06. I Pieper

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Question 1:

Autonomy is a fundamental human right.  Allowing individuals to control their private life and the way that they present themselves to others is one way of protecting their autonomy and their dignity.  Respect for privacy is a component of that respect for autonomy.  The right to privacy is an important right for all members of society and should only be breached when there is clear evidence of a threat to public health or safety or the person whose privacy is breached poses a credible threat to the safety of known individuals.

Question 2:

Question 3:

Question 4:

Question 5:

Question 6:

Question 7:

Question 8:

Question 9:

There should be action taken even in the event that the invasion of privacy is due to negligence or carelessness.  The impact on the victim is likely to be similar.

Question 10:

Invasion of privacy should be actionable per se.  The impact is likely to be personal and would only rarely involve real damages.

Question 11:

Any definition of damage in relation to a breach of privacy should include emotional distress.

Question 12:

Question 13:

Question 14:

Question 15:

Question 16:

Question 17:

Question 18:

Public apologies and removal of web content should be amongst the remedies available.

Question 19:

Question 20:

Yes, there should be an indepenent body that has the capacity to act on behalf of inividuals and groups.  Individuals must have the capacity to defend their privacy against commercial interests and against Governments, otherwise there is no point in having any expectation to privacy.

Question 21:

Question 22:

The Privacy Act 1988 (Cth) would be the logical legislation to contain further privacy provisions.

Question 23:

Question 24:

Alternative dispute resolution processes would be likely to be successful in these instances, particularly mediation.  Often the main damage caused will be that of personal concern at having their privacy violated.  This form of intrusion is better dealt with out of the public eye.

Question 25:

Question 26:

Question 27:

Question 28:

Other comments:

File 1:

File 2: