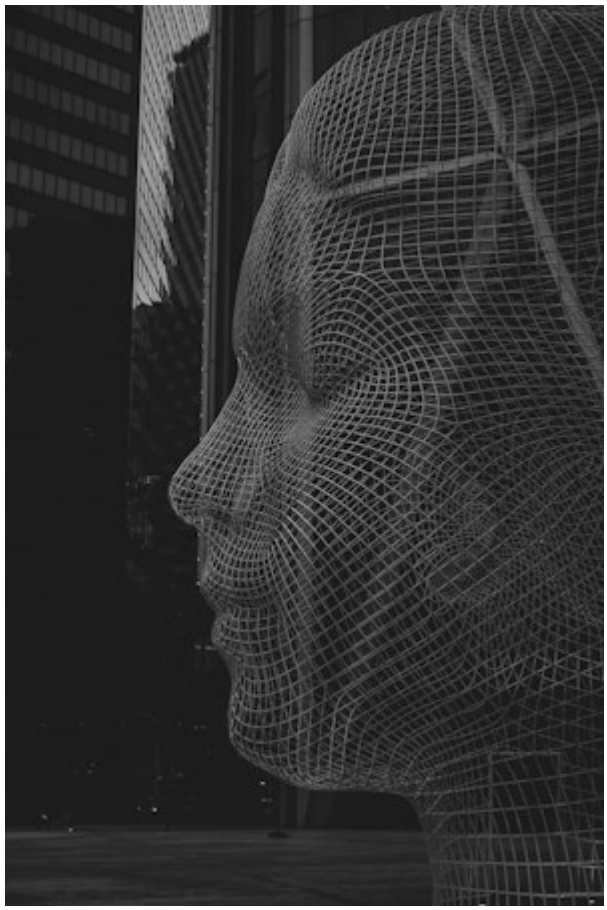
Office of the Information Commissioner
Western Australia

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OIC media release – WA Police overt live facial recognition trial



The OIC published a Media Release in response to requests from media outlets and broader community concern regarding Western Australia (WA) Police Force's overt live facial recognition trial.

In the Media Release, the OIC explained we were not involved in any formal consultation ahead of the trial. However, we are monitoring and requesting further information from the WA Police Force through our new enforcement powers which commenced on 1 July 2026.

The Media Release also sets out several important concepts members of the community and

regulated entities should be aware of in the deployment of biometric projects with large-scale public impact. This includes concerns about the mass collection of personal information, collective privacy harms, scope creep and data quality.

Transparency in Automated Decision-Making (ADM) – Submission to OAIC

The OIC responded to the Office of the Australian Information Commissioner's Consultation on Guidance for Transparency in Automated Decision Making.

The OIC's submission highlights the similarities between the forthcoming ADM transparency obligations under the *Privacy Act 1988* (Cth) and the requirements of Information Privacy Principle (IPP) 10 in the *Privacy Responsible Information Sharing Act 2024* (WA) (PRIS Act). IPP 10 is the first law in Australia to regulate the handling of personal information in the context of ADM and requires regulated entities to ensure risks of harm, bias and discrimination are minimised and the requirements of the PRIS Act are complied with.

Privacy complaint guidance

To support individuals who wish to make a privacy complaint to the OIC, the OIC has published guidance on How to make a privacy complaint. This guidance answers key questions:

- What can I make a privacy complaint about?
- What should I do if I believe my privacy has been interfered with?
- How do I make a privacy complaint to the entity involved?
- How do I make a complaint to the OIC?

FOI amendments – one page guidance note

On 1 July 2026, important amendments to the FOI Act commenced. A guidance note outlining the amendments is available at amendments to the FOI Act commencing on 1 July 2026.

The most up-to-date version of the FOI Act is available at WALW - Freedom of Information Act 1992 - Home Page. Do not rely only on the last reprint of the FOI Act, which was printed on 19 November 2016.

Recent FOI Decisions

Re P and Western Australia Police Force [2026] WAICmr 11

The Information Access Deputy Commissioner confirmed the agency's decision to refuse access to documents on the basis they could not be found or did not exist (section 26 of the *Freedom of Information Act 1992* (WA)). The Deputy Commissioner found the complainant's belief that additional documents existed did not, on its own, establish reasonable grounds to conclude the requested documents existed or should exist. In any event, the agency had searched the locations where the documents would be expected to be held and had taken all reasonable steps to locate them.

The decision confirms agencies are required to take all reasonable steps to find requested documents, but are not required to take every possible step. It also confirms that applicants need more than a belief that additional documents exist. They must point to some material supporting that claim.

Read the decision via the Office of the Information Commissioner website.

Register for the Privacy Community of Practice

Registrations for the OIC's online Privacy Community of Practice are open. This Privacy Community of Practice provides an opportunity to build capability, collaborate and share knowledge around privacy best practice, and to support the WA public sector to meet its obligations under the PRIS Act.

This community is open to WA public sector Privacy Officers and PRIS Champions (or their nominated delegates). The online meetings are expected to be held four times each year. To register, please complete this form: Registration form

For further information, please email info@oic.wa.gov.au.

Nominate your Privacy Officer

Under the PRIS Act public entities are required to nominate a Privacy Officer and to notify the Information Commissioner of their name and contact details. You can notify the Information Commissioner by sending an email to info@oic.wa.gov.au.

Public entities with a generic privacy email address (such as privacy@entityname.wa.gov.au) should provide this with their Privacy Officer nomination. A privacy email address can ensure communication about privacy matters is received irrespective of staffing changes.

See our website for information on who is the Privacy Officer within a public entity?

Upcoming events

Women Unlimited Leadership Summit

Information Commissioner Annelies Moens will be joining a panel discussion with the Hon Dr Parwinder Kaur MLC and Julie Adams, Director Chemoathome at the Women Unlimited Leadership Summit on 19 August. The conference theme is the courage to lead differently and the panel topic is "First, & still standing: What it actually takes to lead at the top".

Procurement Capability Network Update

Privacy Deputy Commissioner Nina Skewes will be providing an update on the contracted service provider (CSP) provisions under the PRIS Act to the Department of Finance and Treasury's Procurement Capability Network on 21 August. This is an opportunity for government procurement and contract managers to understand the new CSP obligations.

Government Innovation Showcase WA

Annelies Moens, Information Commissioner will join the Privacy, Data and AI Governance, Transparency and Trust panel at the Government Innovation Showcase, alongside Sonya Sherman, Director Data Governance, Department of the Premier and Cabinet, Damian Shepherd, State Archivist and Anu Sutharshan, A/ Director Information Governance, Department of Transport and Major Infrastructure WA on 25 August.

FOI and Privacy tip of the month



Privacy

Individuals can lodge privacy complaints to the OIC about how their personal information has been handled. Before they make a complaint to the OIC, they should first complain to the entity and give them a reasonable time to respond (usually 30 days).

Ensure staff are aware of your entity's formal complaints process and who they should direct a privacy complaint to so that it can be dealt with effectively.

Also ensure your website and privacy policy include prominent information about how to make a privacy complaint and appropriate contact details.



FOI

Artificial intelligence tools are being used more broadly across the public sector. Whether or not a document is a ‘document of an agency’ under the FOI Act does not turn on whether AI was used to create the document.

A document will be a ‘document of an agency’ if it is in the possession or under the control of the agency, including documents an agency is entitled to access (for example, under a services contract).

AI generated scripts agency officers create during the course of their work using tools such as Microsoft CoPilot are likely to be documents of an agency.

To determine which records need to be kept and which are then able to be accessed for the purposes of the FOI Act, agencies should refer to their record keeping obligations, including those under the *State Records Act 2000* (WA).

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Acknowledgement of Country

The Office of the Information Commissioner acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.