

Cyber Crime mandatory reporting will become Law

...why you should read this.

On Monday 13th February 2017, the Privacy Amendment (Notifiable Data Breaches) Bill 2016, passed in the Senate. It will be sent to the Governor General shortly for Assent – the final formality before a bill becomes law in the next 12 months.

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**...perhaps to provide insights and deliver better products and services to their customers, perhaps just “kept on file”.

The new law requires organisations 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.

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

“My office will be working closely with agencies and businesses to help prepare for the scheme’s commencement. This will include providing additional guidance over the next 12 months, and events hosted through the OAIC’s [Privacy Professionals Network](#).

*In the meantime, 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.

Thanking you

Laird

Laird Marshall

Managing Director / President of Southport Chamber of Commerce

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**** We have collated this information to the best of our ability. Please ensure you check with your Responsible persons to verify the impact of this new Legislation to your Company first.**