

Direction on Information Transfers between Public Sector Agencies

As Privacy Commissioner appointed under Part 4, Division 1 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (the PPIP Act), I Elizabeth Coombs, hereby direct pursuant to section 41 of the PPIP Act that:

Overview

1. This is a direction made under section 41(1) of the PPIP Act. It should be read in conjunction with that Act.

Interpretation

2. For the purposes of this Direction:
“**personal information**” has the same meaning as in section 4 of the PPIP Act.
“**public sector agency**” has the same meaning as in section 3 of the PPIP Act.

Application

3. This Direction applies to each public sector agency.

Public Interest

4. This Direction has been made to allow each public sector agency to exchange personal information with other public sector agencies for the purposes set out in the provisions of this Direction. I am satisfied that the public interest in making this Direction to enable exchanges of personal information between public sector agencies for the purposes set out in this Direction is greater than the public interest in requiring public sector agencies to comply with the Information Protection Principles referred to in the provisions set out below.

Provisions

5. The following exchanges of personal information between public sector agencies are exempted from the Information Protection Principles set out in Part 2 Division 1 of the PPIP Act:
 - exchanges of personal information which are reasonably necessary to allow agencies to deal with or respond to correspondence from Ministers or Members of Parliament.
 - exchanges of personal information which are reasonably necessary for the purpose of referring inquiries between agencies.
 - exchanges of personal information which are reasonably necessary for auditing the accounts or performance of an agency, group of agencies, or a program administered by an agency or group of agencies.
 - exchanges of personal information which are reasonably necessary for law enforcement purposes and are not covered by an exemption in Part 2 Division 3 of the Act.
 - exchanges of personal information which are reasonably necessary for the performance of agreements (whether formal or informal) between agencies, and which agreements operated in the 12 month period prior to 1 July 2000 and have

continued to operate since 1 July 2000 under the Data Protection Principles referred to in Paragraph 7 of this Direction.

Health Information

6. This Direction will not apply to 'health information', as defined in section 6 of the *Health Records and Information Privacy Act 2002 (NSW)*.

Data Protection Principles

7. The Data Protection Principles, formulated by the former Privacy Committee and adopted by the Privacy Commissioner in June 2002, are a guide to the considerations to be taken into account when determining the reasonableness of an exchange of personal information covered by this Direction. If in doubt agencies may consult the Privacy Commissioner.

Previous Directions

8. This Direction replaces the previous Directions made on this matter.

Duration

9. This Direction has effect from **1 January 2014 to 30 June 2015**, or until the making of a Privacy Code of Practice for Information Transfers between Public Sector Agencies or a code which substantially covers one or more provisions of this Direction, whichever is earlier.
10. On the making of a relevant code or codes covering such transfers it is my intention to revoke this Direction to the extent of any overlap.

Signed by me on **23 December 2013**.

Elizabeth Coombs
Privacy Commissioner