

Privacy Commissioner's Update

Presentation to the Practitioners' Network Forum

17 May 2023

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Director Investigation and Reporting



information and
privacy commission

new south wales

Privacy Awareness Week NSW 2023



Back to Basics: Privacy
foundations in NSW

1 - 7 May 2023

www.ipc.nsw.gov.au/PAW2023

Privacy Awareness Week (PAW) NSW 2023

- 88 PAW 2023 Champions including local Councils, NSW Government agencies, Universities & State-Owned Corporations
- The IPC released its webinar on ***Privacy, Data and Digital Technology***
- During PAW, the IPC released various new resources:
 - Guide to preparing a data breach policy
 - Fact Sheet for agencies: Exemptions from notification to individuals
 - Guidance: Seeking a Public Interest Direction or Code of Practice for a linked data asset
 - Fact Sheet for citizens: What is the MNDB scheme
 - Fact Sheet for citizens: Your rights under the MNDB Scheme
 - Privacy Self-assessment Tool



Privacy Awareness Week (PAW) NSW 2023 Webinar: *Privacy, Data and Digital Technology*

- The Privacy Commissioner was joined by guest speakers:
 - Edward Santow, UTS
 - Ian Oppermann, DCS Data Analytics Centre
 - Lenka Bradovkova, Identity.NSW
- The webinar can be viewed on the IPC website.



Privacy Agency Self-assessment Tool

- During PAW, the IPC released the revised **IPC Privacy Agency Self-assessment Tool** following a review and consultation with NSW agencies.
- The revised Tools build upon the previous version and now feature three components that work together to assess, track and plan for government maturity.
- The three components include:
 - **A Maturity Matrix** – a framework that describes the difference areas of practice to be assessed and what maturity looks like at each level
 - **A Survey** – the survey is used to collect data from various areas of the agency on the nature and effectiveness of their agency's governance practices
 - **A Management Document** – this provides a space for agencies to record their level of maturity, as well as plan and track activities.
- The Tool and demonstration video is available for download via the IPC website.



MNDB Scheme update

- In March, the IPC launched its MNDB page on the IPC website
- The IPC released the following new guidance:
 - Guide to preparing a data breach policy
 - Fact Sheet for agencies: Exemptions from notification to individuals
 - Fact Sheet for citizens: What is the MNDB scheme
 - Fact Sheet for citizens: Your rights under the MNDB Scheme
- The IPC released its first bi-monthly MNDB e-Newsletter in April. Make sure you are subscribed (via the IPC website) to receive updates.

Privacy Commissioner Submission

Review of the *Privacy Act 1988* – Review Report

This submission was provided in response to the Attorney-General's Department Review of the *Privacy Act 1988*. The Commissioner commented on various recommendations in the Report including:

- **Scope and application of the Privacy Act**, including amending the objects of the Act, updating the definition of sensitive information under the Act and amending the Act to enable Emergency Declarations to be more targeted by prescribing their applications to entities, classes of personal information, and types of acts and practices.
- **Protections**, including the development of standardised templates and layouts for privacy policies and collection notices, fair and reasonable personal information handling, the requirement of conducting Privacy Impact Assessments for activities with high risks, and the inclusion of high-level indicators in the Act of the types of decisions with a legal or similarly significant effect on an individual's rights.
- **Regulation and Enforcement**, including the Notifiable Data Breaches (NDB) Scheme and the Mandatory Notification of Data Breach (MNDB) Scheme, and the continued regulatory cooperation between the Commonwealth and States and Territories across Australia.

Speaking Engagements

The Privacy Commissioner presented at the following engagements last quarter:

- Australian Privacy Forum – 16 February 2023
- 30th Women in Leadership Summit Sydney – 21 February 2023
- Australian Government Data Summit 2023 – 30 March 2023
- Queensland Government Privacy Champion Network meeting – 27 April 2023
- Law Society of NSW Privacy Awareness Week Panel Discussion – 3 May 2023
- OVIC webinar: Privacy Awareness Week Discussion – 3 May 2023
- Privacy Enhancing Technology Privacy Awareness Week Seminar – 5 May 2023
- Chief Data & Analytics Officer (CDAO) Sydney – 8 May 2023
- Practitioners' Consultative Committee National Regulators Community of Practice event – 9 May 2023

Speaking Engagements

Upcoming

- Clyde & Co Cyber Summit – 18 May 2023
- Smart NSW Masterclass - Speed Session 1: The Nitty Gritty – privacy, ethics and cybersecurity – 31 May 2023
- NSW Cyber Security Roadshow – 6 June 2023
- Conference ‘Digital Transformation Live’ – 8 June 2023
- RIMPA Sydney Roadshow Event – 20 June 2023

Privacy resources

NEW

- Guide to preparing a data breach policy
- Fact Sheet for agencies: Exemptions from notification to individuals
- Guidance: Seeking a Public Interest Direction or Code of Practice for a linked data asset
- Fact Sheet for citizens: What is the MNDB scheme
- Fact Sheet for citizens: Your rights under the MNDB Scheme
- Privacy Self-assessment Tool

UPDATED

- Fact Sheet: Health Privacy Principles (HPPs) for public
- Fact Sheet: Health Privacy Principles (HPPs) for agencies
- Fact Sheet: Information Protection Principles (IPPs) for members of the public

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