

NSW INFORMATION AND PRIVACY ADVISORY COMMITTEE [IPAC]

Future Directions and Work Priorities

FINAL June 2021

CONTEXT AND BACKGROUND

Information access and integrity, the secure and ethical use of data and the persistent importance of privacy are hallmark issues of our time. They reflect and reinforce big policy opportunities and risks that matter increasingly to good government and to enduring democratic values of trust, trustworthiness, legitimacy and accountability.

They also play into the heart of big issues as varied and contentious as climate change, the growth of urban centres, population growth and ageing, inequality and the variable public sector capacity to shape and prosecute public policy reform agendas.

That's the larger canvass on which the IPC, and therefore the IPAC, prosecute their statutory and strategic mission.

In NSW, the government's digital and data policies, including more effective data sharing and the use of data for better services, improved policy and regulation and improved delivery, had become more obviously central and strategic to the wider policy and political context. This reflects growing awareness and concerns on these issues in the community.

The NSW focus on better customer service and improved service delivery implied important issues for the promotion and protection of citizens' information use and access rights. These are concerns which play directly to IPC's statutory role and responsibilities at the heart of government-wide strategies, including how to ensure that statutory information access rights and privacy protections are built in from the start.

ROLE AND FUNCTIONS

IPAC is an advisory body to the Information Commissioner and the Privacy Commissioner. It is not an operational governance body.

Its terms of reference are to:

- Advise on matters relevant to the functions of the Information Commissioner and the Privacy Commissioner
- Advise the Minister on such matters as may be referred to it by the Minister.

Following the 2019 “machinery of government” changes to the structure, roles and responsibilities across the government and the NSW public service, the Attorney General and Minister for Customer Service are jointly responsible for the IPAC.

IPAC’s primary focus is to support IPC’s statutory and strategic information access and privacy priorities and obligations. Its advice will sometimes raise wider issues of basic human rights (discrimination, employment, basic freedoms etc) and other legal and ethical issues.

The focus of IPAC’s work will be ensuring principles of fairness, transparency and accountability are the hallmarks of the approach in NSW to information access and privacy.

IPAC’s supports both IPC’s statutory role and responsibilities on information access and privacy and the need to steadily improve information access and privacy performance across the NSW public sector (culture, leadership, skills and capability)

THREE FOCUS AREAS

Sense and scan

IPAC will augment IPC skills and capabilities by using its expertise and networks to scan for technology, policy and practice trends, developments and innovation, including implications arising from the growing use of AI tools and capabilities, that could impact IPC's statutory information access and privacy role, including how IPC could respond drawing on privacy and regulatory responses around the world.

Advisory

IPAC will provide advice on specific functions and tasks IPC is undertaking, for example provision of advice on information access and privacy implications of applications to the Digital Restart Fund (DRF), to add to the expertise IPC can draw on.

Strategic thinking

IPAC will act as a “think tank” that can draw on members' skills, expertise and knowledge to provide longer term advice on current and emerging strategic issues impacting IPC's statutory information access and privacy role. It will also focus on broader issues affecting the culture, practice, design and leadership of information access and privacy policy and performance across the NSW public sector.

OVERALL STRATEGIC INTENT

IPAC's overall strategic intent is framed by two considerations – one is to steadily improve trust and trustworthiness in and about the NSW Government, and the other is to adopt a risk management approach (prevention, detection and effective response). Within those two considerations, IPAC supports the statutory functions of the two Commissioners and IPC's role to provide current cogent advice on its statutory and strategic priorities, including on matters referred by the Minister.

Trust

Contributing to improving trust in and trustworthiness of the NSW Government

1 Upholding information access and privacy statutory rights

2 Steadily improving information access and privacy culture, leadership and design across the NSW public sector

3 Lifting information and privacy skills and capability in IPC and across the NSW public sector

Risk management

Steadily improving information access and privacy performance across the NSW public sector through a combination of prevention, detection and effective responses to risks and opportunities for better practice and outcomes

SOME INITIAL AREAS OF FOCUS

- Advising on the information access, data and privacy dimensions of applications to the \$1.6 billion Digital Restart Fund (DRF).
- Providing advice on aspects of the use and management of data – purpose, uses, data sharing, accountability – as a policy and strategic issue for the government, separate from the changing structure of agencies and “machinery of government” arrangements
- Contributions to law reform opportunities and priorities as they arise
- Assessing how well IPC’s advice and support for agencies is being implemented and linked to better information and privacy outcomes as part of the “business as usual” performance for agencies
- Uplift of digital rights assertion and protection capabilities across the NSW public service especially in the context of customer service strategies
- Advice on how the procurement process, especially in the light of Minister Dominello’s recent announcements about new targets for small and medium enterprise access to DRF procurement opportunities, provide an opportunity to advance information and privacy standards and better performance

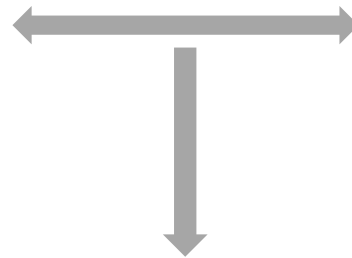
IPAC AND THE AI ADVISORY COMMITTEE

IPAC

Expert advice to improve statutory information access and privacy rights performance and outcomes for citizens and across the NSW public sector

AI ADVISORY COMMITTEE

Expert advice to influence the strategic direction of use of AI in NSW and ensure the ethical and effective use of AI by NSW Government



Since IPAC was established, the NSW Government has established the AI Advisory Committee. There are two members of the AIAC who are also members of IPAC. Although the potential links to an AI advisory function wasn't an issue when IPAC was set up, there are likely to be interdependencies between the work and focus of both bodies. They are both integral parts of the NSW Government's broader framework for digital transformation, data management, information access and privacy that will steadily improve legal, statutory, ethical, design, culture and leadership performance on these issues across the NSW government and in the community. IPAC and AIAC will establish appropriate mechanisms to ensure effective coordination and communication..

IPAC MEMBERS

Elizabeth Tydd, CEO and
Information Commissioner
(Chair)

Ms Samantha Gavel
Privacy Commissioner

Dr Ian Oppermann
NSW Government Chief Data
Scientist

Mr Barry Sandison
Chief Executive Officer,
Australian Institute of Health
and Welfare

Professor Lyria Bennett Moses,
Director of the Allens Hub for
Technology, Law and Innovation
and a Professor in the Faculty of
Law at UNSW Sydney

Mr Malcolm Crompton
former federal Privacy
Commissioner and Lead Privacy
Advisor and founder of
Information Integrity Solutions
Pty Ltd (IIS)

Mr Paul McKnight
Deputy Secretary, NSW
Department of Communities
and Justice

Mr Peter Leonard
Principal of Data Synergies, a
business and legal consultancy
for data driven businesses and
Professor of Practice at UNSW
Business School.