

APPA Forum 57

Sharing of Personal Information in Emergencies

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information and
privacy commission

new south wales

Exemptions to NSW Privacy Law

Sharing of Personal and Health Information in Emergencies

- In late 2021, NSW Parliament passed legislation to provide for exemptions to enable the sharing of personal and health information in emergencies.
- The amendments fulfill a commitment by the NSW Government in response to the findings of the ***Final Report of the NSW Bushfire Inquiry and Royal Commission into National Natural Disaster Arrangements***.
- Similar exemptions already apply under the Australian Privacy Act.



Photo credit: The New York Times

Exemptions to NSW Privacy Law

Sharing of Personal and Health Information in Emergencies

- The exemption is available to NSW Government agencies if collection, use or disclosure of personal or health information is **reasonably necessary** to assist in a stage of an emergency.
- “**Emergency**” has the same meaning as in the State Emergency and Rescue Act.
- This Act also defines four stages of an emergency: **prevention, preparation, response and recovery**.
- The IPC was consulted on the amendments and on the interim guidance for agencies that was issued once the exemptions took effect.



Photo credit: ABC News

Exemptions to NSW Privacy Law



Protections and Safeguards

- For the exemptions to apply, the collection, use or disclosure must be **reasonably necessary** to assist in a stage of an emergency.
- The organisation must not hold the information for longer than eighteen months unless extenuating circumstances apply or consent has been obtained.
- If the organisation is a law enforcement agency, the information cannot be used to prosecute an offence.
- The IPC will continue to engage with Resilience NSW in relation to the operation of the exemptions and guidance for agencies.