

Privacy & Regulatory Activities

Presentation to Building Commission NSW

3 March 2026

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Privacy Commissioner



information and
privacy commission
new south wales

Today's session

- **About the IPC**
- **Privacy Commissioner Regulatory Levers**
- **Relationship between regulatory activities and Privacy**

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.

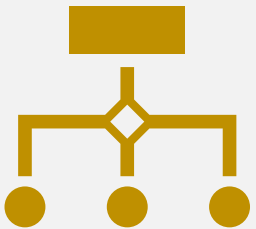
Privacy Legislation and oversight

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:

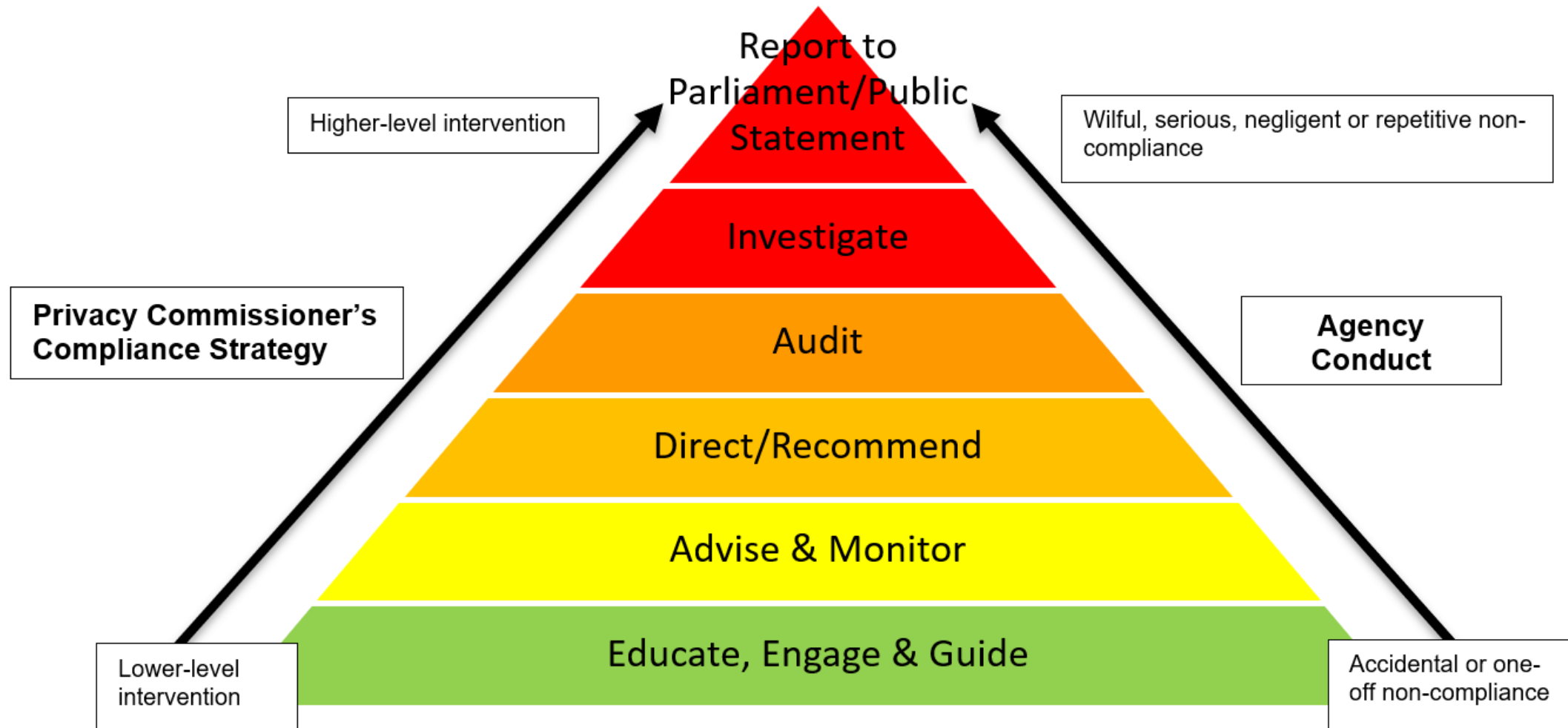


- Committee on the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission
- Attorney General, Minister for Customer Service and Digital Government
- Minister for Health, Minister for Regional Health plus Minister for Mental Health

Regulatory Levers

- Receive, investigate and conciliate complaints
- Conduct Inquiries
- Conduct Investigations – including own motion
- Investigate, monitor, audit and report on Part 6A compliance
- Powers of direction under Part 6A

Regulatory approach



Applying investigative powers



Desktop Review of Documented AI or ADM Use within AIGs and PMPs

November 2025



Desktop Review of Data Breach Policy (DBP) Compliance Report

October 2024



Follow-up Desktop Audit of Privacy Management Plans (PMP) Report

June 2023

Regulatory Initiatives Calendar

Q2 2025–26

Data Breach Policy Audit – Follow up

The MNDB Scheme requires every NSW public sector agency bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of eligible data breaches. Under the scheme, agencies are required to prepare and publish a Data Breach Policy (DBP) for managing such breaches. In October 2024 the Privacy Commissioner published an audit report on the level of compliance with the requirement to have a data breach policy by agencies. That audit report provided a base line understanding of the levels of compliance by agencies with their obligation to have a data breach policy publicly available.

This subsequent audit, conducted twelve months after the initial report, is intended to assess ongoing compliance with these statutory obligations.

The audit will be commenced in Quarter 2.

Q3 & Q4 2025–26

Systems, Policies and Practices

Data breaches involving personal information have become increasingly prevalent in our community. The increasing frequency, complexity and the high impact of data breaches observed more generally highlight the significance and importance of preparedness and responsiveness. This audit will review the systems, policies and practices of agencies in relation to their Mandatory Data Breach responsibilities, including but not limited to the establishment of assessment processes, incident registers and documented delegations.

The audit will commenced in Quarter 3.

View the [IPC's compliance audit calendar for information access here](#).



Media release

17 November 2025

New Review considers how agencies are incorporating AI/ADM into their transparency and accountability policies

The Information Commissioner and the Privacy Commissioner have today published a new [desktop review of documented AI or ADM use within Agency Information Guides \(AIGs\) and Privacy Management Plans \(PMPs\)](#).

The Information Commissioner and the Privacy Commissioner sought to examine and understand the extent to which regulated entities are incorporating the use of AI and ADM technologies into their AIGs and PMPs.

The review included 119 agencies from across the NSW public sector and focused on three key questions relating to transparency, notification and accountability.

Overall, the review found that only a small portion of agencies had included information about the use of AI or ADM within their AIGs or PMPs.

Relationship between privacy and regulatory activities



Regulatory Activities

- Establishing the facts
- Collecting evidence
- Interviews
- Testing evidence
- Documenting findings/outcomes



Privacy

- Collecting only what is necessary
- Securing Personal Information
- Limiting Access
- Lawful Handling including for sensitive information
- Retention and safeguards

Privacy in practice



Collect for a lawful purpose



Use it for the purpose collected



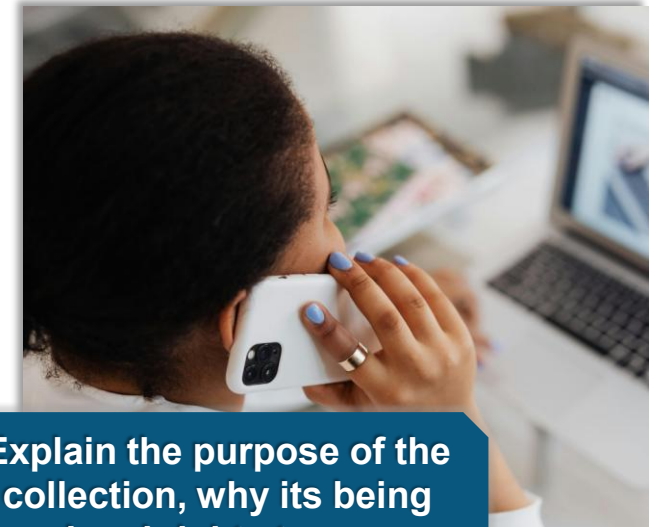
Disclosure for a directly related purpose



Protect it from unauthorised access, use, modification or disclosure



Keep personal information for no longer than necessary



Explain the purpose of the collection, why its being used and rights to access

Key takeaways

- Overcollection is the most common privacy failure
- Over retention creates risk
- Privacy compliance strengthens integrity and builds trust
- Scope discipline reduces risk
- Balancing privacy and regulatory activity requires judgement

Final thoughts...



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