

Forensic Audit of Mobile Phone Records

Interim Report – 12 January 2017

On 16 December 2016 I issued a statement regarding an alleged forensic audit of the mobile telephone records of Victorian politicians and public servants. In the statement I advised that I had written to the Premier of Victoria seeking further information about the forensic audit under s 79(1) of the *Privacy and Data Protection Act 2014* (PDPA).

This interim report provides an account of developments since then.

On 23 December 2016 I received a response to my request for information, from the Department of Premier and Cabinet. The response attached a certificate also dated 23 December 2016, issued by the Secretary of the Department of Premier and Cabinet under s 79(3) of the PDPA. The effect of the certificate was to claim cabinet confidentiality in respect of all the information I had requested from the Premier.

On 5 January 2017, I issued and served notices under s 79(1) of the PDPA on the Chairman in Victoria and Chief Executive Officer for Australia of KPMG, the organisation alleged to have been engaged by or on behalf of government to undertake the forensic audit. The notices, which were in identical terms, sought details of communications regarding the alleged forensic audit, including engagement terms and the scope of the audit.

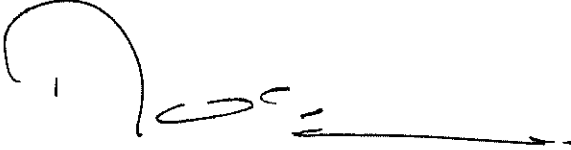
The notices required a response by 4pm on Tuesday, 10 January 2017.

Neither the Chair nor the CEO of KPMG, or anyone on behalf of KPMG, responded to the notice in the time specified and no response has been received as at the time of publishing this interim report.

My office is continuing to inquire into this matter. We are actively considering the options available to us to address the allegations that have been made about the forensic audit.

In the meantime, I would urge any parliamentarian, member of the Victorian public service or member of the public who has any relevant information to contact my office or to lodge a privacy complaint. Information about lodging a complaint can be found at <https://www.cdpd.vic.gov.au/menu-privacy/privacy-public/privacy-public-make-complaint>

Victorian public sector employees who may be affected by the forensic audit might also consider contacting their Union representatives. Most of the Victorian public sector is represented by the Community and Public Sector Union.

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke ending in a small arrowhead.

Adjunct Professor David Watts
Commissioner for Privacy and Data Protection
12 January 2017