

From: s47E(d)
To: s47E(d)
Subject: Privacy and DVA OAIC [SEC=OFFICIAL]
Date: Thursday, 15 February 2024 6:24:49 PM
Attachments: [image001.jpg](#)
[image002.png](#)

OFFICIAL

The Office of the Australian Information Commissioner (OAIC) decision last year (20 June 2023) '[ADJ and The Secretary to the Department of Veterans' Affairs \(Privacy\) \[2023\] AICmr 29 \(26 April 2023\) \(austlii.edu.au\)](#) found that DVA had contravened their obligations under privacy in how they used veteran data as part of the Mates Program.

In light of this OAIC determination it would be prudent to review the data arrangements and data governance with DVA.

The proposed technical changes mean a new PIA is merited under Defence's Privacy obligations. The need to update the legislative and policy content of the existing PIA also merits a substantive review. Treating the project as a new project has the advantage of requiring all parties to address their obligations in totality. (Defence Privacy would appreciate access to the PIA provided by the other partners if possible). Whether significantly updated or new the PIA will need to be registered on the PIA register.

s47E(d) Senate Estimates raising the matter of the OAIC determination and the Mates program directly with DVA on 14/02/2024. Unfortunately the transcript of this is not yet available, [when available it will be accessible here](#). If you would prefer to [watch you can watch here, DVA are sitting from approximately timecode 21:09:00:00](#). Beginning with questions by Senator Perin Davey (National for NSW). Reference is made to a current Federal Court case – ongoing.

Details of the [Gordon Legal investigation into a Class action call can be found here](#).

If you require any additional information or would like to discuss please let me know.

Cheers,

s47E(d)

s47E(d)
Assistant Director - Privacy
Defence Privacy | Department of Defence
Ph: s47E(d) | E: s47E(d)@defence.gov.au



Defence Privacy is committed to continually improving privacy awareness in Defence. For information on how Defence generally collects, uses, stores and discloses personal information please refer to the [Defence Privacy Policy](#). For Information on how Defence Privacy generally manages personal information please refer to our [Defence Privacy Notice](#).

Kaurna+Country+(Adelaide+Plains+Area+SA)



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From: s47E(d)
To: [REDACTED]
Cc: [Defence Privacy](#)
Subject: RE: For response ASAP today please : Draft CP23 02751 OAIC response - for urgent review please [SEC=OFFICIAL]
Date: Thursday, 7 March 2024 3:36:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[CP23_02751_OAIC_response.docx](#)

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s47E(d) – no changes from PS&PS perspective.
Thank you

Kind Regards

s47E(d)
Director
People Systems Business Support (PSBS)
People Systems and Payroll Services Branch
Department of Defence

s47E(d) | Campbell Park Offices | PO Box 7909 | ACT 2610
P: s47E(d) | E: s47E(d) | [@defence.gov.au](mailto:s47E(d)@defence.gov.au)



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From: s47E(d) @defence.gov.au
Sent: Thursday, 7 March 2024 1:13 PM
To: s47E(d) @defence.gov.au; s47E(d) @defence.gov.au; s47E(d) @defence.gov.au; s47E(d) @defence.gov.au
Cc: Defence Privacy <s47E(d) @defence.gov.au>
Subject: For response ASAP today please : Draft CP23 02751 OAIC response - for urgent review please [SEC=OFFICIAL]

OFFICIAL

Hi team
Based on advice that s47E(d) (thanks very much team), please

see a proposed draft response to the OAIC. I would be grateful for any and all feedback **ASAP** as this is due to OAIC tomorrow. Could you please confirm that how I have phrased the audit wording (paragraph 2) is correct– but I do note that this wording is drawn from the last Senate Estimates brief.

Kind regards

s47E(d)

Director
Defence Privacy
People Services and Wellbeing Division | Department of Defence
E: s47E(d)@defence.gov.au | s47E(d)@defence.gov.au
P:

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Australian Government
Defence

Our reference: s47E(d)
OAIC reference: s47E(d)

s47E(d)
Director Investigations
Dispute Resolution Branch
Office of the Australian Information Commissioner
By email: s47E(d)@oaic.gov.au

Dear s47E(d)

CP23/02751

1. Thank you for your letter of 23 February 2024, requesting further information regarding a privacy complaint before the OAIC, dated 25 August 2023.
2. For completeness, we provide the following information about Defence's functionality to audit PMKeyS as you requested:
 - (1) At all times Defence has had audit capabilities to track user access (when a person logs into PMKeyS) and data input (when a person makes changes to data fields in PMKeyS).
 - (2) From 23 January 2024, the audit capability has been enhanced to permit page level auditing for personal information. As a part of this change, when a user accesses and views personal data through one of the pages, an audit record is generated.
3. In relation to your questions, the audit report reveals s47E(d)
[Redacted]
[Redacted]
[Redacted]
4. s47E(d)
[Redacted]
[Redacted]
[Redacted]
5. Please contact us on s47E(d)@defence.gov.au, or by calling me on s47E(d) so we can discuss the best way forward to assist with this matter.

Yours sincerely,

s47E(d)
Director
Defence Privacy
s47E(d)@defence.gov.au
8 March 2024

From: s47E(d)
To:
Cc: [Defence Privacy](#)
Subject: 240312 1528 -s47E(d)] QB templates - PmKeys
Date: Tuesday, 12 March 2024 3:29:01 PM
Attachments: [QB24-000XXX - Issues Brief.docx](#)
[QB24-000XXX - Topic of the Day.docx](#)
[image001.png](#)
[image002.jpg](#)
[FW_Auditability of PMKeyS_SECOFFICIAL.msg](#)
s22
s22

OFFICIAL

Hi s47E(d)

I note that you are offline today – but I haven't copied in s47E(d) or s47E(d) given this is a task for this week. I have copied in s47E(d) as she has had visibility of these. I am also not sure the context in asking this QB (Whether it is the FOI, the OAIC, the RC talking about data) so apologies if irrelevant.

I am not sure if it would assist, but I have attached the briefs which have recently been worked on in relation to PMKeyS which I have had visibility of:

- s22
- s22
- MB24 – 000337 (OAIC investigations into PMKeyS and Objective) – currently sitting with s47E(d) to reclear following s47E(d) changes to the brief.

Happy to discuss tomorrow when you are back.

s47E(d)
Director
Defence Privacy
People Services and Wellbeing Division | Department of Defence
E: s47E(d) [@defence.gov.au](#) | s47E(d) [@defence.gov.au](#)
P: s47E(d) | M: s22

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From: s47E(d) [@defence.gov.au](#)>
Sent: Tuesday, 12 March 2024 2:21 PM
To: s47E(d) [@defence.gov.au](#); s47E(d) [@defence.gov.au](#)
Cc: s47E(d) [@defence.gov.au](#)>
Subject: FW: QB templates - s22 /PmKeys [SEC=OFFICIAL]

OFFICIAL

Hi s47E(d)

Please see below from s47E(d).

s47E(d) can you please work with s47E(d) on the pmkeys security side of things if privacy input is needed?

s22

Tahnks all

s47E(d)

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From: s47E(d) <s47E(d)@defence.gov.au> **On Behalf Of** DPG-FASPS Office
Sent: Tuesday, 12 March 2024 2:05 PM
To: s47E(d) <s47E(d)@defence.gov.au>; s47E(d) <s47E(d)@defence.gov.au>
Cc: DPG-HRS-Correspondence <s47E(d)@defence.gov.au>; DPG-PS&PS-Correspondence <s47E(d)@defence.gov.au>; DPG-FASPS Office <s47E(d)@defence.gov.au>
Subject: FW: QB templates - s22 /PmKeys [SEC=OFFICIAL]

OFFICIAL

Hi s47E(d) nd s47E(d)

We have been asked to start to prepare possible QB briefs for next week. Two topics that may be of interest are PMKeys Security and s22

Could you please make a start on these briefs. s47E(d)

Please let me know if you have any questions.

Thanks

s47E(d)

Executive Officer to Cassie Haynes
First Assistant Secretary People Services and Wellbeing
People Services and Wellbeing Division
(People Strategy Organisation) Defence People Group

P: s47E(d)
P: s22



Defence acknowledges the traditional owners of country throughout Australia and their continuing connection to land and community. We pay our respect to them and their cultures and to the elders both past and present.

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From: s47E(d) <[redacted]@defence.gov.au> **On Behalf Of** DPG Governance
Sent: Tuesday, 12 March 2024 1:24 PM
To: DPG-FASPS Office <[redacted]@defence.gov.au>
Cc: DEPSEC DP Office <[redacted]@defence.gov.au>; DPG Governance <[redacted]@defence.gov.au>; DPG Media and Communication <[redacted]@defence.gov.au>
Subject: QB templates - s22 /PmKeys [SEC=OFFICIAL]

OFFICIAL

Hi s47E(d)

As discussed, please see attached both QB templates. Suggested topics from the PSO XO meeting to prepare on were PmKEYS and s22 .

Please do not create these in PDMS as they will be deleted, you can work on them offline early though.

s22



Thank you
s47E(d)

s47E(d)

Assistant Director DPG Parliamentary Business

DPG Parliamentary Business & Committees
Defence People Group
Department of Defence

s47E(d) | Russell Offices | Russell Drive | Canberra | ACT 2600

Tel: s47E(d) | Mob: s22

Email: s47E(d)@defence.gov.au | s47E(d)@defence.gov.au |

s47E(d)@defence.gov.au

Please visit the [DPG Ministerial Coordination & Governance page](#) for advice, guidance and resources

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From: s47E(d)
To: s47E(d)
Cc:
Subject: FW: Auditability of PMKeyS [SEC=OFFICIAL]
Date: Tuesday, 13 February 2024 2:47:50 PM
Attachments: [image001.png](#)
s47E(d)

OFFICIAL

FYI s47E(d)

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From: s47E(d)
Sent: Tuesday, 13 February 2024 1:00 PM
To: s47E(d) @defence.gov.au; Haynes, Cassie MS
<s47E(d)@defence.gov.au>
Cc: s47E(d) @defence.gov.au; DPG-PS&PS-Correspondence
<s47E(d)@defence.gov.au>; DPG-FASPS Office
<s47E(d)@defence.gov.au>
Subject: RE: Auditability of PMKeyS [SEC=OFFICIAL]

OFFICIAL

Hi Cassie

Updated brief attached.

Regards

s47E(d)

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From: s47E(d)
Sent: Tuesday, 13 February 2024 12:07 PM
To: Haynes, Cassie MS <s47E(d)@defence.gov.au>
Cc: s47E(d) @defence.gov.au; DPG-PS&PS-Correspondence
<s47E(d)@defence.gov.au>; DPG-FASPS Office
<s47E(d)@defence.gov.au>
Subject: Auditability of PMKeyS [SEC=OFFICIAL]

OFFICIAL

Hi Cassie

Please find attached the first cut of the brief from you to the Associate Secretary regarding the auditability of PMKeyS. We continue to work on the formatting and tweaking the language, but I wanted to get this to you now in case the information in the brief would be helpful for Senate Estimates tomorrow.

Let me know if you are keen for a chat before tomorrow.

Regards

s47E(d)

s47E(d)

Assistant Secretary
People Systems and Payroll Services
Department of Defence

s47E(d) | Campbell Park | ACT

P: s47E(d) M: s22 E: s47E(d) @defence.gov.au

Executive Assistant: s47E(d)

P: s47E(d) E: s47E(d) @defence.gov.au



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PMKeyS Security and Access

Handling Note:

- Deputy Secretary Defence People Justine Greig PSM to lead on PMKeyS Security and Access.

Key Messages

- Defence is committed to ensuring the privacy of all Defence personnel is protected.
- Any allegations of misuse of Defence's pay and personnel administration system, PMKeyS, are taken seriously and handled in accordance with the APS Code of Conduct or the *Defence Force Discipline Act 1982*.
- Defence personnel are provided access to PMKeyS only where their role specifies it is a requirement.
- All Defence personnel accessing PMKeyS are required to undertake training, which includes application of the *Privacy Act 1988*.
- Defence has recently released a system enhancement to permit page level auditing in PMKeyS. This enhancement was completed at the end of January 2024. All authorised users were advised on this enhancement.

Talking Points

- Defence regularly implements security updates in accordance with advice to Government agencies provided by the Australian Signals Directorate.
- Certain Defence personnel are provided role specific access to PMKeyS data where it is required to perform the duties of their job.
- PMKeyS users accessing and processing PMKeyS data are required to acknowledge that they are subject to the Privacy Principles contained in the *Privacy Act 1988*.
- Access is strictly limited to allow only the functionality necessary to perform their role and is provided on a 'need to know' basis.

If pressed: Who is authorised to access to another users PMKeyS data?

- Certain Defence personnel are provided limited access to PMKeyS.
- Access is strictly limited to allow only the functionality necessary to perform their role and is provided on a 'need to know' basis.

Prepared By:

Name: s47E(d)
Position: Director, Privacy
Division: People Services and Wellbeing
Phone: s47E(d)

Cleared By:

Name: Cassie Haynes
Position: First Assistant Secretary
Group/Service: Defence People Group
Phone: s22

Additional Estimates February 2024
Last updated: 12 February 2024
Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

If pressed: Can Defence audit individual user "view" access to Personal information within PMKeyS system?

- Defence has recently released system enhancements to permit page level auditing in PMKeyS.
 - This will target the pages in the application used to record employee personal data including name, address and date of birth.
- With this change, when an authorised system user views employee personal data through one of the pages, there will be an audit record generated.
- The audit will retain the identity of the PMKeyS user, the date and time the page was viewed and details of the employee record that has been accessed.
- Introduction of this enhancement will further improve our system access controls.

If pressed: Does Defence concede there are potential vulnerabilities in PMKeyS and these pose a national security threat?

- There is strict security for PMKeyS. Defence regularly implements security updates in accordance with advice to Government agencies provided by the Australian Signals Directorate.

If pressed: How many people's details are currently stored in PMKeyS?

- PMKeyS is Defence's pay and personnel administration system and is used across Defence.
- s47E(d)

If pressed: Are you aware of any current legal complaints matters relating to unauthorised access of PMKEYS data?

- There are no current legal proceedings relating to unauthorised access of PMKeyS data.

If pressed: Are you aware of any others?

- I am aware that individuals have sought access to information about who has access to their PMKeyS record using the *Freedom of Information Act 1982*. Individuals who have concerns regarding a possible breach of privacy, or access to their PMKeyS record can raise their concerns through the appropriate channels.

Prepared By:

Name: s47E(d)
Position: Director, Privacy
Division: People Services and Wellbeing
Phone: s47E(d)

Cleared By:

Name: Cassie Haynes
Position: First Assistant Secretary
Group/Service: Defence People Group
Phone: s22

Additional Estimates February 2024
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Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

- As at 8 February 2024, we are aware that the Office of the Australian Information Commissioner is now investigating a privacy matter relating to PMKeyS.
 - While this complaint was only provided to Defence on 8 February 2024, the matter relates to a complaint made to the Office of the Australian Information Commissioner on 25 August 2023.
 - As this matter is currently before the Office of the Australian Information Commissioner, it would be inappropriate to provide further details about this matter.

Background

- Implemented in September 1999, the PMKeyS system has become Defence's core management information system for personnel management. PMKeyS is the authoritative management record for all Defence personnel in the areas of administration and leave; development and training; career management; organisational structure; workforce planning; and recruitment.
- PMKeyS manages payments to Defence's 22,197 civilian staff and 71,120 ADF members as at 1 January 2024. s47E(d)
- At the May 2023 Budget Estimates, PMKeyS and privacy protection was raised:

Senator SHOEBRIDGE: You've got a big problem here, haven't you, Secretary, that doesn't even comply with the most basic privacy guidelines? Will you seek advice from the Office of the Australian Information Commissioner about whether or not PMKeyS meets even the most basic standards for protection of privacy? Will you seek the advice?

Mr Moriarty : I'll consult with colleagues about the integrity of the system.
- PMKeyS has always had audit capabilities to track user access (when a person logs into PMKeyS) and data input (when a person makes changes to data in PMKeyS). These capabilities have recently been enhanced to record a PMKeyS user who has accessed the personal data pages of a member or employee, even when no changes to the data have been made. This change will allow Defence to check that PMKeyS users are using their access to PMKeyS for the purposes in which the access was granted, and aligns with the importance of maintaining confidentiality and preserving the integrity of information stored on PMKeyS.
- The current applied parameters for auditability of access and use for individuals logged onto PMKeyS meets the requirements of the Information Security Manual as assessed by Australian National Audit Office PMKeyS.

Prepared By:

Name s47E(d)
Position: Director, Privacy
Division: People Services and Wellbeing
Phone: s47E(d)

Cleared By:

Name: Cassie Haynes
Position: First Assistant Secretary
Group/Service: Defence People Group
Phone: s22

Additional Estimates February 2024
Last updated: 12 February 2024
Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

Supporting Information

Questions on Notice

Budget Estimates: 31 May 2023

- . **QoN No. 65, PMKeys System logs**, Senator David Shoebridge (Australian Greens, New South Wales) asked Acting First Assistant Secretary People Services, Dr Paul Robards, and the Secretary of Defence, Greg Moriarty, about the prevalence and practice of unauthorised access of PMKeyS for the purposes of accessing detailed information about people's personnel files and then publishing on the internet. The Secretary took a Question on Notice about this matter.
- . **Defence Legal led the response:**

Defence has not received any evidence related to this matter. However, Defence Legal has received correspondence that details broad allegations of this conduct.

 - o The Secretary has not received a briefing about this matter.

Prepared By:

Name: s47E(d)

Position: Director, Privacy

Division: People Services and Wellbeing

Phone: s47E(d)

Cleared By:

Name: Cassie Haynes

Position: First Assistant Secretary

Group/Service: Defence People Group

Phone: s22

Additional Estimates February 2024
Last updated: 12 February 2024
Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

Freedom of Information (FOI) Requests

- FOI 439/22/23 - In February 2023 a former serving member requested information about any person that had accessed his PMKeyS records and the type of information viewed. **Document released on 20 February 2023.**
- FOI 446/22/23 – In February 2023 a former serving member requested documents about any person that had accessed his PMKeyS records for the period 4 June 2015 to 3 February 2023 and the type of information viewed. **No documents in scope located, and decision provided to applicant on 10 March 2023.**
- FOI 631/22/23 – In April 2023 – A former serving member requested information relating to any decision made by Defence to amend the Department’s policy in relation to the maintenance of record. This includes correspondence relating to Defence’s policy about the maintenance of records of any PMKeyS access of Defence individual’s personal information and any PMKeyS access of Defence individual’s personal information. **Decision provided to applicant on 25 May 2023, with partially released documents.**
- FOI request 636/22/23 – In April 2023, a former serving member requested a copy of emails to and from the People Systems Business Support team relating to general security issues associated with the PMKeyS system (date range: 1 Jan 2022 - 1 Apr 2023). Emails, reports and other documents related to auditability issues associated with PMKeyS (date: 1 Jan 2015 - 1 Apr 2023). Reports, documents and emails, which support Defence Media's claim to The Guardian that "[Defence] regularly implements security updates [to PMKeyS]". **Decision provided to applicant on 13 June 2023, with partially released documents.**
- FOI 412/23/24 – In December 2023, Defence received a FOI request for all internal communications to and from Media and Information Disclosure Branch related to a media request sent to defence@media.gov.au on Tuesday 9/12/2023. This includes text messages and emails referring to Secretary Moriarity telling Senate estimates in May 2023 that he would "consult with colleagues about the integrity" of the PMKeyS database. **Decision provided to applicant on 22 December 2023 with partially released documents.**

Recent Ministerial Comments

- None identified.

Relevant Media Reporting

- Friday 1 December 2023, SBS News published an article written by Finn McHugh: [‘Gobsmacking’: The gaping hole leaving info on Australian soldiers open to hackers’](#).

Prepared By:

Name: s47E(d)
Position: Director, Privacy
Division: People Services and Wellbeing
Phone: s47E(d)

Cleared By:

Name: Cassie Haynes
Position: First Assistant Secretary
Group/Service: Defence People Group
Phone: s22

Additional Estimates February 2024
Last updated: 12 February 2024
Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

Division: People Services and Wellbeing	
PDR No: SB23-001287	
Prepared by: s47E(d) Director Privacy People Services and Wellbeing Division Ph: s47E(d) Date: 18 January 2024	Cleared by Division Head: Cassie Haynes First Assistant Secretary People Services and Wellbeing Division Mob: s22 Ph: s47E(d) Date: 12 February 2024
Consultation: s47E(d), People Systems and Payroll Services Defence People Group Date: 10 January 2024 s47E(d) Special Counsel – DPG Defence Legal Date: 10 January 2024	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Justine Greig PSM Deputy Secretary Defence People Group Date: 12 February 2024	
<input checked="" type="checkbox"/> I confirm that all information in this brief is suitable for public release <input checked="" type="checkbox"/> I confirm this brief follows the template guidance and checklist	

Prepared By:
Name: s47E(d)
Position: Director, Privacy
Division: People Services and Wellbeing
Phone: s47E(d)

Cleared By:
Name: Cassie Haynes
Position: First Assistant Secretary
Group/Service: Defence People Group
Phone: s22

Additional Estimates February 2024
Last updated: 12 February 2024
Key witness: Justine Greig PSM.

PDR No: s47E(d)
PMKeyS Security and Access

Questions on notice referred to within the brief:

Budget Estimates

Senator David Shoebridge

Question Number: 65

Date question was tabled: 5 June 2023

Question

Senator David Shoebridge: asked the Department of Defence on 31 May 2023—

Senator SHOEBRIDGE: The fact is you're aware of the now notorious practice of people in Defence accessing PMKeyS, getting detailed information about people's personnel files and then whacking it on the internet. You're aware that that's happening, aren't you?

Dr Robards: No.

Senator SHOEBRIDGE: No-one's told you about this, time after time after time, that it's been put on the internet?

Dr Robards: I don't have any evidence of that.

Senator SHOEBRIDGE: Secretary, are you aware of this?

Mr Moriarty: No. Perhaps you could provide us with some additional information that we could then investigate.

Senator SHOEBRIDGE: You've been put on notice by lawyers about it in detailed correspondence which includes the posts, and no-one's told you?

Mr Moriarty: I'll take that on notice.

Answer

Senator David Shoebridge – The Department of Defence provides the following answer to the Senator's question:

1. Defence has not received any evidence related to this matter. However, Defence Legal has received correspondence that details broad allegations of this conduct.
2. The Secretary has not received a briefing about this matter.

Prepared By:

Name: s47E(d)

Position: Director, Privacy

Division: People Services and Wellbeing

Phone: s47E(d)

Cleared By:

Name: Cassie Haynes

Position: First Assistant Secretary

Group/Service: Defence People Group

Phone: s22