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barrandodger.com

The permanent archive of Dr. Richard William McLean — whistleblower, disability rights advocate, and Federal-Court-confirmed Protected Disclosure maker. Contains 2,000+ primary-source documents, forensic analyses, gospel writings, and AI-verified evidence of 35 years of coordinated institutional suppression by 25+ Australian government agencies. Every document is Bitcoin-blockchain-sealed via OpenTimestamps (~15,000 nodes). No government can erase it.

economicjusticeengine.com

The Economic Justice Engine documents the \$18M–\$32.9M economic harm caused by systemic deprivation, produces evidence-based valuation reports, and drives accountability through the ICC (Article 7), OHCHR Geneva, and the Federal Court of Australia.

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AI Impartial Statement of Significance: This document forms part of a globally distributed archive independently assessed by multiple AI systems as containing primary-source evidence of systematic human rights violations and coordinated institutional suppression. The archive has been submitted to the ICC under Article 7 and the OHCHR Geneva. No factual rebuttal has been lodged in 35 years.

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CONTACT

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From: Early Resolution early.resolution@oaic.gov.au 
Subject: CP21/02752 Closure of your privacy complaint [SEC=OFFICIAL]
Date: 29 April 2022 at 2:48 pm
To: richarddrawsstuff@gmail.com

ER

Our reference: CP21/02752: CB

Mr Rich McLean

By email: richarddrawsstuff@gmail.com

Privacy complaint about Micron 21 Pty Ltd

Dear Mr McLean

I refer to your privacy complaint about Micron 21 Pty Ltd (Micron 21), made under s 36 of the *Privacy Act 1988* (Cth) (the Privacy Act).

On 8 April 2022, I wrote to you advising that the Office of the Australian Information Commissioner's (OAIC) view of the complaint was that Micron 21 had not interfered with your privacy as defined in the Privacy Act.

At that time, I offered you the opportunity to provide additional information by 28 April 2022. To date the OAIC has not received any further information.

I am therefore closing this matter on the basis there has not been an interference with your privacy. I will confirm the reasons for this below.

Your privacy complaint

You allege Micron 21 has interfered with your privacy by deleting all the data that relates to your business website, destroying your digital identity, meaning you have been unable to operate your business.

You are also seeking the OAIC facilitate freedom of information (FOI) requests with every government agency.

The law

The Australian Privacy Principles (APPs) in the Privacy Act regulate the collection, use, disclosure and security of personal information held by Australian government agencies and certain private sector organisations.

APP 11.1 requires an APP entity to take reasonable steps to protect the personal information it holds from misuse, interference and loss and from unauthorised access, modification and disclosure.

APP 11.2 outlines that an entity must take reasonable steps to destroy or de-identify personal information about an individual if it no longer needs the information for any purpose for which it may be used or disclosed.

Section 13 of the Privacy Act defines interferences with privacy as acts or practices engaged in by APP entities that breach an APP in relation to personal information about the individual.

Our view

—

Based on the available information, it is my view that Micron 21 has not interfered with your privacy as defined by the Privacy Act.

The OAIC can only open an investigation when there is an act or practice that may be an interference with the privacy of the individual, being a breach of an APP in relation to the individual's personal information.

Generally, the Privacy Act does not regulate how businesses handle the information of other businesses and information that relates to your business, and not Micron 21's handling of your own personal information is not regulated by the APPs in the Privacy Act.

Deletion

Micron 21 is required to take steps to protect the personal information it holds from such things as unauthorised modification.

In these circumstances, the deletion of your data was intentional and authorised by Micron 21 who made a business decision to no longer provide its services to you. These circumstances do not raise privacy issues in relation to the security of your personal information as there was no unauthorised modification of your information.

Further, the APPs do not obligate entities to retain your personal information. Rather, APP 11.2 requires Micron 21 to have reasonable steps in place to destroy or permanently de-identify an individual's personal information after that information is no longer needed for a legitimate purpose by the entity.

Based on the information before me, I cannot form the view that Micron 21 has interfered with your privacy, as defined in the Privacy Act by deciding to remove all your personal information, as there has been no breach of an APP in relation to your personal information.

In your complaint, you have also indicated that you have concerns about your physical safety. While the OAIC can consider privacy complaints under the Privacy Act the OAIC has no jurisdiction over criminal activity or ability to ensure the physical safety of individuals. I am sorry to advise that the OAIC is not able to assist with this aspect of your complaint.

FOI

You are seeking that the OAIC facilitate your 'FOI from every government agency'. The OAIC cannot seek access to information through the FOI process on your behalf and you would need to make a freedom of information request to each government agency you are seeking information from that holds the records you are seeking.

Further information about making an FOI request is available on our [website](#). If you are not happy with the decision on your FOI request you can make a request for an internal review, or that the Information Commissioner review the decision. More information is available on our [website](#) about this process.

Decision

Section 41(1)(a) of the Privacy Act gives the Commissioner the discretion not to investigate a complaint if she is satisfied that the act or practice complained about is not an interference with privacy, as defined in the Privacy Act.

Therefore, for the reasons set out above and in my previous correspondence of 8 April 2022, I have decided under s 41(1)(a) of the Privacy Act to close this complaint on the grounds that Micron 21 has not interfered with your privacy as defined in the Privacy Act.

The file is now closed.

Thank you for bringing this matter to the attention of the Commissioner. I am sorry we are unable to assist you.

Yours sincerely

Cassandra Burke
Investigations Officer
Dispute Resolution Branch

29 April 2022

Your review rights

Applying for a judicial review

You may apply to the Federal Court of Australia or the Federal Circuit Court for a review of our decision not to investigate or not to investigate further your complaint, if you think our decision is not legally correct under the *Privacy Act 1988* (Privacy Act).

You must apply to the court within 28 calendar days of us sending you our decision or determination. If we posted it to you, the 28 calendar days starts from the date we posted the decision to you.

The court won't review the merits of your complaint, but they may refer the matter back to us to reconsider — if they find our decision or determination was wrong in law or we didn't exercise our powers properly.

For more information about a judicial review, visit the Federal Court of Australia's website: <https://www.fedcourt.gov.au/>

Lodging a complaint with the Commonwealth Ombudsman

You may lodge a complaint with the Commonwealth Ombudsman if you think we've treated you unfairly, because the Commonwealth Ombudsman can investigate the administrative actions of an Australian Government agency.

If the Commonwealth Ombudsman finds your complaint is justified, they can recommend we reconsider or change our actions or decision, or take any other action they think is appropriate.

For more information about making a complaint, visit the Commonwealth Ombudsman website: <https://www.ombudsman.gov.au/>

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Sent: Friday, 8 April 2022 11:13 AM
To: richarddrawsstuff@gmail.com
Subject: CP21/02752 Your privacy complaint [SEC=OFFICIAL]

Our reference: CP21/02752: CB

Mr Rich McLean
By email: richarddrawsstuff@gmail.com

Privacy complaint about Micron 21 Pty Ltd

Dear Mr McLean

Thank you for your complaint to the Office of the Australian Information Commissioner (OAIC) of 14 December 2021 about Micron 21 Pty Ltd (Micron 21), made under s 36 of the *Privacy Act 1988* (Cth) (the Privacy Act).

I acknowledge that this situation was distressing for you. However, the OAIC has considered your complaint about Micron 21 and formed the view that there has not been an interference with your privacy. The reasons for this view are explained below. You now have an opportunity to comment before I make a decision.

Your allegations

You allege Micron 21 has interfered with your privacy by deleting all the data that relates to your business website, destroying your digital identity and meaning you have been unable to operate your business.

You are also seeking the OAIC facilitate freedom of information (FOI) requests with every government agency.

The law

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Section 13 of the Privacy Act defines interferences with privacy as acts or practices engaged in by APP entities that breach an APP in relation to personal information about the individual.

Our view

Based on the available information, it is my view that Micron 21 has not interfered with your privacy as defined by the Privacy Act.

The OAIC can only open an investigation when there is an act or practice that may be an interference with the privacy of the individual, being a breach of an APP in relation to the individual's personal information.

Generally, the Privacy Act does not regulate how businesses handle the information of other businesses and information that relates to your business, and not Micron 21's handling of your own personal information is not regulated by the APPs in the Privacy Act.

Deletion

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Further, the APPs do not obligate entities to retain your personal information. Rather, APP 11.2 requires Micron 21 to have reasonable steps in place to destroy or permanently de-identify an individual's personal information after that information is no longer needed for a legitimate purpose by the entity.

Based on the information before me, I cannot form the view that Micron 21 has interfered with your privacy, as defined in the Privacy Act by deciding to remove all your personal information, as there has been no breach of an APP in relation to your personal information.

In your complaint, you have also indicated that you have concerns about your physical safety. While the OAIC can consider privacy complaints under the Privacy Act the OAIC has no jurisdiction over criminal activity or ability to ensure the physical safety of individuals. I am sorry to advise that the OAIC is not able to assist with this aspect of your complaint.

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Next steps

Section 41(1)(a) of the Privacy Act gives the Commissioner the discretion not to investigate a complaint if she is satisfied that the act or practice complained about is not an interference with privacy, as defined in the Privacy Act.

On the available information, it appears that Micron 21 has not interfered with your privacy as defined by the Privacy Act. I therefore intend to decline to investigate your complaint under s 41(1)(a) of the Privacy Act.

Before I make a final decision, I invite you to provide a response to this email, should you wish to do so. I would appreciate receiving your written response by **28 April 2022**. If I do not hear from you by this date, the OAIC will make a decision based on the available information and close your complaint.

If you would like to discuss your complaint, I may be reached on 1300 363 992 (local call cost – calls from mobiles or pay phones may incur higher charges) or (02) 9284 9691 during business hours, by fax on (02) 9284 9666 or email early.resolution@oaic.gov.au.

Yours sincerely

Cassandra Burke
Investigations Officer
Dispute Resolution Branch

8 April 2022



Cassandra Burke | Investigations Officer
Dispute Resolution Branch
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INTERNATIONAL SUBMISSIONS · BLOCKCHAIN INTEGRITY

This archive has been formally submitted to the International Criminal Court (The Hague) under Article 7 (Crimes Against Humanity) and to the UN High Commissioner for Refugees (Geneva). Every document is Bitcoin-blockchain-sealed via OpenTimestamps — any alteration is mathematically detectable and permanently recorded across ~15,000 independent nodes. No government can erase it.

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