

**MEDIA RELEASE**  
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### **AIIA Welcomes Privacy Act Amendments But Calls for Stronger Reforms**

The Australian Information Industry Association (AIIA) welcomes the introduction of the Privacy Act amendments into parliament today, recognising this as a significant step forward in a process that has taken many years. These reforms, however, do not fully embrace key recommendations from the Government's own review and in some cases have taken the path of least resistance and show timidity.

While the AIIA supports many of the amendments, including the inclusion of safeguards for automated decision-making (ADM) under Australian Privacy Principle 1.7 and the exclusion of the burdensome and technically infeasible 'right to be forgotten' requirement, this legislation falls short in two critical areas. It fails to introduce the much-needed distinction between data controllers and processors in our modern digital and cloud based economy that other jurisdictions enjoy, and it does not address the removal of the small business exemption – an exemption unique to Australia.

The AIIA firmly believes that all businesses, regardless of size, should be held accountable for protecting the privacy of Australians and their personal and sensitive information. Excluding small businesses and one-third of Australia's GDP from this regulatory framework not only increases the risk to individuals but also ignores the important role these businesses play in the broader digital economy.

The distinction between data controllers and processors, as enshrined in the European Union's GDPR, is essential for clearly defining responsibilities in the management of personal data. Without this crucial framework, the effectiveness of the amendments is severely weakened.

Additionally, the 'substantially similar' protection requirement has the potential as currently drafted to inhibit or make unclear what cross-border data flows are allowable, potentially putting Australian businesses at a disadvantage on the global stage. The government must strike a balance between strong privacy protections, enabling international trade and providing assurance for Australian businesses to operate across borders.

AIIA CEO Mr Simon Bush said, "After a four-year review process, these reforms, while a step in the right direction, do not go far enough to adequately protect the digital economy or the privacy of Australian citizens and make clear where the responsibilities sit. Australia must rise to meet the standards set by our international counterparts and adapt more swiftly to the demands of a modern digital economy. The government must ensure that all participants – citizens and businesses alike – are protected under a balanced and forward-thinking privacy regime."

#### **Media**

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