

Privacy Commissioner's Update

Presentation to the Practitioners' Network Forum

17 November 2021

Samantha Gavel

Privacy Commissioner



information and
privacy commission

new south wales

IPC Proactive Audit Program and Significant Regulatory Matters

Regulatory engagement

Q2 2021/22

Privacy Management Plans

This preliminary desktop audit of a selection of public sector agencies, councils and universities commenced late October and will continue through November to measure the existence and currency of privacy management plans.

Mandatory Notification Data Breach Scheme

Digital Restart Fund (DRF)

COVID-19 check-in app

Update

- In the final stages of the draft legislation.
- The IPC has provided advice on more than 160 business cases seeking funding from the Digital Restart Fund.
- Consulted on the COVID-19 check-in app data protections and proof of vaccination.

Customer Service Legislation Amendment Bill 2021

- The IPC had consultations with DCS, DCJ and Resilience NSW on legislation to authorise sharing of personal and health information in emergencies.
- The legislation was introduced into Parliament on 20 October 2021 and read on 9 November 2021.
- The proposed amendments to the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* would authorise the sharing of personal and health information during an emergency, including the recovery stage.
- The legislation responds to the findings of the Final Report of the NSW Bushfire Inquiry and Royal Commission into National Natural Disaster Arrangements Report.

Service NSW Amendment Bill 2021

Service NSW (One-Stop Access To Government Services) Amendment (Covid-19 Information Privacy) Bill 2021

- The legislation was introduced into Parliament on 9 November 2021 and read on 10 November.
- If passed, it will promote public trust in the collection of personal and health information by Service NSW for contact tracing and other purposes related to the management of COVID-19 and strengthen the Government's commitment to robust privacy protections for this information.
- The Privacy Commissioner released a statement on 11 November welcoming the introduction of the legislation.

Privacy Commissioner submissions

Joint submission to the Department of Communities and Justice Multicultural Action Plan 2022-25

- Where DCJ and its partners collect personal information from CALD communities, there should be transparency around how it 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 PPIP Act.
 - Section 19 of the PPIP Act prohibits a public sector agency from disclosing personal information relating to an individual's ethnic or racial origin.
 - Section 28 of the PPIP Act 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, Privacy Impact Assessments should be undertaken to identify and mitigate privacy risks.

COVID-19 National Privacy Principles

- Australian privacy regulators have convened a National COVID-19 Privacy Team between the Office of the Australian Commissioner (OAIC) and states and territories with privacy laws to respond to proposals with national implications.
- In September, the Team produced universal privacy principles to support a nationally consistent approach to solutions and initiatives designed to address the ongoing risks related to the COVID-19 pandemic.
- The COVID-19 National Privacy Principles can be found on the IPC website under COVID-19 update for agencies.

IPC case notes

The following privacy case note has been published on the IPC website:

- *EMF v Cessnock City Council* [2021]
NSWCATAD 219

Speaking Engagements

The Privacy Commissioner spoke at the following engagements:

- AI Future Ready Workshop – 23 September
- Virtual Digital Identity Security & Access Management – 28 September
- Cybersecurity Resilience for Digital Transformation in the Public Sector – 7 October
- Exposure Draft Roundtable with Privacy Commissioners/Ombudsmen re Digital Identity Legislation
- Official Monetary and Financial Institutions Forum – Research on Data Protection – 20 October
- GOVDATA 2021 - Government Data Management, Data Sharing, Privacy & Risks 2021 Online Conference – 12 November

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www.ipc.nsw.gov.au



ipcinfo@ipc.nsw.gov.au



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