



Privacy (International Money Transfers) Public Interest Determination 2025 (No. 1)

I, Carly Kind, Privacy Commissioner, make this determination under subsection 72(4) of the *Privacy Act 1988* (Privacy Act).

Dated: 11 February 2025

[Signed]

Carly Kind
Privacy Commissioner

1 Name of public interest determination

This is the *Privacy (International Money Transfers) Public Interest Determination 2025 (No. 1)*.

2 Commencement

This public interest determination commences on the day of its registration on the Federal Register of Legislation maintained under section 15A of the *Legislation Act 2003*.

3 Authority

This public interest determination is made by the Privacy Commissioner under subsection 72(2) of the Privacy Act.

4 Repeal

The *Privacy (International Money Transfers) Public Interest Determination 2020 (No. 1)* (FRLI F2020L00145) is repealed immediately before this public interest determination commences.

This public interest determination is repealed 10 years from the day on which it commences.

5 Definitions

Terms defined in the Privacy Act have the same meanings in this public interest determination.

6 Application for a public interest determination

- (1) Australia and New Zealand Banking Group Limited (ANZ) is an Australian Privacy Principle (APP) entity under subsection 6(1) of the Privacy Act because it is an organisation under section 6C of the Privacy Act.

- (2) ANZ has applied under section 73 of the Privacy Act for a public interest determination in relation to the acts and practices set out in section 7 below.

7 International money transfer processing

- (1) The disclosure of personal information about an individual to an overseas recipient by ANZ breaches, or may breach, APP 8.1 where:
- (a) ANZ, as an authorised deposit-taking institution within the meaning of the *Banking Act 1959*, is processing an international money transfer (IMT) on behalf of one of its customers, and
 - (b) in order to process the international money transfer, ANZ discloses personal information of the individual who is the beneficiary of the IMT (beneficiary) to another financial institution that is not in Australia or an external Territory (overseas financial institution) for the purpose of:
 - (i) remitting the relevant funds to the beneficiary's financial institution for payment, or
 - (ii) a communication that is necessary to confirm receipt of the funds or to facilitate processing or return of the funds by the beneficiary's financial institution.
- (2) The acts and practices set out in subsection (1) above may also lead to ANZ breaching other APPs (other than APP 1) by reason of the application of subsection 16C(2) of the Privacy Act if the overseas financial institution does an act, or engages in a practice, in relation to the information that would be a breach of an APP (other than APP 1) if the APPs applied to that act or practice.

8 Public Interest

- (1) The public interest in ANZ carrying out the acts and practices set out in section 7 above outweighs to a substantial degree the public interest in adhering to APP 8.1 or ANZ being taken to have breached an APP (other than APP 1) as a result of the acts or practices of the overseas financial institution where:
- (a) it is not practical for ANZ to rely on the exceptions set out at APP 8.2(a) or APP 8.2(b) when disclosing the personal information,
 - (b) the other exceptions in APP 8.2 are not relevant to the disclosure of the personal information,
 - (c) ANZ takes a number of steps to ensure the security and confidentiality of the personal information disclosed, and
 - (d) the nature of the arrangements that support and facilitate the processing of IMTs means that ANZ is not in a position to take additional steps to comply with APP 8.1 before disclosing the personal information.
- (2) For the purpose of paragraph 8(1)(a) above, it may not be practical for ANZ to rely on the exception at APP 8.2(a) when engaging in the acts and practices set out in section 8 due to:
- (a) the potentially large number of overseas locations to which the personal information may be disclosed, and
 - (b) ANZ not having any relationship with the beneficiary, or the means to establish that relationship, in order to gain the beneficiary's consent to the disclosure of the personal information.

9 Public interest determination

- (1) Accordingly, by operation of subsection 72(3) of the Privacy Act, while this public interest determination is in force ANZ is taken not to breach section 15 of the Privacy Act if:
 - (a) ANZ breaches APP 8.1 when engaging in the acts and practices set out in section 7 above, or
 - (b) an overseas financial institution does an act, or engages in a practice, in relation to the personal information disclosed to it by ANZ in the course of ANZ doing the acts or engaging in the practices set out in section 7 above, that would be a breach of an APP (other than APP 1) if the APPs applied to that act or practice.