

Privacy Commissioner's Update

Presentation to the Practitioners' Network Forum

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Privacy Commissioner



information and
privacy commission

new south wales

Privacy and Personal Information Protection Amendment Bill 2022

9 November 2022

- The PPIP Amendment Bill was introduced into Parliament and read by the Attorney General on 9 November.
- Key changes in the amendment bill include the creation of a **Mandatory Notification of Data Breaches (MNDB) Scheme** in which public sector agencies bound by the PPIP Act will need to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm.
- The amendments also aim to apply the PPIP Act to all NSW state-owned corporations that are not regulated by the Commonwealth *Privacy Act 1988*.
- Once passed, the IPC will provide guidance and support for agencies to ensure that they are compliant with the amendments.

Significant Regulatory Matters

Consultations

- Consulted with Service NSW and icare in relation to a public interest direction under section 41 of the PPIP Act, and published to the IPC website:
 - It enables contact details held by icare for workers who have not received their full entitlements to be checked against contact information held by Service NSW, facilitating payment of outstanding entitlements to workers

Regulatory activities – HRIP Regulation

- Follow up audit of currency of PMPs

Privacy case note

Commissioner of Police (NSW Police Force) v DVT [2022] NSWCATAP 231

- A failure to provide an individual with access to their personal information without excessive delay may amount to a deemed denial of access. The onus is on the agency to provide evidence supporting the withholding of information.
- Section 14 of the PPIP Act does not include in its wording any qualifications, requirements or conditions in respect of an individual's exercise of their right to access their personal information held by an agency.

Privacy resources

NEW

- Fact Sheet – A guide to retention and storage of health information in NSW for privacy health service providers
- Fact Sheet – Frequently asked questions for citizens: What the IPC can and cannot do
- Fact Sheet – Microsoft 365 platforms and agencies' compliance obligations
- Fact Sheet – Privacy-related complaints under the HRIP Act
- Fact Sheet – Tips for reducing data breaches when sending emails

UPDATED

- Guide – The Privacy Commissioner's oversight role in internal reviews of privacy complaints
- Essential guidance toolkit on information access and privacy fundamentals
- Essential guidance toolkit on information access and privacy fundamentals - Local Government
- Digital Restart Fund: assessing information access and privacy impacts

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