

# Privacy Commissioner's Update

**Presentation to the Practitioners' Network Forum**

21 February 2024

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Acting Privacy Commissioner



information and  
privacy commission

new south wales

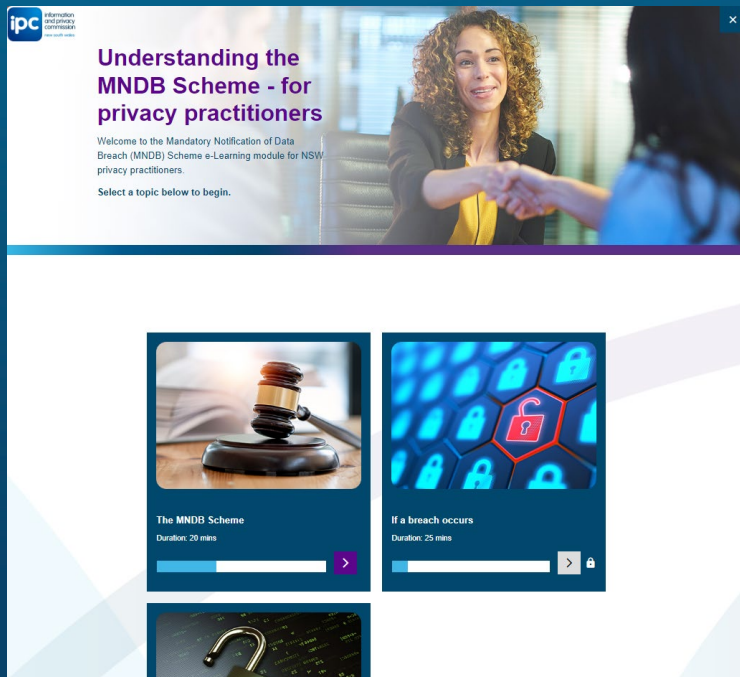
# Privacy Awareness Week NSW 2024

## Save the date!

- Privacy Awareness Week (PAW) NSW 2024 will take place 6 – 12 May 2024
- 2024 theme – **Privacy and technology: Improving transparency, accountability, and security**
- Privacy Awareness Week 2024 webpage will soon be live with more information coming over the next few weeks
- Registrations will also be opening soon for the PAW Champion Program, with calls for Champions being sent next week.

# MNDB Scheme

- The MNDB Scheme commenced on **28 November 2023**
- New MNDB guidance released:
  - Calculating the estimated cost of a data breach
  - Data breaches and contracted service providers
  - For citizens: Frequently Asked Questions about the MNDB Scheme
  - e-Learning module: Understanding the MNDB Scheme – for privacy practitioners (available via the IPC’s e-Learning Portal)
- IPC MNDB webpages have been refreshed, with reporting for Q2 now available. The IPC will publish quarterly data on the Scheme and include a summary in its Annual Report.
- The IPC is finalising an additional e-Learning module for senior leaders for release very soon.



# Significant regulatory matters

- The IPC refreshed its Privacy Governance Framework and can be accessed on the IPC website
- The Privacy Commissioner engaged with the Department of Communities and Justice in relation to abandoned records at Bidura Children's Court Glebe
- The IPC is awaiting a formal announcement of the incoming Privacy Commissioner.

# Privacy NCAT matters

## *Commissioner of Police v Ritson* [2023] NSWCA 300

- This decision is concerned with the interaction between the GIPA Act and the PPIP Act.
- Section 20(5) of the PPIP Act says that provisions in the GIPA Act which impose conditions or limitations on the matters dealt with by ss 13, 14 (access IPP) or 15 (alteration IPP) are not affected by the PPIP Act, and those provisions continue to apply in relation to any such matter as if those provisions were part of the PPIP Act.
- The Court of Appeal considered s 60(1)(a) of the GIPA Act and decided that:
  - an agency may refuse to deal with a request for personal information under s 14 of the PPIP Act (IPP 7) on the basis that dealing with the request would require an unreasonable and substantial diversion of the agency's resources (s 60(1)(a)).
  - the PPIP Act also picks up 60(4) of the GIPA Act, that the agency must give the applicant a reasonable opportunity to amend the request.
- The decision raises questions about how other provisions in the PPIP Act are impacted by the GIPA Act and LCRA is assisting the Privacy Commissioner in considering these matters.

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