



information
and privacy
commission
new south wales

Chief Executive Officer - Executed Instrument of Authorisation to Staff

January 2024



Instrument of Authorisation

Government Information (Public Access) Act 2009 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

Public Interest Disclosures Act 2022 (NSW)

State Records Act 1998 (NSW)

I, Elizabeth Tydd, Chief Executive Officer, authorise the exercise and performance of matters arising under, or incidental to the functions, authorities, duties and powers set out in Schedules 1, 2, 3 and 4 to this instrument, to the officers set out in those schedules.

This instrument authorises the functions, authorities, duties and powers of the Chief Executive Officer under:

- *Government Information (Public Access) Act 2009 (NSW)*;
- *Privacy and Personal Information Protection Act 1998 (NSW)*;
- *Public Interest Disclosures Act 2022 (NSW)*; and
- *State Records Act 1998 (NSW)*.

This instrument takes effect from the date it is executed. It consists of this page and 4 pages containing Schedule 1, 2, 3 and 4.

This instrument revokes and replaces all previous authorisations.

This authorisation will continue until revoked notwithstanding the termination of my office as Chief Executive Officer

Elizabeth Tydd

Acting Chief Executive Officer

Date: 29 January 2024

Instrument of Authorisation – Schedule 1

Government Information (Public Access) Act 2009 (NSW)

| Section | Description of Function/ Power | Officer |
|-----------------------|---|---|
| Section 6(1) | Make government information that is open access information publicly available unless there is an overriding public interest against disclosure of the information. | Manager Systems and Corporate Services Director Business Improvement |
| Section 6(4) | Facilitate public access to open access information contained in a record by deleting matter from a copy of the record | Manager Systems and Corporate Services Director Business Improvement |
| Section 6(5) | Keep a record of the open access information that it does not make publicly available on the basis of an overriding public interest against disclosure. | Manager Systems and Corporate Services Director Business Improvement |
| Section 7(1) | Make any government information held by the agency publicly available unless there is an overriding public interest against disclosure of the information. | Manager Systems and Corporate Services Director Business Improvement |
| Section 7(3) | Review IPC's program for the release of government information. | Manager Systems and Corporate Services Director Business Improvement |
| Section 7(4) and 8(5) | Facilitate public access to government information contained in a record by deleting matter from a copy of the record to be made publicly available. | Manager Systems and Corporate Services Director Business Improvement |
| Section 8(1) | Release government information in response to an informal request unless there is an overriding public interest against disclosure of the information. | Manager Systems and Corporate Services Director Business Improvement |
| Section 16(1) | Provide advice and assistance to a person who requests or proposes to request access to government information | Manager Systems and Corporate Services Director Business Improvement |

| Section | Description of Function/ Power | Officer |
|---------------------------|--|---|
| Section 20 | Make government information publicly available as provided by agency information guide (AIG) | Manager Systems and Corporate Services Director Business Improvement |
| Section 21 | Review AIG and adopt a new AIG at least annually | Manager Systems and Corporate Services Director Business Improvement |
| Section 25 and 26 | Keep a record of access applications (Disclosure Log) | Manager Systems and Corporate Services Director Business Improvement |
| Sections 27-31, 33 and 35 | Keep a register of government contracts. | Manager Systems and Corporate Services Director Business Improvement |
| Section 44 | Transfer an access application. | Manager Systems and Corporate Services Director Business Improvement |
| Section 51 | Determine whether an access application is valid and send acknowledgment letter | Manager Systems and Corporate Services Director Business Improvement |
| Section 52(3) | Provide advice and assistance to assist an applicant to make an invalid access application valid | Manager Systems and Corporate Services Director Business Improvement |
| Section 53(2) | Undertake reasonable searches for government information in response to an access application. | Manager Systems and Corporate Services Director Business Improvement Legal Officer |
| Section 54 and 54A | Consult with a person or another agency before providing access to information. | Manager Systems and Corporate Services Director Business Improvement Legal Officer |

| Section | Description of Function/ Power | Officer |
|----------------------|--|--|
| Section 55 | Determining whether there is an overriding public interest against disclosure of information in response to an access application. | Manager Systems and Corporate Services Director Business Improvement |
| Sections 57-62 | Decide an access application and provide notice to the applicant of the decision. | Manager Systems and Corporate Services Director Business Improvement |
| Sections 72-76 | Provide access to government information in response to an access application. | Manager Systems and Corporate Services Director Business Improvement |
| Section 83,84 and 86 | Conduct an internal review of a decision on an access application. | Director, Legal Counsel and Regulatory Advice Director Business Improvement |

Instrument of Authorisation – Schedule 2

Privacy and Personal Information Protection Act 1998 (NSW)

| Section | Description of Function/ Power | Officer |
|-------------------|--|-------------------------------|
| Section 33(1) | Prepare and implement a Privacy Management Plan. | Director Business Improvement |
| Section 53 and 54 | Undertake an internal review of a privacy complaint. | Director Business Improvement |
| Section 59(E-J) | Assess and mitigate harm of a data breach and decide whether a data breach is an eligible data breach. | Director Business Improvement |
| Section 59J(2) | Decide whether a data breach is an eligible data breach. | Director Business Improvement |
| Section 59(N-O) | Notify affected individuals. | Director Business Improvement |

| Section | Description of Function/ Power | Officer |
|-----------------|---|---|
| Section 59P | Keep a Register of Public Notifications on agency website. | Director Business Improvement Manager Communications and Corporate Affairs |
| Section 59Q | Provide further information to the Privacy Commissioner about an eligible data breach | Director Business Improvement |
| Section 59(W-X) | Notify the Privacy Commissioner if exemption for serious risk of harm to health and safety is applied or exemption for compromised cyber security is applied. | Director Business Improvement |
| Section 59ZD | Prepare and publish Data Breach Policy | Director Business Improvement |
| Section 59ZE | Prepare and maintain an internal register for eligible data breaches | Director Business Improvement |

Instrument of Authorisation – Schedule 3

Public Interest Disclosures Act 2022 (NSW)

| Section | Description of Function/ Power | Officer |
|-------------------|---|---|
| Section 50 | Receive a voluntary public interest disclosure. | Director, Legal Counsel and Regulatory Advice |
| Section 54(2) | Consult the Ombudsman or another integrity agency in relation to action or proposed action to deal with a voluntary public interest disclosure. | Director, Legal Counsel and Regulatory Advice Director Investigation and Reporting |
| Section 55 and 56 | Investigate a voluntary public interest disclosure. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |

| Section | Description of Function/ Power | Officer |
|---------------|---|---|
| Section 57 | Consider, consult if required and refer a voluntary public interest disclosure. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |
| Section 59 | Information to be provided to disclosers. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |
| Section 60 | Internal review of IPC decisions. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |
| Section 61(2) | Minimise risk of detrimental action. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |
| Section 83 | Provide information relating to a public interest disclosure to another agency. | Director Investigation and Reporting Director, Legal Counsel and Regulatory Advice |

Instrument of Authorisation – Schedule 4 *State Records Act 1998 (NSW)*

| Section | Description of Function/ Power | Officer |
|------------|--|--|
| Section 10 | Ensure that the public office complies with the requirements of this Act and the regulations and that the requirements of this Act and the regulations with respect to State records | Manager Systems and Corporate Services |