

Privacy – A NSW state regulator perspective

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information and
privacy commission
new south wales

Today's session

- **NSW Privacy Regulatory Context**
- **Privacy Compliance**
- **Data Breaches Risks and Impacts**

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.

Privacy functions:

- ✓ promote and protect privacy rights in NSW.
- ✓ provide information, advice, assistance and training for agencies and individuals on privacy matters.
- ✓ investigate and conciliate complaints relating to public sector agencies, health service providers (both public and private) and some large organisations that deal with health information.
- ✓ provide feedback about the legislation and relevant developments in the law and technology.
- ✓ to investigate, monitor, audit and report on a public sector agency's compliance with data breach notifications, including the agency's data handling systems, policies and practices.
data breach notifications.

The Information and Privacy Commission NSW

Our jurisdiction and who we regulate in Privacy



**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.

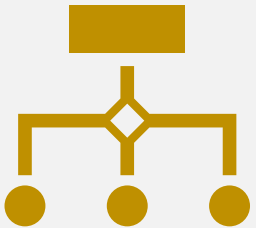
Privacy Legislation and oversight

The IPC has specific functions under NSW Acts:



- *Privacy and Personal Information Protection Act 1998 (PPIP Act)*
- *Health Records and Information Privacy Act 2002 (HRIP Act)*
- *Public Interest Disclosures Act 2022 (PID Act)*
- *Digital Restart Fund Act 2020 (DRF Act)*

Parliamentary oversight and administration of Acts:



- Committee on the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission
- Attorney General, Minister for Customer Service and Digital Government
- Minister for Health, Minister for Regional Health plus Minister for Mental Health

Privacy jurisdictions

NSW

- NSW Government agencies, local councils, universities, state-owned corporations, Ministers, some private health service providers
- PPIP Act and HRIP Act
- MNDB Scheme
- Does not regulate private sector

- Principles based schemes
- Similar privacy frameworks
- Data breach notification schemes

Federal

- Federal government agencies, statutory bodies (ACCC, ASIC), Federal Ministers
- Private sector businesses (>\$3M turnover)
- Privacy Act (Cth)
- NDB Scheme
- Does not regulate state governments

Compliance – privacy principles in action

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

Privacy Compliance Risks – 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 personal information out of caution, preferring to keep it "just in case"

Weak access safeguards

Absent or poorly designed controls for who can access information and for what purposes leading

Inadequate systems

Insufficient or ineffective systems for managing personal information

Improper collection

Overcollection of personal information, not informing how and why it will be used

Poor Data Controls

Lack of or an absence of proper safeguards and controls that lead to false sense of security

Achieving Privacy - Compliance to Culture

- ✓ Privacy is seen as a value, not just as a requirement
- ✓ Leadership commitment & tone is a core foundation for good privacy governance
- ✓ Embed a privacy positive culture and of awareness
- ✓ Encourage a culture of reporting
- ✓ Integrate privacy into business and risk strategy
- ✓ Understand your privacy obligations
- ✓ Governance Frameworks -regularly assess and update privacy policies
- ✓ Train employees on data handling and breach response
- ✓ Implement technical and administrative measures to protect personal data
- ✓ Create a clear data breach response plan
- ✓ Know your data – data inventory
- ✓ Data minimisation

Bail for man accused of accessing sensitive files, AVOs

'Court hacker' faces justice

EXCLUSIVE

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

Data breach warning to DV victims

LOCAL NEWS

WSU under attack again

"Persistent and targeted": University contacts students after fresh security issues

Healthcare sector hardest hit by cyberattacks

CYBERSECURITY
David Swan

Council staff apologise for data breach

Fighting back against cyber attacks

Woman arrested over attacks on Western Sydney Uni

Accused elite hacker hiding in a dirty unit

Final thoughts...



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