

MELBOURNE CTO

CTO SCHOOL MELBOURNE

April 2022

WELCOME!

A word cloud of greetings in various languages, arranged in a roughly triangular shape. The words are in different colors and orientations. The most prominent words are 'HELLO' in red, 'CIAO' in green, 'BONJOUR' in blue, and 'HALLO' in light blue. Other visible words include 'WELCOME!', 'SZIA', 'Dzień dobry', 'SVEIKI', 'Cześć', 'SELAM', 'HEJSAN', 'HEJ', 'GUTEN TAG', 'ALIO', 'NOROC', 'Tjanare', 'SANNU', 'PRONTO', 'Olá', 'Ailó', 'DAR FIA', 'SALVE', 'Hyló', 'VERWELKOMING', 'DIA DUIT', 'MERHABA', 'ZDRAVO', 'SALUT', 'HEI', 'ALOHA', 'TIENS', 'HALOO', 'HI', 'BONGHJORNU', 'SZERVUSZ', 'BUNÀ ZIUA', and 'DZIEŃ DOBRY'.

Thanks to our sponsor



...Your company here?



To join, email:
nicola@fastmailteam.com

<https://ctoschoolmelbourne.slack.com/>



<http://tinyurl.com/ctoschoolmelb>

Code of Conduct

https://www.meetup.com/CTO-School-Melbourne/pages/29059343/Code_of_Conduct/

Our community is dedicated to providing an inclusive environment for everyone, regardless of gender, gender identity and expression, age, sexual orientation, disability, physical appearance, body size, race, ethnicity or religion (or lack thereof).

We do not tolerate harassment of participants in any form. Sexual language and imagery is not appropriate for any venue, including talks, workshops, parties, Slack and other online media. Participants violating these rules may be sanctioned or expelled at the discretion of the community organisers.

If you believe someone is violating the code of conduct, we ask that you report it by contacting the [CTO School Melbourne organisers](#).

Agenda (ish)

6:00 – Welcome!

6:15 – Main speaker

7:30 – Chat, network

8:00 – Log off



PRIVACY LANDSCAPE FOR AUSTRALIAN ORGANISATIONS

NICOLA NYE
CHIEF OF STAFF, FASTMAIL

IANAL



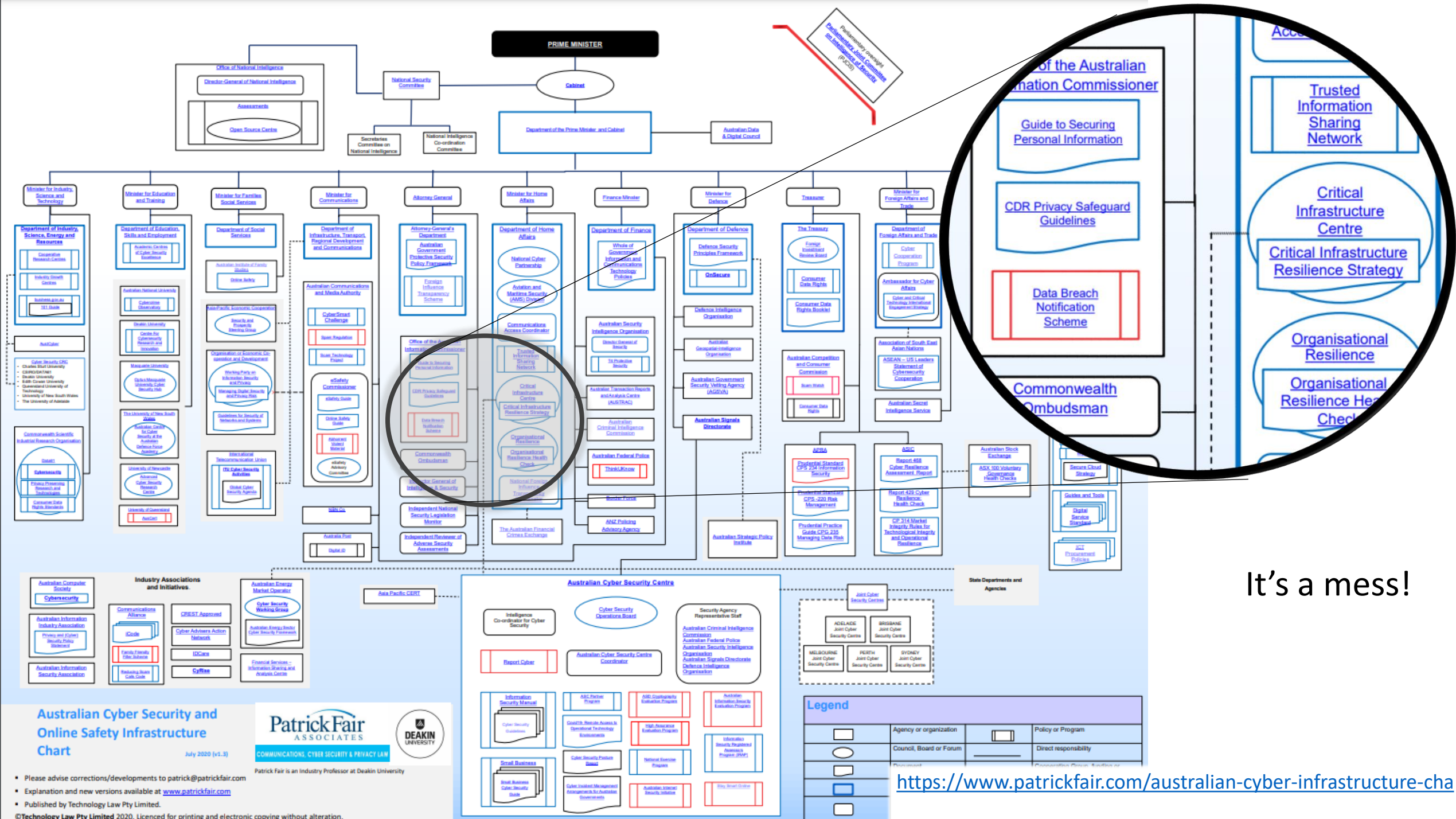
Overview

- Australian law
 - Customer protections
 - Law enforcement
 - International law
 - Complications
 - Resources
 - AMA
- 



Australian legal landscape

(It's a mess)



Australian Cyber Security and Online Safety Infrastructure Chart

July 2020 (v1.3)

Patrick Fair ASSOCIATES


COMMUNICATIONS, CYBER SECURITY & PRIVACY LAW

Patrick Fair is an Industry Professor at Deakin University

- Please advise corrections/developments to patrick@patrickfair.com
- Explanation and new versions available at www.patrickfair.com
- Published by Technology Law Pty Limited.



Australian landscape

- Federal
 - State
 - Industry-specific
- 

Australian law: customer protections

- Privacy Act 1998

- <https://www.oaic.gov.au/privacy/the-privacy-act/>

- Australian Privacy Principles

- <https://www.oaic.gov.au/privacy/australian-privacy-principles/>

- Breach Reporting

- <https://www.oaic.gov.au/privacy/notifiable-data-breaches/>

- Industry specific

- Consumer Data Right (banking)
 - <https://www.oaic.gov.au/consumer-data-right/what-is-the-consumer-data-right/>

Australian law: Privacy Act

Who

Government, large organisations, proscribed businesses, opt-in organisations

Protects individuals

Special data



Australian Privacy Principles

Open and transparent management of personal information

Anonymity and pseudonymity

Collection of solicited personal information

Dealing with unsolicited personal information

Notification of the collection of personal information

Use or disclosure of personal information

Direct marketing

Cross-border disclosure of personal information

Adoption, use or disclosure of government related identifiers

Quality of personal information

Security of personal information

Access to personal information

Correction of personal information

Australian law: breach reporting

Computer Hacker



What my friends think I do



What my mom thinks I do



What society thinks I do



What I think I do



What victims think I do



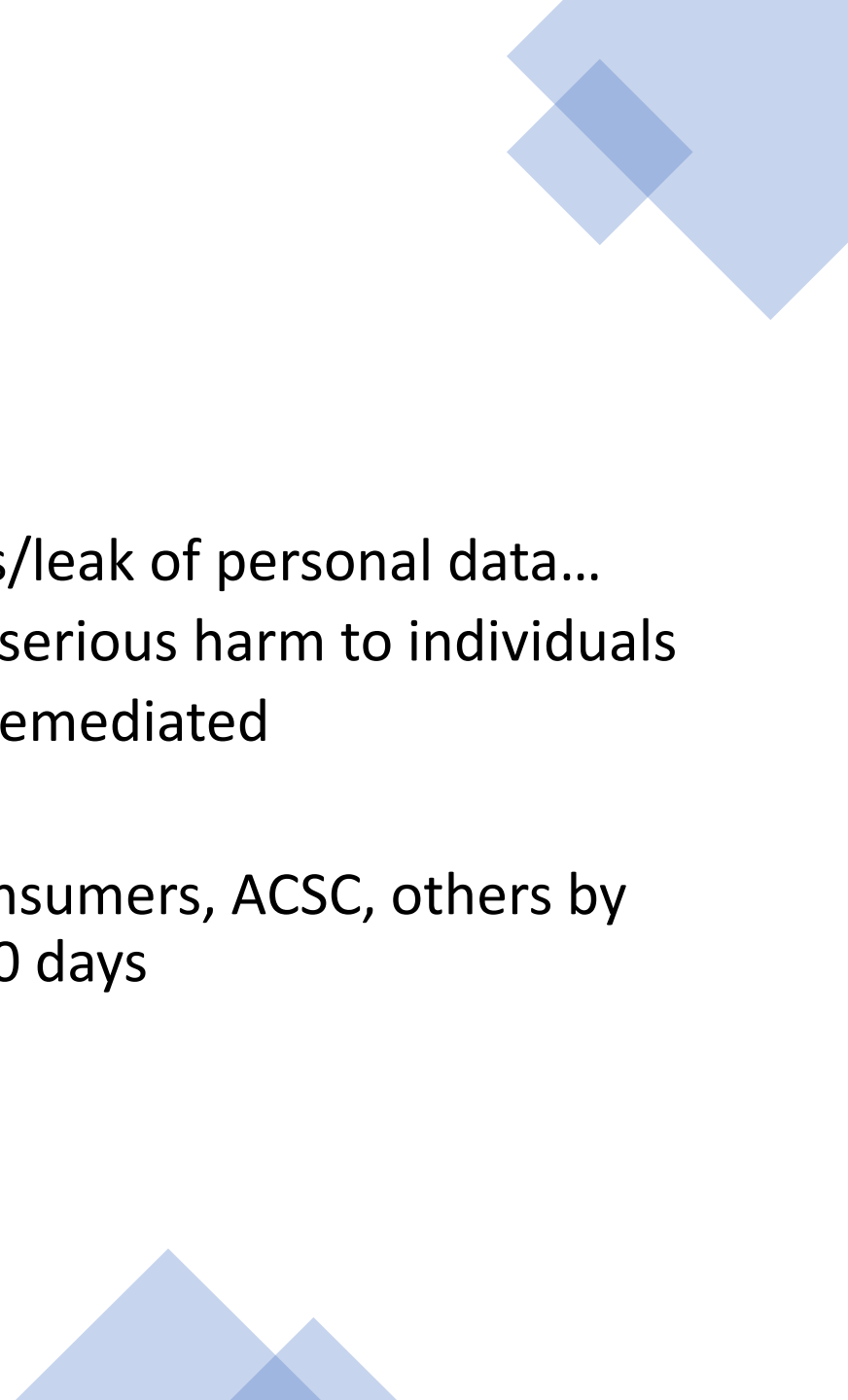
What I really do

Australian law: breach reporting





Australian law: breach reporting

- When, not if
 - Eligible data
 - Unauthorised loss/leak of personal data...
 - That might cause serious harm to individuals
 - Wasn't/Can't be remediated
 - Notify:
 - OAIC, affected consumers, ACSC, others by industry, within 30 days
- 

Australian law: Industry specific

- Consumer data records
- Critical infrastructure
- My Health Record
- ... consult your local lawyer

Australian law: law enforcement

- Telecommunications Interception and Access Act 1979 (federal)
- Crimes Act 1914 (federal): (search warrants):
 - <https://www.legislation.gov.au/Details/C2021C00408>
- TOLA (aka AABill) (federal) (TCN/TAN/TAR):
 - <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/assistance-and-access-overview>
- Identify and Disrupt bill (federal):
 - <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/surveillance-legislation-amendment-identify-and-disrupt-act-2021>
 - <https://melbactivistlegal.org.au/2021/08/26/identify-and-disrupt-bill/>
- Surveillance Devices Act (Vic):
 - https://techsafety.org.au/blog/legal_articles/legal-guide-to-surveillance-legislation-in-vic/
- Metadata retention (ISP, telecoms) (federal):
 - <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/data-retention>

Australian law: but wait there's more

- Online safety bill (BOSE)
 - <https://digitalrightswatch.org.au/2021/02/11/explainer-the-online-safety-bill/>
- Facial recognition
- COVID QR data uses
- ... the list goes on...
- Review national intelligence powers: Richardson review
 - <https://www.theguardian.com/australia-news/2020/dec/04/australian-spy-law-review-says-asio-should-seek-approval-before-targeting-citizens-overseas>





International

Europe and UK

- GDPR and Brexit

USA

- State and Federal
- Sanctions

LGPD (Brazil)

New Zealand

Russia, China, ...



EEA: GDPR: v1, Schrems, v2, Brexit

Adequate Jurisdiction

Safe Harbor (US), and SCCs (expire 2021)

Snowden and Schrems 1 (2015) : Safe Harbor

Privacy Shield (2016) and SCCs

Schrems II (2020): Privacy Shield

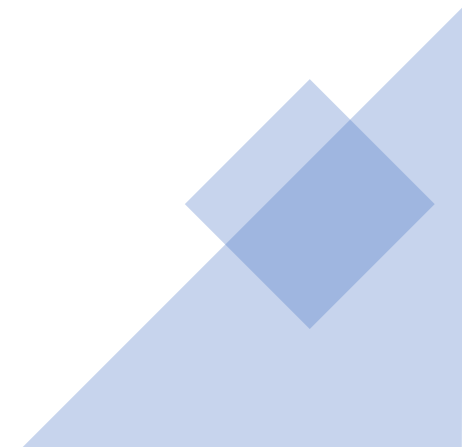
New SCCs / model clauses (2021)

Brexit <-> EU: “adequacy”

UK: yeah, AU are our mates

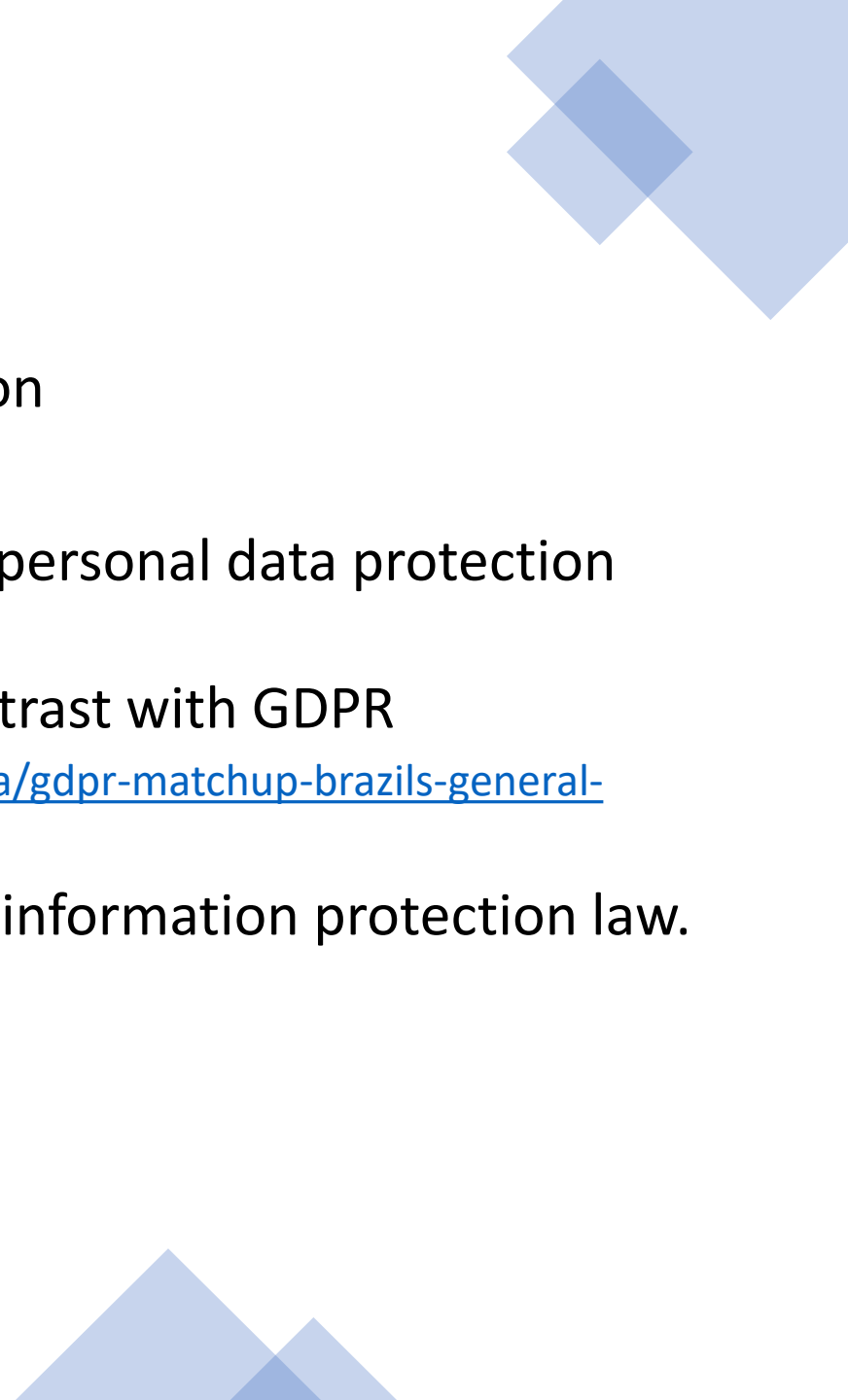


USA

- CCPA – California consumer protection act
 - COPRA – Consumer online privacy rights act (still a bill)
 - WPA – Washington Privacy Act
 - COPPA – Children's Online Privacy Protection Act
 - <https://www.consumerprivacyact.com/federal/>
- 




Rest of World

- Russia: Data protection
 - localisation
 - Brazil: LGPD: general personal data protection act
 - Compare and contrast with GDPR
 - <https://iapp.org/news/a/gdpr-matchup-brazils-general-data-protection-law/>
 - China: PIPL: personal information protection law.
 - 2021
 - localisation
- 



Complications

- You have presence in multiple locations
 - Acquisition
 - Wayfair vs South Dakota (US tax)
- 

Resources

- Compare privacy legislation around the world
 - https://iapp.org/media/pdf/resource_center/global_comprehensive_privacy_law_mapping.pdf
- Laws around the world: DLA Piper
 - <https://www.dlapiperdataprotection.com/index.html>
- News and privacy training: Salinger Privacy
 - <https://www.salingerprivacy.com.au/>
- Make a submission!
 - <https://www.youtube.com/watch?v=sdBQAf5Xb5c>
- Support advocacy groups: DRW, APF, EFA

AMA!

Twitter:
@nye_nicola

Email:
nicola@fastmailteam.com

Slack:
@nicolan

