

Securing Government Data to Protect Citizens

8th Annual Australian Government Data Conference
23 March 2022

NSW Privacy Commissioner
Samantha Gavel



information and
privacy commission
new south wales

Retention and Security of Personal Information

Privacy and Personal Information Protection Act 1998 (NSW)

S 12: A public sector agency that holds personal information must ensure—

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse

The privacy landscape

- Cyber security threats - Log4j Vulnerability
- Review of the Commonwealth Privacy Act
- Introduction of NSW Mandatory Notification Data Breach Scheme
- Commonwealth Data and Transparency Bill
- Inter-Governmental Agreement on Data Sharing
- Review of the NSW Data Sharing Act
- Digital Identity Legislation

Digital Restart Fund



- August 2020 *Digital Restart Fund Act 2020* (DRF Act) – initial funding of \$1.6 billion
- Funding increased to \$2.1 billion in May 2021 budget
- S.10 – before approving funding for a project, the Minister must obtain and have regard to advice from the Information Commissioner and the Privacy Commissioner
- Approval required at each stage of a project, from ideation through to alpha and beta stages and beyond
- Over 180 assessments since September 2020
- Risk rating and mitigation strategies.

Digital Restart Fund



- Types of projects include:
 - portals as centralised information and transaction platforms
 - drones and smart technology, including smart cities
 - single notification services
 - data analytics projects and cyber security projects.
- May 2021, the NSW Information Commissioner and NSW Privacy Commissioner jointly issued advice titled [Digital Restart Fund: assessing information access and privacy impacts.](#)

COVID-19 and Privacy

Consideration of privacy issues in NSW:

- Sharing and use of data to inform the State Government's pandemic response and provide information to the public
- Consulting with the NSW Department of Customer Service re the COVID check-in tool
- Provision of advice to agencies about their privacy obligations during the pandemic
- Advice and assistance to agencies in relation to data breaches resulting from increased malicious cyber security activity during the pandemic
- Development of Guidance for agencies on the Collection of Vaccination Information



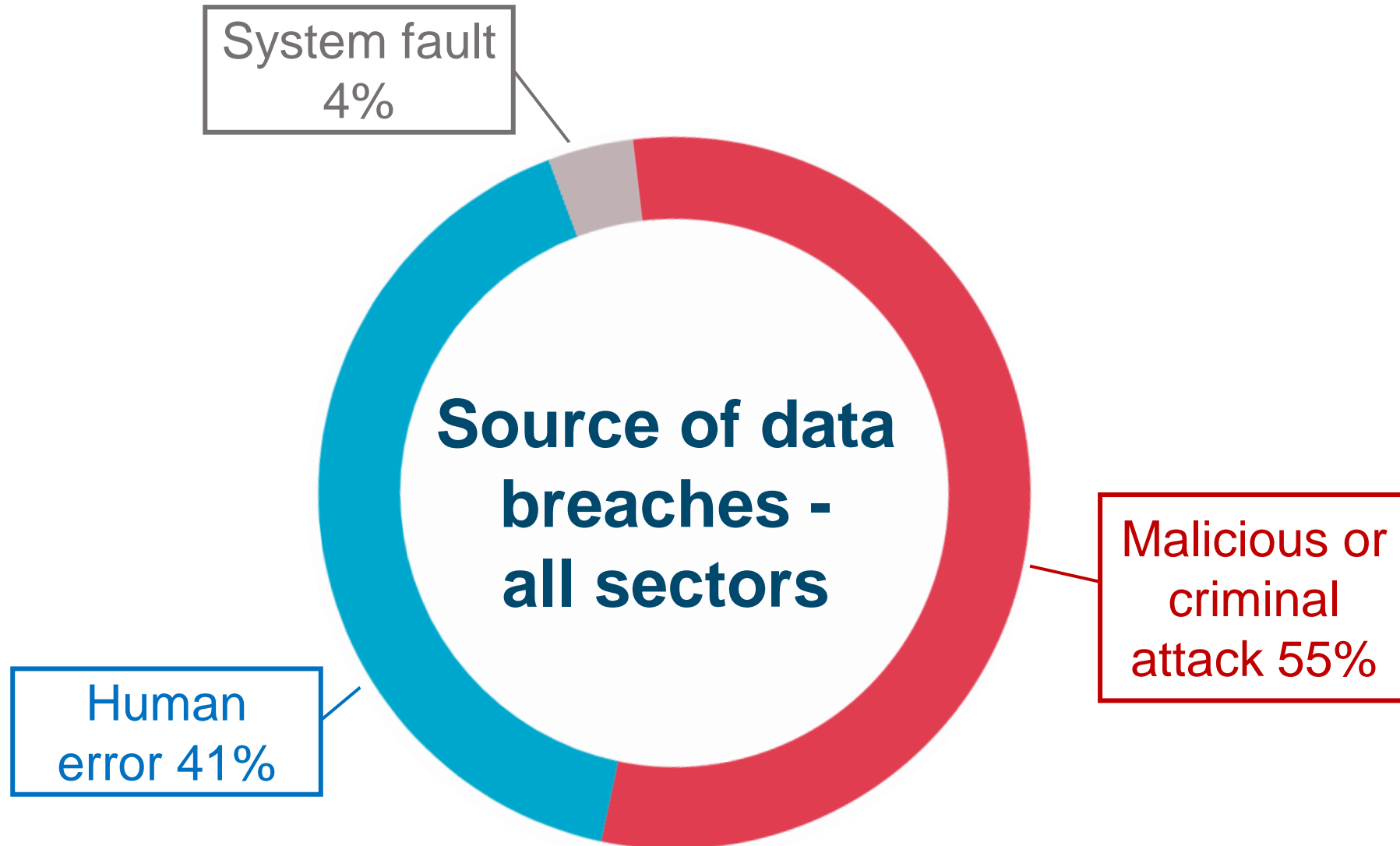
Cyber security



Keeping data secure

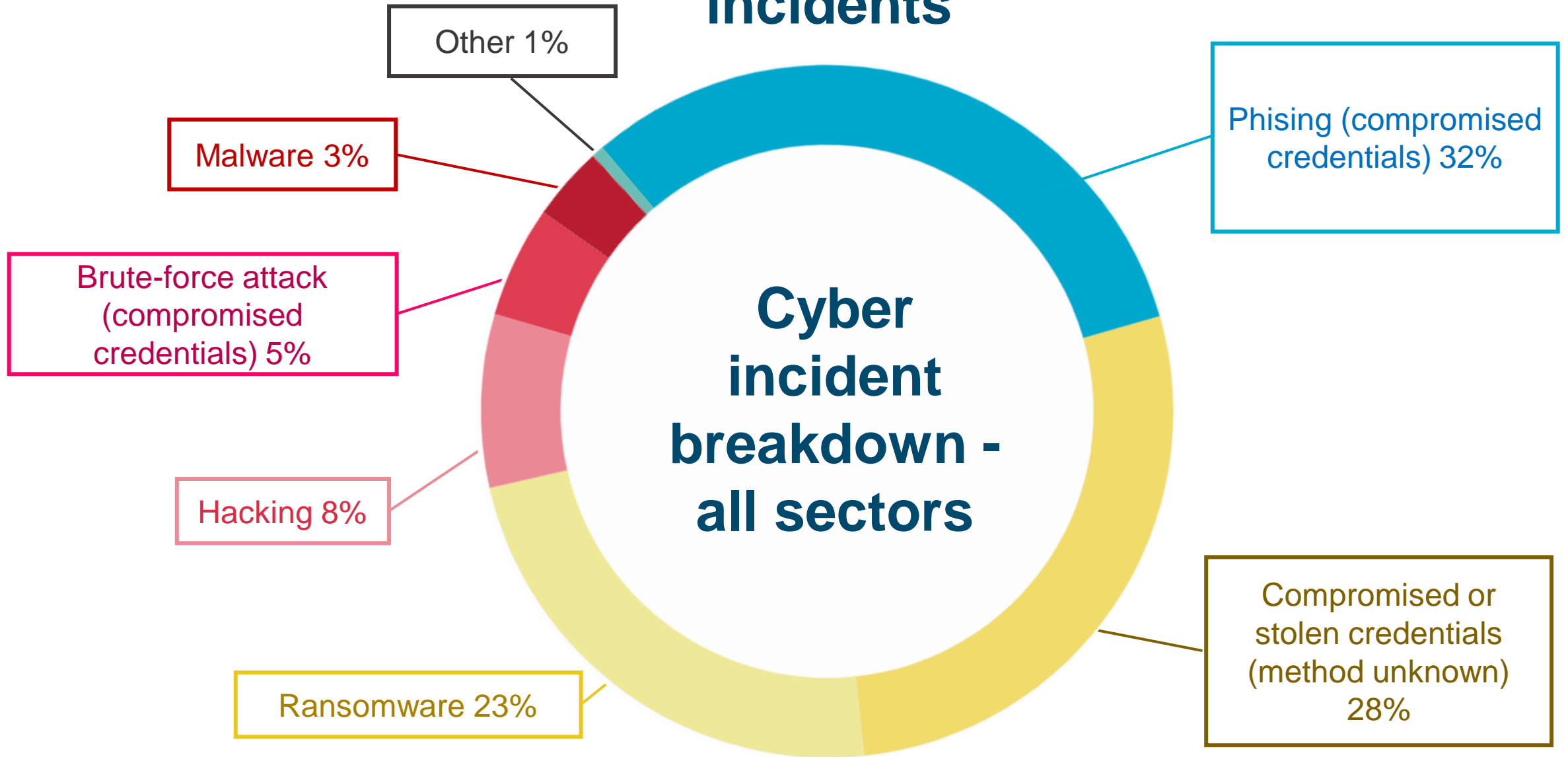
- A whole-of-government and whole of organisation approach is required.
- Focus on processes, technology and people.
- Understand what information you hold, how long you need to retain it, where is it held and who has access to it.
- Tools include Privacy-by-Design, Privacy Impact Assessments, Privacy Enhancing Technology, patch management processes, email management.
- A data breach response plan which includes processes and procedures to manage and mitigate a data breach.
- Regular cyber security training for staff and contractors.

What causes data breaches?



Source: OAIC Notifiable Data Breaches Report July to December 2021

37% of data breaches resulted from cyber security incidents



Source: OAIC Notifiable Data Breaches Report July to December 2021

Privacy by design

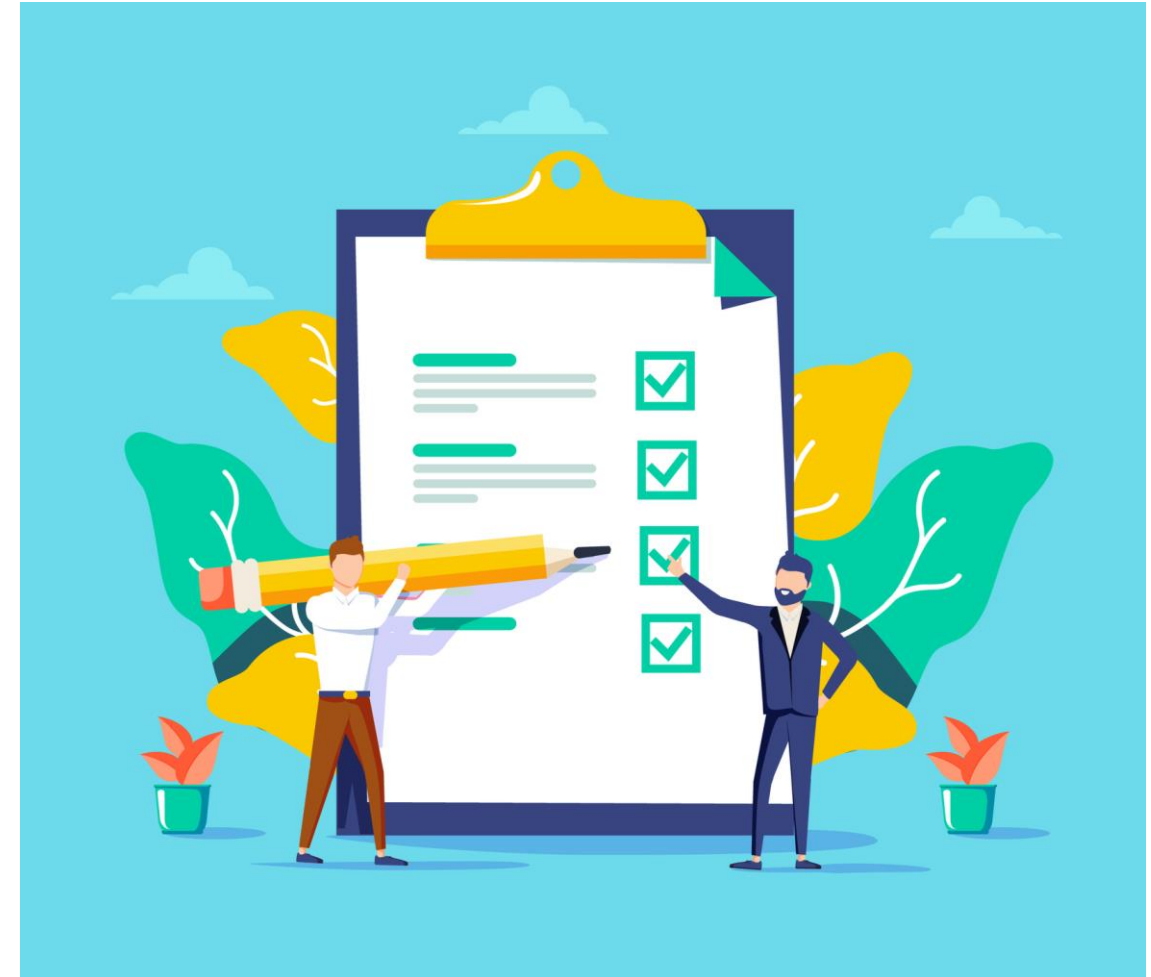
Privacy should be considered at all stages of the project, from conception through to the development and implementation phases.

By developing an organisation-wide awareness of privacy, a privacy by design approach shifts the focus to preventing privacy-related issues, rather than simply complying with your jurisdiction's privacy laws.



Privacy considerations for initiatives and projects:

- ✓ Have regard to the privacy considerations of an initiative or project
- ✓ Determine if you need to undertake a PIA
- ✓ Consult your internal privacy officer
- ✓ Ensure you take a 'privacy by design' approach to development of your initiative or project
- ✓ Ensure all data is de-identified before using and publishing
- ✓ Review relevant guidance from your jurisdiction's privacy agency.





Digital and Data Sharing Challenges

New technologies mean:

- Easier & faster collection of data
- Large scale collection
- Digital innovation
- New privacy and cyber security challenges

Development of a digital government:

- New digital services
- Increased data sharing
- Data analytics and data matching
- AI and Internet of Things technology

NSW examples:

- Digital Drivers Licence
- Service NSW App
- Digital Birth Certificate

Privacy Awareness Week 2022

- Promoting awareness of privacy issues for NSW agencies and citizens
- Event on 3 May, registrations via IPC website
- Privacy resources for citizens
- NSW agencies can sign up as Champions to support the campaign



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Privacy Awareness Week NSW 2022

PRIVACY: THE FOUNDATION OF TRUST

WE ALL HAVE A ROLE TO PLAY

2 – 8 May 2022

Learn more

www.ipc.nsw.gov.au/PAW2022



Resources for agencies

- Guide – Transition to the cloud: Managing your agency’s privacy risks:
www.ipc.nsw.gov.au/node/2179
- IPC Voluntary Data Breach Notification guidance:
www.ipc.nsw.gov.au/node/437
- A Guide to Privacy Impact Assessments:
www.ipc.nsw.gov.au/node/1580
- Fact Sheet – Privacy by Design:
www.ipc.nsw.gov.au/node/1648
- Guide – Data Sharing and Privacy
www.ipc.nsw.gov.au/media/3056

Other resources are available via the IPC website
www.ipc.nsw.gov.au/privacy

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