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Cops, Computers and the Right to Privacy in the Information Age: unauthorised access and inappropriate disclosure of information complaints in New South Wales

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Abstract

The term the 'information age' is particularly applicable to Australia. In a recent email, the Australian Institute of Criminology's Chief Librarian, John Myrtle, passed on statistics which showed that internet use and access in Australia has increased about 50% during the last year (Pers. Comm. 14 July 1999). Of greater interest is the fact that almost 20% of Australian households, 1.3 million, have internet access and over one third of the adult population has accessed the internet at some time during the year ending February 1999. To further back these figures, the Sydney Morning Herald of 12 February, 2000, carried statistics from the Australian Bureau of Statistics which showed that 22.6% of Australian families had home internet access (Anon., 2000a, p. 105). These figures firmly place Australians among the world's most computer literate societies. Of course computers weren't always that popular. The authors of this paper entered law enforcement at a time when computers were owned by Universities and major corporations - not individuals - and a decent calculator cost about a week's wages. However, things changed quickly and by the 1980s computers were an established part of policing. Today, all major police services are committed to, and reliant on, some form of computerised information system. The two systems which the authors have had contact with are the Crime Reporting and Information System for Police (CRISP) (Queensland Police Service) and the Computerised Operational Policing System (COPS) (New South Wales Police Service). While many aspects of these two systems are different, they, and all the other police information systems in existence, share one major similarity: they store and provide access to personal and confidential information on every individual with whom police come into contact during their duties. Modern police investigation techniques rely on officers being able to access this information routinely to carry out their duties and fight crime. Likewise, the individuals whose personal information is held on law enforcement computer systems are entitled to a reasonable expectation of privacy. This presents the single greatest dilemma to law enforcement officers using computers: when does investigation and intelligence gathering become common curiosity and therefore unlawful?

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