



information  
and privacy  
commission  
new south wales

# Privacy Governance Framework

February 2024



## Complaints and incident management

Transparency about how an agency manages its personal information and responds to complaints and data incidents involving personal information is fundamental to complying with the PPIP Act, HRIP Act and the MNDB Scheme.

### Privacy complaints

A privacy complaint may come under:

- the PPIP Act, section 53, if it relates to personal information and the Information Protection Principles (IPPs); or
- the HRIP Act, section 21, if it relates to health information and the Health Privacy Principles (HPPs).

Complaints under PPIP Act and the HRIP Act are dealt with by way of Internal Review. The process is the same under both Acts although the alleged conduct is assessed against different standards (the IPPs and the HPPs). The process for carrying out the review and recording the determination is set out in the [Privacy Internal Review for Agencies Checklist](#).

An agency should understand the role of the IPC and its approach to using its regulatory powers. [IPC's Regulatory Framework](#) describes how it aims to promote, assure, and enforce the PPIP and HRIP Acts.

### Relevant Resources

- [Privacy Internal Review for Agencies Checklist](#)
- [Managing Unreasonable Complainant Conduct](#)
- [Checklist for public sector staff: responding to a request for access to health information](#)
- [IPC Regulatory Framework](#)

### Data breach incidents

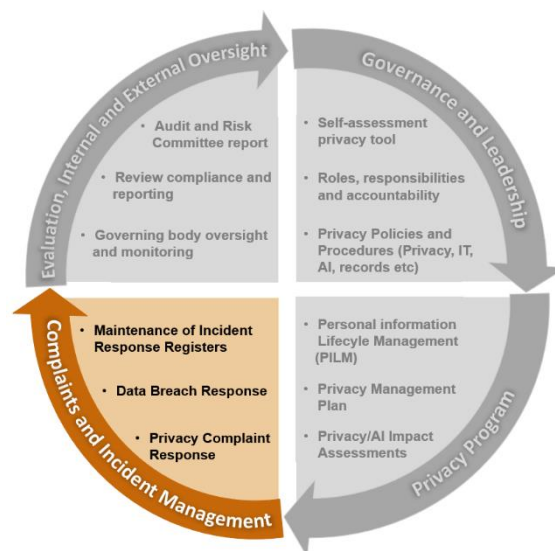
Agencies are required to prepare and publish a Data Breach Policy as required by the MNDB Scheme. The Data Breach Policy details how the agency will respond to a data breach including clear roles and responsibilities for managing a data breach or suspected data breach. The Policy sets out the steps the agency will follow if a breach occurs, including notifying affected individuals and the Privacy Commissioner.

Agencies are required to establish and maintain:

- An internal register of eligible data breaches; and
- A public register of any public data breach notifications made under section 59N(2) of the PPIP Act.

### Relevant Resources

- [Mandatory Notification of Data Breach Scheme](#)
- [Guide to preparing a data breach policy](#)
- [Fact Sheet for agencies: Exemptions from notification to affected individuals](#)
- [Guide to managing data breaches in accordance with the PPIP Act](#)



- [Form: Data Breach Notification to the Privacy Commissioner](#)
- [Guide to Regulatory Action under the MNDB Scheme](#)
- [Guideline - Guidelines on the assessment of data breaches under Part 6A of the PPIP Act](#)
- [Guideline - Guidelines on the exemption for risk of serious harm to health or safety under section 59W](#)
- [Guideline - Guidelines on the exemption for compromised cyber security under section 59X](#)
- [Data Breach Self-assessment Tool for MNDB](#)
- [Data Breach Prevention Checklist](#)
- [Fact sheet – NSW public sector agencies and data breaches involving tax file numbers](#)
- [Fact sheet – Tips for reducing data breaches when sending emails](#)
- [Transition to the Cloud: managing your agency's privacy risks](#)
- [Essential Eight Guide to managing cyber security incidents](#)