



**Australian Government**  
**Department of Foreign Affairs and Trade**

9 September 2021

Josephine Scicluna & Jackie Mansourian  
Writers in Prison Co-convenors  
Melbourne Centre of PEN International  
[wip@penmelbourne.org](mailto:wip@penmelbourne.org)

Dear Ms Scicluna & Ms Mansourian

Thank you for your email to the Minister for Foreign Affairs regarding Mr Julian Assange. I am replying on behalf of the Minister for Foreign Affairs, Senator the Hon Marise Payne.

As we do for other Australians facing legal proceedings overseas, the Australian Government is following Mr Assange's situation closely, and offering consular assistance to him.

Mr Assange has a right to due process. The Australian Government is confident that the UK legal system is delivering this.

While my privacy obligations prevent me from sharing specific details, I can assure you that the Australian Government will continue to support Mr Assange's welfare wherever possible, including in consultation with his legal representative and the UK authorities.

I hope this information assists you.

Yours sincerely

A handwritten signature in blue ink that reads "Sonje Franklin".

Sonje Franklin  
Director  
Consular Operations Branch



## PRIVACY ACT - CONSULAR FACT SHEET

- *The Privacy Act 1998* (Cth) regulates the way DFAT collects, stores, uses and discloses personal information about consular clients **for the purpose of delivering consular assistance**.
  - Protection of clients' privacy is an important element of consular work.
- DFAT asks all consular clients to **consent to the disclosure** of personal information, by signing a consent form.
  - The client can specify which information can be released, and to whom.
  - This includes, in limited circumstances, to confirm to the media that consular assistance is being (or has been) provided to them.
  - If personal information is already in the public domain this does not release the Department from its legal responsibility to abide by the Privacy Act.
- The primary purpose for collecting personal information is to provide consular assistance. Using or disclosing this information beyond this purpose may breach the Privacy Act unless an exception under the Act applies.
  - Therefore, personal information held by one work area can only be disclosed to a second work area for the purpose of delivering consular assistance.
- Personal information can only be disclosed to third parties (for example, MPs and media) if the consular client has expressly consented to this. This includes third parties contacted by next of kin advocating for the client.
- Staff should have access to personal information only where there is a genuine need to know in order to fulfil their official duties.

### Abiding by the Privacy Act

- DFAT may **not disclose personal information** about a consular client for a secondary purpose, unless the client has expressly consented or an exception applies.
- Any decisions regarding Privacy Act **exceptions must be approved in CCD**.
- The most relevant exceptions are:
  - the disclosure is necessary to lessen or prevent a **serious threat** to the life, health or safety of a client or to public health or safety; OR
  - the disclosure is required or authorised **by law**; OR
  - the disclosure is necessary for **enforcement related activities conducted by an enforcement body**, OR
  - the disclosure is necessary for DFAT to perform/undertake its **consular functions or activities**.