

Direction on the Disclosure of Information to Victims of Crime

As Privacy Commissioner appointed under Part 4, Division 1 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (the PPIP Act), I Elizabeth Coombs, hereby direct pursuant to section 41 of the PPIP Act that:

Overview

1. This is a direction made under section 41(1) of the PPIP Act. It should be read in conjunction with that Act.

Interpretation

2. For the purposes of this Direction:
 - “**family victim**” has the same meaning as in section 22 of the *Victims Rights and Support Act 2013 (NSW)* (the Victims Act).
 - “**personal information**” has the same meaning as in section 4 of the PPIP Act.
 - “**public sector agency**” has the same meaning as in section 3 of the PPIP Act.
 - “**victim of crime**” has the same meaning as in section 5 of the Victims Act.

Application

3. This Direction is to apply to each public sector agency specified in the Schedule to this Direction.

Public Interest

4. This Direction has been made to allow public sector agencies specified in the Schedule to this Direction to provide personal information of offenders to individuals that are a victim of crime or a family victim in accordance with the provisions of this Direction. I am satisfied that the public interest in making this Direction to enable the public sector agencies specified in the Schedule to this Direction to provide personal information of offenders to a victim of crime or a family victim in accordance with the provisions of this Direction is greater than the public interest in requiring the public sector agencies specified in the Schedule to this Direction to comply with the Information Protection Principles referred to in the provisions set out below.

Provisions

5. Public sector agencies specified in the Schedule to this Direction may depart from sections 9, 10, 17, 18 and 19 of the PPIP Act to the extent necessary to provide information about offenders to individuals who are a victim of crime or a family victim.
6. The Direction allows for:
 - disclosures to which a victim of crime or a family victim is entitled under the Charter of Rights for Victims of Crime in section 6 of the Victims Act, and

- collection, use, and disclosure of information where this is incidental to such disclosure, and
 - disclosures which are otherwise reasonably necessary to inform a victim of crime or a family victim about the general location or movements of a relevant offender, where the offender has been convicted of a serious indictable offence as defined in section 4 of the *Crimes Act 1900 (NSW)*.
7. This Direction does not authorise disclosures of information which are restricted or prohibited under other legislation.

Health Information

8. This Direction does not apply to 'health information', as defined in section 6 of the *Health Records and Information Privacy Act 2002 (NSW)*.

Previous Directions

9. This Direction replaces previous Directions made on this matter.

Duration

10. This Direction has effect from **1 July 2015** to **31 December 2015**, or until legislative amendments are made to incorporate this Direction, whichever is earlier.

Signed by me on **19 June 2015**

Elizabeth Coombs
Privacy Commissioner

Schedule of Public Sector Agencies covered by this Direction

Department of Justice (DoJ)

Department of Premier and Cabinet

Department of Family and Community Services

Juvenile Justice (a division of DoJ)

NSW Health

Justice Health & Forensic Health Network

Mental Health Review Tribunal

NSW Police Force

Office of the Director of Public Prosecutions

Victims Services (a division of DoJ)