13. ‘Ian Trested’

**Subject:** **Submission**

**Question 1**: What guiding principles would best inform the ALRC’s approach to the Inquiry and, in particular, the design of a statutory cause of action for serious invasion of privacy? What values and interests should be balanced with the protection of privacy?

**Answer**:

A guiding principle that should inform the ALRC’s approach is ‘recognising the benefits that derive the availability of privacy and personal space to individuals, groups and other entities.’ Identified benefits should be articulated and incorporated into any legislation, regulation or other mechanism that may be established for the purposes of addressing privacy issues in the digital era.

**Question 8**: What guidance, if any, should the Act provide on the meaning of ‘public interest’?

**Answer**:

It is critical that any Act, legislation, regulation or other mechanism that is established for the purposes of addressing privacy issues in the digital era provides guidance on the meaning of ‘public interest’. This guidance should include an articulated distinction between matters, actions and behaviours that are ‘in the public interest’, and matters, actions and behaviours that ‘the public are interested in’. A party against whom any sort of action is being taken in respect of an invasion of privacy or potential invasion of privacy should be required to demonstrate that the matter, action or behaviour they were responsible was commenced for reasons of achieving an outcome that is primarily and clearly ‘in the public interest.’