

## Cyber Crime mandatory reporting will become Law

...why you should read this.

The Privacy Amendment (Notifiable Data Breaches) Bill 2016 will become law on 22<sup>nd</sup> February 2018.

Widely known as the Mandatory Reporting Bill, its passing into law will have a direct impact on all businesses in Australia with a **turnover higher than \$3m who collect and use consumer data**...to provide insights and deliver better products and services to their customers, perhaps just "kept on file". *Many other Businesses are also required to comply....in fact, over 112,000 we have identified.*

The new law requires organisations (as per Page 3) to inform customers and others on their database when they 'suspect that a data breach has occurred and there is a 'real risk' of 'serious harm' to the individual as a result of the breach. **The Directors of the Company can be personally fined too.**

(This legislation will cause challenges to many organisations as it does not define the term 'suspect' nor provide a guideline of when there is a real risk of serious harm. As a 102 page document, like most laws, interpretation is yet to be determined...but don't be the one in that position).

***There is an exemption allowing organisations that have taken pre-emptive action before serious harm has occurred to avoid the need for notification...again to be expressly determined.***

With this Bill replacing the current voluntary reporting regime, it makes the reporting of a data breach now compulsory, along with sizeable fines of up to \$360,000 **for individuals** and \$1.8 million for organisations. It makes a compelling case for those who choose to disregard the seriousness of their data security.

### Means of notification

If your in-house Company database is rarely contacted or perhaps it's held within an Accounting Package as "Historical data" then who knows how many of these past clients have moved, passed away, changed phone number...and your only option may be the substantial cost and time to organise a letter to be sent to ALL of them.

This is where our Services, over 30 years, can enable that database to be brought up to speed.

We have direct mainframe access to the most substantial Residential (and for that matter, Business) database in Australia. It's possible to match up your records to a current address, see who has moved, changed numbers, deceased and in many cases, add Privacy Compliant Email information.

The result...you now have your information at the most recent deliverable standard....and you have the option to also contact many of them by SMS and Email so the message gets out much quicker than Postal Mail and obviously much cheaper.

We can provide you with a data element match-up quote within a few hours and we guarantee it will be far cheaper and hugely less wasteful of resources than sending a letter to many people who will never get it.

**And it is the only database that has Email.**

Responsibility at a company level will mean much more than leaving responsibility for cyber issues to IT departments ...it reaches senior operations executives.

This renewed focus on cyber skills of Management may yet be the biggest impact of the data breach laws.

**Please contact us today for an absolutely no-obligation and confidential review of your database. We can also work with your data bureau if you wish to provide a detailed summary of the state of your data.**

**..... Then you are in a position to make a decision on what action needs to take place.**

*“Agencies and businesses should continue to take reasonable steps to make sure personal information is held securely – **including being equipped with a clear response plan in the event of a data breach.**”*

**Timothy Pilgrim PSM...Australian Privacy and Information Commissioner**

*Being seen to take pre-emptive action should a breach occur, shows an advance commitment of your business to comply with these laws and rapidly action any communication to those on your databases.*

## **Laird**

Laird Marshall

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**Latest IBM Australia Statistics.....**

*It will cost you over \$138 per Client record breached in contacting them, offering special deals as compensation and 65% of Clients say they DON'T TRUST you after a data breach and 33% will leave you. It's something you can prepare for, because whether from Outside or Inside (60% are In-house breaches)..... there's a high likelihood it will happen...and you are financially liable to be fined too especially if you haven't prepared a plan.*

See the next page which outlines Industries affected.....

The **Cyber Security Bill** applies to organisations that have [responsibilities under the Privacy Act](#). This includes these, where we have shown most with Contact names as a guide...

- Australian Government agencies...**Departments.....**  
Local 5532 , State 7193, Federal 3257...= 15,982
- Businesses with an annual turnover of **more than \$3 million.....** 36,100 (with 10 plus employees)  
(Dealing with Consumers...ie Retail, some Services, Hospitality, Travel etc)
- Not-for-profit organisations with turnover of **more than \$3 million....** Total ??...(50,000 in total are “active”)
- **Annual turnover of \$3 million or less.....(some of which may be in above)**
- Clinics of General practitioners and medical specialists 16,400
- private hospitals and day procedure centres 1,840
- pharmacists 5,185
- Over 2243 other health and allied health professionals in private practice including psychologists, physiotherapists, dentists (8,500,) podiatrists, occupational and speech therapists and optometrists...
- private aged care facilities 2,500
- pathology and radiology services...300
- complementary medicine practitioners, including herbalists, naturopaths, chiropractors, massage therapists, nutritionists, and traditional Chinese medicine practitioners ....3000 plus
- health services provided in the non-government sector, such as phone counselling services or drug and alcohol services....est.200
- private schools 6,600
- child care centres 5,260
- gyms and weight loss clinics 1,369
- blood and tissue banks...est. 20
- assisted fertility and IVF clinics....est.130
- health services provided via the Internet (eg counselling, advice, medicines), telehealth and health mail order companies...est 15
- Real Estate 6,900
- Businesses that sell or purchase personal information along with credit reporting bodies..est 50
- TAFE's/Uni's..... 6,500 Departments RTO's 3,778

**Summary.....over 112,000 Businesses plus those others Home Based / “under the radar.”**