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**FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY**

Your Ref:
Our Ref:

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

XX May 2020

By email:

Dear Sir/Madam

**Notification
Release of Names – Commonwealth Courts Portal and Federal Law Search**

You are receiving this letter because it is possible that your name and the fact that you were a party to a protection visa proceeding may have been able to be accessed by members of the public.

The Federal Court of Australia and the Federal Circuit Court of Australia ('the Courts') are committed to protecting your personal information. The Courts have recently taken measures to investigate and address an incident that, in certain circumstances, may have enabled your name to be accessed on the Commonwealth Courts Portal through Federal Law Search contrary to section 91X of the *Migration Act 1958* (Cth).

The Commonwealth Courts Portal and Federal Law Search provide web-based services for the legal profession and litigants as well as information for the public about cases before the courts.

Subsections 91X(1) and (2) of the Migration Act prohibit the Courts from publishing (in electronic form or otherwise) the name of a person who has applied for a review of a protection visa, or closely related, decision.

On Friday, 20 March 2020, the Courts were notified that the names of certain persons, rather than their assigned pseudonyms, could be accessed in certain circumstances, through Federal Law Search on the Commonwealth Courts Portal. The issue was said to occur when a surname was selected on the Federal Law Search public search page while also selecting the migration application type. Some search results would then show a person's full name rather than the Court allocated pseudonym.

On the day the Courts were notified, and after confirming the existence of the issue, the Commonwealth Courts Portal and Federal Law Search were immediately shutdown in order to thoroughly investigate the cause and to resolve the issue. Whilst the Commonwealth Courts Portal has been brought back online, public access to Federal Law Search remains disabled, removing any possibility of further access being gained. The Courts are unable to determine if any, or what access, may have been gained.

An internal investigation undertaken by the Courts has identified a number of data processing errors as the likely cause of these issues. New national procedures have been put in place to ensure that these issues never occur again. The data in all affected files is being corrected so only a pseudonym and not a party name is shown when a search is undertaken through Federal Law Search.

The Courts have announced the appointment of Mr John McMillan AO to conduct an independent investigation into this matter. Ongoing discussions are also being held with the Department for Home Affairs.

If you have previously had a protection visa refused or cancelled, you may be eligible to request Ministerial intervention from the Minister for Home Affairs under section 48B of the Migration Act. The Minister's intervention power is non-delegable and non-compellable. To check your eligibility, and for more information on the process generally, please visit the Department of Home Affairs website at <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/onshore-protection/protection-visa-cancelled>

If you have concerns in respect of how this may affect you please seek independent legal advice.

If you would like to discuss the issues raised in this correspondence please contact the Court on 1300 720 980 or at MigrationTeam@fedcourt.gov.au.

Yours sincerely

Scott Tredwell
Acting Deputy Principal Registrar