

Privacy Commissioner's Update

Presentation to the Practitioners' Network Forum

17 August 2022

Samantha Gavel

Privacy Commissioner



information and
privacy commission

new south wales

Significant Regulatory Matters

Consultations

- Department of Customer Service regarding the Privacy Code of Practice for ID Support activities made on 1 July 2022. The Code of Practice has been published on the IPC website
- Department of Communities and Justice regarding the proposed Mandatory Notification of Data Breaches Scheme.

Regulatory activities – HRIP Regulation

- The IPC provided feedback on a draft Health Records and Information Privacy Act Regulation 2022
- The new regulation would replace the existing Health Records and Information Privacy Regulation 2017.

IPC Joint Submission

Submission to the proposed changes to Queensland's Information Privacy and Right to Information Framework

Information access and privacy related reforms

- A single right of access including personal information

Privacy related reforms

- Definition of personal information
- Adoption of one set of Privacy Principles
- Enhanced powers and functions to respond to privacy breaches
- Adoption of a mandatory data breach notification scheme
- Extend privacy obligations to subcontractors

This submission was published on the IPC website in July 2022.

IPC Joint Submission

Submission to the Inquiry into the Conduct of Elections in NSW

Privacy issues in relation to an electronic voting system

- Adequate funding to deliver on mandates relating to cyber security safeguards on electronic voting system
- PPIP Act section 12 – protecting personal information against loss, unauthorised access, use, modification, disclosure, other misuse
- Procurement processes for systems incorporate privacy provisions
- Access controls to limit the number of staff accessing personal information
- Development of data breach policies and systems
- Privacy and data security training for staff and use of PIAs

Privacy case note

EIG v North Sydney Council [2022] NSWCATAD 127

- Certain information, which would not ordinarily be ‘personal information’ or ‘health information’ under the PPIP Act or HRIP Act, may become ‘personal information’ or ‘health information’ when used in a particular context
- In these proceedings, the Respondent’s use of the “Medical” in a report made available on its website as the reason why the Applicant was attending meetings remotely was found to be ‘health information’ under the HRIP Act.

Privacy resources

The following privacy resources have been published since the last Forum:

UPDATED

- Fact Sheet – NSW public sector agencies and data breaches involving tax file numbers

Speaking Engagements

The Privacy Commissioner presented at the following engagements this quarter:

- Philippines Freedom of Information Project Management Office – 3 June 2022
- Privacy Enhancing Technology Workshop in conjunction with PETS 2022 – 11 July 2022
- Asia Pacific Privacy Authorities (APPA) 57 – 12-13 July 2022
- Privacy Authorities Australia (PAA) – 27 July 2022

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ipcinfo@ipc.nsw.gov.au



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