

# Direction on Disclosures of Information by the New South Wales Public Sector to the National Coronial Information System (NCIS)

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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.
  - “**NCIS**” means the National Coronial Information System.

## 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 provide personal information to the NCIS in accordance with this Direction. I am satisfied that the public interest in making this Direction to enable personal information to be provided by public sector agencies to the NCIS in accordance with this Direction is greater than the public interest in requiring public sector agencies to comply with the Information Protection Principles set out in section 18 or subsection 19(1) of the PPIP Act.

## Provisions

5. The Victorian Department of Justice administers the NCIS on behalf of Australian and New Zealand Coronial authorities. Public sector agencies provide personal information to the NCIS under Licence and Access Agreements which determine how the information is used by the Victorian Department of Justice and accessed by third parties.
6. This Direction authorises disclosures of personal information by public sector agencies to the NCIS which would otherwise breach section 18 or sub-section 19(1) of the PPIP Act.

7. Disclosures authorised under paragraph 6 are subject to the condition that each public sector agency which discloses personal information to the NCIS is satisfied that the use and disclosure of such information by the Victorian Department of Justice is consistent with the Licence and Access Agreement signed by the Director General of the Department of Attorney General and Justice on behalf of New South Wales on 14 December 2000 or an Agreement entered into between the Agency and the Victorian Department of Justice which has similar conditions to the Licence and Access Agreement.

### Health Information

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

### Previous Directions

9. This Direction replaces previous Directions made on this matter.

### Duration

10. This Direction has effect from **1 July 2015** and remains in force until **31 December 2015**, or until legislative amendments are made to incorporate this Direction, whichever is earlier.

Note: This Direction is not made with the intention of waiving any application of subsection 19(2) of the PPIP Act, which limits disclosures to jurisdictions outside New South Wales subject to a Code for disclosures outside of New South Wales being in place.

Signed by me on **19 June 2015**

Elizabeth Coombs  
**Privacy Commissioner**