

Technology means greater need for privacy protection, Tasmania Law Reform Institute report finds

Technological advances such as spyware, covert cameras and drones mean the state's privacy protections should be reviewed, a new Tasmania Law Reform Institute report recommends.

Laws covering stalking and intimidation in Tasmania should be re-examined to consider emerging surveillance technology, the Institute has found in a report on Tasmania's privacy laws.

Legislation covering listening devices should also be reformed to strengthen protections against optical, tracking and data surveillance, the Institute said.

The Institute has made 63 recommendations in the new report *Review of Privacy Laws in Tasmania*, which examined the *Personal Information Protection Act 2004* and other state-based protections.

Multiple submissions raised concerns about the privacy risks associated with emerging technologies such as facial recognition and AI, the Institute's Principal Research Fellow Dr Rebecca Bradfield said.

"The Institute agrees with the findings of the *Commonwealth Privacy Act Review* and the Australian Human Rights Commission's *Human Rights and Technology* project that the risks associated with these technologies justify reforms to privacy legislation," Dr Bradfield said.

The Institute's recommendations include Tasmania joining other states in making it an offence to share intimate images without consent. Tasmania is the only state without a law prohibiting the sharing of non-consensual intimate images, although it is an offence to share private sexual images online under Commonwealth laws.

The Institute said reforms to Tasmanian laws should, as much as possible, be consistent with those of the Commonwealth and states.

"Currently there is no comprehensive privacy regulation in Tasmania," report co-author Dr Yvette Maker said. "Rather, privacy protection is fragmented across different laws that protect different types of privacy in different circumstances."

Among the other recommendations are:

- A review of all Tasmanian legislation that requires the retention of personal information;
- Tasmania introduce a data breach notification scheme based on the Commonwealth model;
- Legislation be considered to enable civil action against breaches of privacy;
- Information handling be strengthened, including individual consent, the reasons for collecting personal information, disclosure of its use and an individual's right to access their information;
- The definition of 'sensitive information' to include biometric and genetic information;
- A review of barriers to the sharing of information that would help protect the safety and wellbeing of children and young people, people in family violence situations, abuse of elder persons and people with disabilities.

The project was initiated by the Honourable Meg Webb MLC and funded by a grant from the Solicitors Guarantee Fund.

The Tasmania Law Reform Institute is Tasmania's peak independent law reform body and was established in 2001 by agreement between the Tasmanian Government, the University of Tasmania and The Law Society of Tasmania. The Institute undertakes impartial and independent reviews or research on areas of law and legal policy.

A link to the report can be found [here](#).