Code could impact the effectiveness of our law enforcement initiatives.

If the AFP is not to be exempt from the application of the Code (either as a Government entity or an enforcement agency), we look forward to the opportunity to review the draft Code once released for consultation and provide a more considered response at that time.

Kind regards,



The Australian Federal Police acknowledges the Traditional Owners and Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to First Nations people, culture and Elders past, present and emerging.

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AFP Web site: <http://www.afp.gov.au>
