

# Privacy: *More than compliance – it's culture*

Presentation to Justice Health NSW Senior Leadership Forum

21 October 2025

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information and  
privacy commission  
new south wales

# Today's session

- **Privacy Compliance in practice**
- **What happens when privacy goes wrong**
- **Leadership – Beyond the Compliance Checklist**

# The Information and Privacy Commission NSW



information  
and privacy  
commission  
new south wales

*The IPC is an independent integrity agency that supports the Information Commissioner and the Privacy Commissioner to oversight the NSW public sector in relation to privacy and information access laws.*

## Our functions:

- ✓ promotes and protects privacy and information access rights in NSW
- ✓ provides information, advice, assistance and training for agencies and individuals on privacy and access matters
- ✓ investigates and conciliates complaints relating to public sector agencies, health service providers (both public and private) and some large organisations that deal with health information
- ✓ provides feedback about the legislation and relevant developments in the law and technology.
- ✓ Receives and reports on eligible data breach notifications.

# The Information and Privacy Commission NSW

## Our jurisdiction and who we regulate



**NSW**  
government  
departments  
and agencies



**Local  
councils**



**Universities**



**State-Owned  
Corporations**



**Ministers**

In addition, other **NSW public authorities** and **private health service providers** that collect, hold or use health information are also subject to the NSW privacy legislation.

# Privacy Compliance in practice



**Under NSW privacy laws, agencies are required to:**

- Have a publicly available Privacy Management Plan
- Have a publicly available Data Breach Policy (& Data Breach Response Plan)
- Comply with the 12 IPPs and 15 HPPs
- Undertake privacy internal reviews
- Contain, Assess, Mitigate and Respond to data breaches as soon as identified

# Your keys to compliance with NSW privacy laws

## 12 Information Protection Principles

### Collection

- Lawful
- Direct
- Open
- Relevant

### Storage

- Secure

### Access and Accuracy

- Transparent
- Accessible
- Alteration

### Use

- Accurate
- Limited

### Disclosure

- Restricted
- Safeguarded

## 15 Health Privacy Principles

### Collection

- Lawful
- Relevant
- Direct
- Open

### Storage

- Secure

### Access and Accuracy

- Transparent
- Accessible
- Amendment
- Accurate

### Use

- Limited

### Disclosure

- Limited

### Identifiers & Anonymity

- Not Identified
- Anonymous

### Transferrals & Linkage

- Controlled
- Authorised

Bail for man accused of accessing sensitive files, AVOs

# ‘Court hacker’ faces justice

## LOCAL NEWS

### WSU under attack again

“Persistent and targeted”: University contacts students after fresh security issues

Council staff apologise for data breach

Fighting back against cyber attacks

EXCLUSIVE

Flood victims’ personal details in major ChatGPT data breach – but victims kept in dark for six months

Data breach warning to DV victims

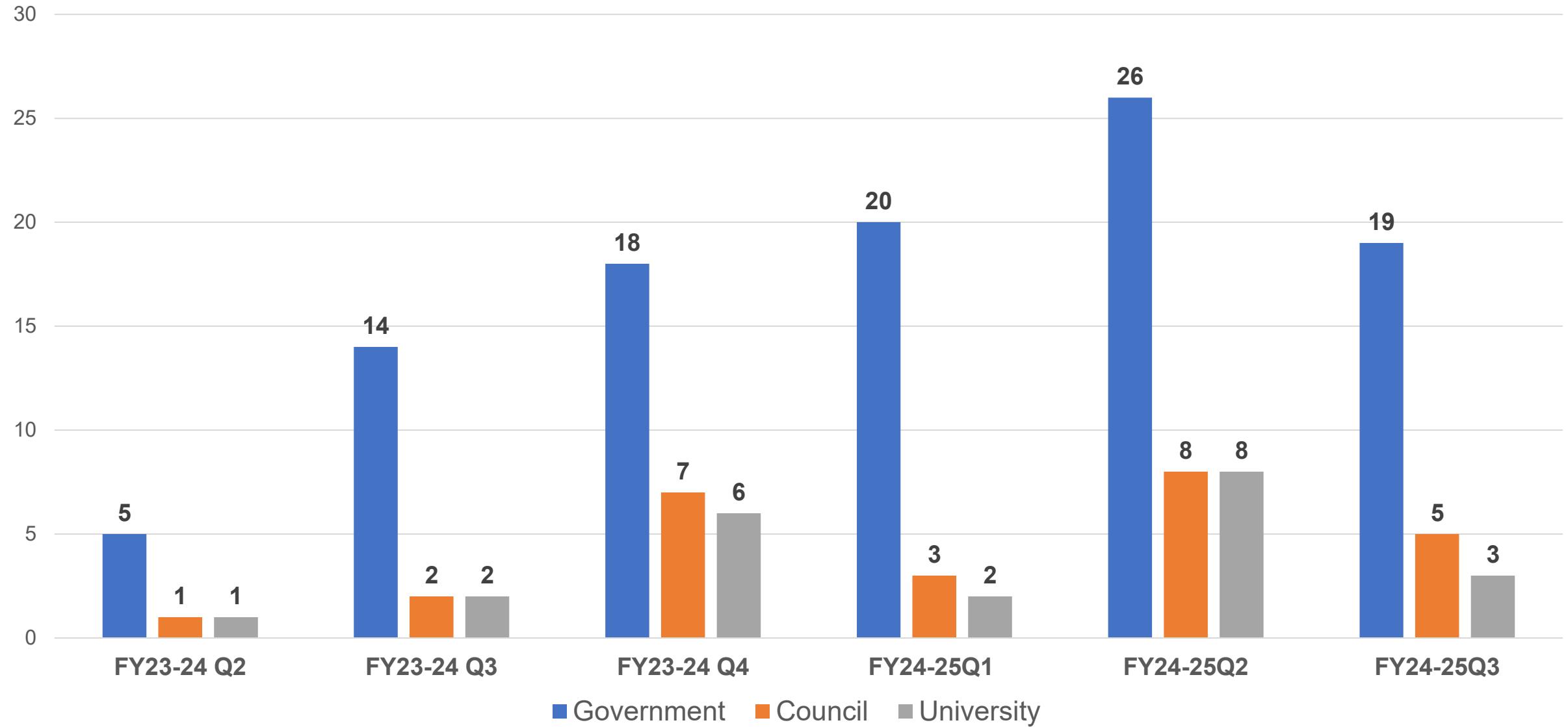
Healthcare sector hardest hit by cyberattacks

CYBERSECURITY  
David Swan

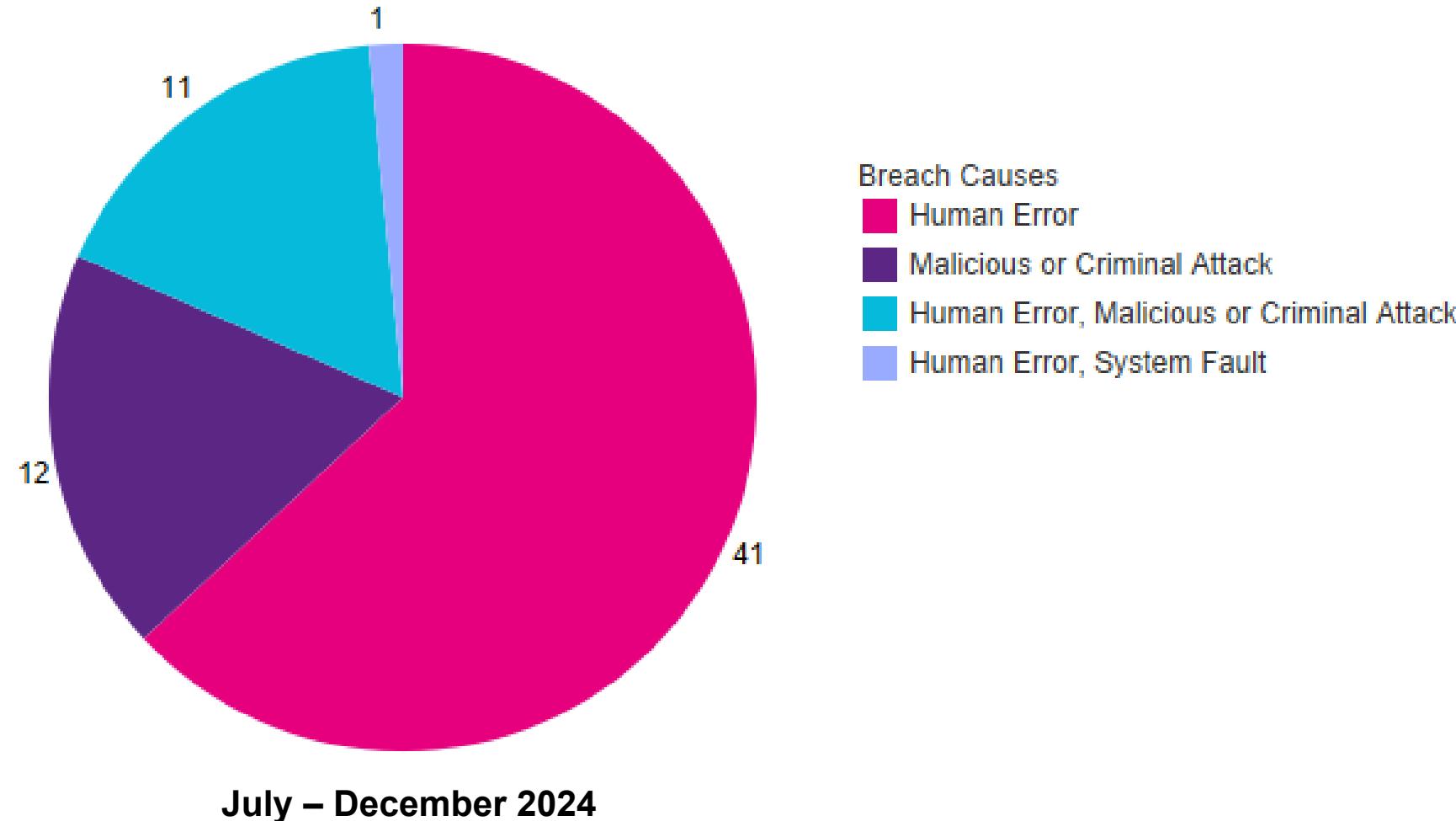
Woman arrested over attacks on Western Sydney Uni

Accused elite hacker hiding in a dirty unit

# How many and where were they?\*



# What were they?



# Leadership – From Compliance to Culture

- Leadership commitment & tone is a core foundation for good privacy governance
- Privacy is seen as a value, not just as a requirement
- Commitment to continuous learning and improvement
- Embed a privacy positive culture and of awareness
- Understand your privacy obligations
- Promote an environment of privacy awareness
- Encourage a culture of reporting
- Evaluate your privacy, practices & systems for continued effectiveness
- Integrate privacy into business and risk strategy
- Encourage open communication

*“Leadership is not about being in charge. It is about taking care of those in your charge and safeguarding their confidence and trust.”* - Simon Sinek

# Data – A Leadership and Culture Challenge

## **Unclear ownership**

Uncertainty regarding who has the authority to determine the end of a record's life cycle

## **Fear of deletion**

A tendency to retain records out of caution, preferring to keep them "just in case"

## **Poor access controls**

Inadequate security measures that lead to a false sense of security regarding where records are stored

## **Inadequate systems**

Insufficient or ineffective systems for managing records

# Final thoughts...



# Connect with us



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