*Privacy Act 1988* Part VI - Public Interest Determination No. 11B

Amendments to Public Interest Determinations No.s 11 and 11A - Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information

Under s72(2) of the *Privacy Act 1988* (Cth)(the Privacy Act), I determine that:

1. *Public Interest Determination No. 11 - Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information* should be amended as provided by Schedule A of this determination, and
2. *Public Interest Determination No. 11A - Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information* should be amended as provided by Schedule B of this determination.

**Schedules**

**(A) Amendments to Public Interest Determination No. 11**

On page 3, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11’*, under the heading *‘The application’*, in the first sentence: omit the word *‘Catherine’*, insert instead *‘Elizabeth’*.

On page 6, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11’*, under the heading *‘Process of Consultation’*, in the second sentence: omit the word *‘eight’*, insert instead *‘nine’*.

On page 9, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11’*, under the heading *‘Breach of National Privacy Principle 2.1’*, in the second sentence: omit the word *‘consumer’*, insert instead *‘relative’*.

**(B) Amendments to Public Interest Determination No. 11A**

On page 2, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11A’*, under the heading *‘The application’*, in the first sentence: omit the word *‘Catherine’*, insert instead *‘Elizabeth’*.

On page 5, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11A’*, under the heading *‘Process of Consultation’*, in the second sentence: omit the word *‘eight’*, insert instead *‘nine’*.

On page 8, in the attachment titled *‘Statement of Reasons for Public Interest Determination No. 11’*, under the heading *‘Breach of National Privacy Principle 2.1’*, in the second sentence: omit the word *‘consumer’*, insert instead *‘relative’*.

My reasons for making this determination are attached.

Timothy Pilgrim  
Australian Privacy Commissioner  
17 December 2010

10 December 2010

**Attachment:** Statement of Reasons for Public Interest Determination No. 11B

**Attachment**

**Statement of Reasons for Public Interest Determination No. 11B**

**Section 79(3), *Privacy Act 1988* (Cth)**

# Determination

# This statement sets out the context for, and my reasons for making, Public Interest Determination 11B.

# Background

# On 16 November 2009, I made the following public interest determinations:

1. *Public Interest Determination No. 11 - Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information* (PID 11)*,*
2. *Public Interest Determination No. 11 A - Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information* (PID 11A).

# The background to those determinations, and my reasons for making them, are set out in the Statement of Reasons included in each determination.

# Reasons for the decision

# Correction of errors

# It has come to my attention that the Statements of Reasons for PID 11 and PID 11A include three typographical errors, as set out below:

1. The applicant is erroneously referred to as *‘Catherine’* McCusker. The applicant’s name is, as stated in the body of PID 11, *‘Elizabeth’* McCusker.
2. The Statements of Reasons for PID 11 and PID 11A provide that, during the consultation process for PID 11 and PID 11A, eight submissions were received. However, I received and considered submissions from nine stakeholders. Appendix A to each PID notes the nine stakeholders that made submissions regarding the proposed making of the PIDs.
3. In one instance, the Statements of Reasons erroneously refer to a *‘consumer’* instead of a *‘relative’*.

# Accordingly, to avoid confusion, I have made this determination to correct these three typographical errors in the Statement of Reasons for PID 11 and 11A.

**Authority to make the decision**

Under s72 of the Privacy Act, I am empowered to make a public interest determination in certain circumstances.

A public interest determination made under s72 of the Privacy Act is a *‘legislative instrument’*: see s5 of the *Legislative Instruments Act 2003* (Cth).

Section 33(3) of the *Acts Interpretation Act 1901* (Cth)relevantly provides that where an Act confers a power to make any instrument, unless the contrary attention appears, that power is to be construed as including a power to *‘amend or vary any such instrument’*. The power to amend or vary an instrument is to be exercised in a similar manner and subject to similar conditions as the power to make the instrument.