



15 September 2021

NSW Department of Communities and Justice
Locked Bag 10
Strawberry Hills NSW 2012

For submission via: https://www.haveyoursay.nsw.gov.au/dcj-multicultural-plan?tool=survey_tool&tool_id=submission#tool_tab

Dear Sir/Madam

NSW DEPARTMENT OF COMMUNITIES AND JUSTICE MULTICULTURAL PLAN 2022-2025

The Information and Privacy Commission NSW (IPC) welcomes the opportunity to provide a submission to the Department of Communities and Justice (DCJ) in relation to its consultation to inform the DCJ Multicultural Plan 2022-2025.

The IPC supports DCJ's efforts to improve its collaboration and engagement with culturally and linguistically diverse (CALD) communities in New South Wales. The development of a new Multicultural Plan presents an opportunity to consider ways in which to improve and promote access to government information for diverse communities across NSW.

Ensuring that government services and information are accessible to all citizens is important to promoting public trust and confidence. In a recent national survey of community attitudes to information access, 56% of respondents who exercised their right to access government information were from a CALD background¹. The Information Commissioner encourages DCJ to explore opportunities to proactively release information commonly sought by members of the public, as well as information that may be of particular interest or value to CALD communities. The Information Commissioner is working with Information Commissioners and Ombudsmen across Australia to develop a statement of principles to promote and support the proactive disclosure of government-held information.

Where DCJ and its partners collect personal information from CALD communities, there should be transparency around how this information is used, disclosed and stored. While data on DCJ clients' cultural background may assist in delivering targeted and culturally inclusive services under the new Multicultural Plan, any use of personal information must comply with the *Privacy and Personal Information Protection Act 1998* (PIPP Act) and the Information Protection Principles (IPPs).

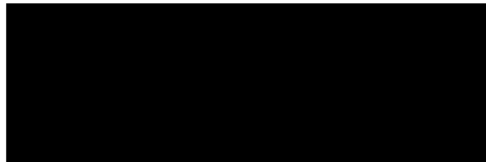
¹ 2021 Information Access Study

In particular, the Privacy Commissioner refers DCJ to section 19 of the PPIP Act, which prohibits a public sector agency from disclosing personal information relating to an individual's ethnic or racial origin. Section 28 of the PPIP Act also includes a relevant exemption from the IPPs for Multicultural NSW, for the narrow purpose of providing translation services. Where initiatives under the new Multicultural Plan will involve the use of personal information, DCJ is strongly encouraged to undertake Privacy Impact Assessments, to identify and mitigate privacy risks.

The new Multicultural Plan is being developed at a time when government information and services are increasingly being provided via digital channels. In this context, DCJ is encouraged to consider the levels of digital inclusion among CALD communities and to ensure that where possible, non-digital options are retained, to ensure equitable access to information and services.

We hope these comments will be of assistance. Please do not hesitate to contact us if you have any queries. Alternatively, your officers may contact [REDACTED], Director Legal Counsel and Regulatory Advice on [REDACTED] or by email at [REDACTED].

Yours sincerely



Elizabeth Lydd
CEO, Information and Privacy Commission NSW
Information Commissioner
NSW Open Data Advocate



Samantha Gavel
Privacy Commissioner