

# Privacy Commissioner's Update

**Presentation to the Practitioners' Network Forum**

18 August 2021

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Privacy Commissioner



information and  
privacy commission

new south wales

# NSW Mandatory Notification Data Breach Scheme

- Submissions on the draft exposure bill closed on 18 June 2021.
- DCJ is currently reviewing the feedback received during consultation.
- This information will determine whether DCJ will alter the draft bill.

# Digital Restart Fund (DRF)

- The Digital Restart Fund will be extended for an additional year.
- As at 9 August, the IPC has received business cases for 133 projects and provided 130 advices to date.
- Areas of projects now also cover Smart Cities and Education.

# IPC Proactive Audit Program and Significant Regulatory Matters

## Data Breaches

- The IPC continues to engage with Service NSW to provide advice and assistance in relation to the data breach last year.
- The IPC also continues to engage with the departments of Health and Transport regarding the Accellion data breach. This breach involved a malicious criminal attack on the Accellion File Transfer System which affected companies and government organisations worldwide.
- The Privacy Commissioner was made aware of the Department of Education cyber incident during early July.

## Privacy Management Plans

This initiative will be a preliminary desktop audit of a selection of public sector agencies, councils and universities will be undertaken in Q2 of 2021/22 to measure the existence and currency of privacy management plans.

# Public Interest Directions

## Directions relating to the Human Services Dataset

- Two directions have been made under section 41(1) of the PPIP Act and section 62(1) of the HRIP Act.
- The Directions extends and replaces the Their Futures Matter direction.
- They have been prepared to facilitate the Project Objectives to help ensure that effort and funding across government is focussed on interventions that will improve the long-term outcomes for Vulnerable Children or Young Persons and their families at the earliest opportunity.
- These directions were made on 9 July 2021 and will expire on 13 July 2023.

# Submission to the Digital Identity Legislation Position Paper

- The IPC made a submission on 7 July 2021 to the Position Paper which was released by the Commonwealth's Digital Transformation Agency.
- The submission made comments on the proposed legislation's:
  - privacy safeguards
  - exemptions including the definition of “essential service”
  - data breaches including notification to the Oversight Authority and affected individuals, the notification and investigation arrangements where a breach involves multiple organisations subject to different privacy law regimes, referrals to the OAIC
  - governance arrangements including independence of the Oversight Authority and functions of the Australian Information Commissioner
  - liability framework.

# Privacy Authorities Australia (PAA)

- The IPC hosted the most recent PAA meeting on 22 June 2021.
- The group met to discuss current privacy issues, as well as jurisdictional updates and creation of a communications working group.
- The meeting featured presentations by Prof David Lacey (IDCare) and Dr Ian Opperman (NSW Chief Data Scientist).

# Privacy Resources

**The following privacy resources have been developed and updated since the last Forum:**

## **NEW**

- Digital Restart Fund: assessing information access and privacy impacts
- Fact Sheet – Making a privacy complaint about a NSW public sector agency



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