

FORUM#

VALUING PRIVACY: LEGAL PROTECTIONS AND EXCEPTIONS

FOREWORD

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The aim of each issue of the *University of New South Wales Law Journal's* thematic publication, *Forum*, is to promote greater awareness of an important contemporary Australian legal topic within academic, judicial and professional circles. By inviting leading participants in the relevant area to contribute brief articles, *Forum* is intended to collate a range of perspectives on the chosen topic.

This issue of *Forum* is devoted to the topic of privacy law reform. Although the right to privacy is commonly acknowledged as a fundamental human right (appearing, for example, in art 17.1 of the *International Covenant on Civil and Political Rights*), privacy remains a nebulous concept. While unauthorised home invasions and bodily assault are obvious examples of breaches of an individual's privacy, the rapid and increasing pace of technological change means that the range of privacy-invasive practices is continually expanding to include previously unimaginable breaches, such as misuse of an individual's genetic information, or the construction of digital personas. For this reason, privacy law is truly a 'cutting-edge' field: the continuous development of new technology means that privacy law must evolve not only from year to year, but from month to month, if it is to keep pace.

There is a vast array of perspectives on the ways in which the right to privacy should be protected, the exceptions that should be made to it, and the role of the law in achieving the appropriate balance. Accordingly, as Tim Dixon's Introduction indicates, the contributions to this issue of *Forum* are diverse, reflecting the challenge that privacy presents to contemporary law and legal thinking. Of course, there are many other perspectives on privacy, which have added greatly to legal discussion, that I would have liked to have included.

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Feminist perspectives in particular have been extremely valuable in demonstrating the need to circumscribe the right to privacy in order to prevent, for example, the continued concealment of domestic violence.

This issue of *Forum*, then, forms part of a broader and continuing debate over the development of privacy law. While the place of privacy in numerous existing and emerging contexts still remains to be addressed, it is clear that the debate over the right to privacy – both its protection and exceptions – will continue.

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