



information
and privacy
commission
new south wales

Enquiries: Sean McLaughlan
Telephone: (02) 8071 7030
Our reference: IPC14/000003

Director
Cyber Safety Policy and Programs
Department of Communications
GPO Box 2154
CANBERRA ACT 2601

By email: onlinesafety@communcations.gov.au

Dear Sir/Madam

10 MAR 2014

Re: Enhancing Online Safety for Children

I appreciate the opportunity to comment on the Discussion Paper "Enhancing Online Safety for Children". The Discussion Paper highlights a rising concern in Australia for child safety from harmful internet content and cyber bullying. It includes research findings which in extreme cases link cyber bullying with instances of child and youth suicide. Child safety and cyber bullying of children, is a significant concern in the digital era. The Discussion Paper proposes the following:

- establish an E-Safety Commissioner
- develop an effective complaints system to remove harmful material effectively and efficiently from social media
- determine whether there is a need to create a new, simplified cyber-bullying offence.

As NSW Privacy Commissioner, it is my role to champion and promote the privacy rights of the people of NSW with respect to both their personal and health information. The Discussion Paper provides options for dealing with cyber-bullying under the Commonwealth legislation, one of which is the creation of a new offence.

Privacy rights are not intended to facilitate unlawful activity, and creating a new offence is supported provided that adequate privacy protections and law enforcement provisions are in place. The proposal also outlines a complaints system for children who fall victim to cyber bullying and other harmful content. This mechanism should also ensure that the victim's privacy and the privacy rights of the alleged offender, in particular if they are a minor is also respected and not further injured by this complaint handling process.

Although this subject matter of this proposal is not strictly in my domain of responsibility, I support the overall intent of the proposal and I find it pleasing that mechanisms are being considered to address these rising concerns in Australia.

I consent to this letter being published. Please ensure that prior to any publication of this letter that my signature is redacted from the version to be published.

Please do not hesitate to contact Sean McLaughlan, Manager Performance Reporting and Projects, on (02) 8071 7030, or by email at sean.mclaughlan@ipc.nsw.gov.au if you have any questions.

Yours sincerely

Dr Elizabeth Coombs
NSW Privacy Commissioner