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Media release

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The Information and Privacy Commission NSW publishes scan of the artificial intelligence regulatory landscape

The Information and Privacy Commission NSW (IPC) has today published a high-level scan of the national and international regulatory landscape relevant to artificial intelligence (AI) with a focus on the preservation of information access and privacy rights. This work seeks to inform a future best practice regulatory approach for NSW.

The regulatory scan was requested by the Hon. Victor Dominello MP, Minister for Customer Service and Digital Government, Minister for Small Business, Minister for Fair Trading, and reviewed a select number of global authorities with a focus on frameworks applied in regulating AI including values-based principles, rights preservation and classification frameworks for developing AI models.

In undertaking the scan, the IPC considered governance models used internationally in regulating AI, an assessment of the risks to the fundamental information access and privacy rights in the use of AI and various treatment options available to address this risk.

Information Commissioner, Elizabeth Tydd, said, “As new risks emerge it is essential that we recognise the impact on enshrined human rights – the right to information and privacy.

“Machine-enhanced decision-making software and artificial intelligence systems that operate absent recognised safeguards, including notice of its use and general explainability of its workings, should be of serious concern within a modern, digital government.

“In undertaking the scan, it was important to contextualise the current state of regulation in New South Wales. The use of AI is a global issue and differing approaches must be contemplated in assessing the existing and potential safeguards to apply in New South Wales. The scan provides a valuable insight into how the risks to fundamental rights are being addressed globally and provides a foundation for the future use and development of AI in the state. Some opportunities are identified in the governance and contractual arrangements that operate in respect of AI and the current law in New South Wales. The IPC is available to work with government in considering these opportunities.”

Privacy Commissioner, Samantha Gavel, added, “Digital technology such as AI, provides us with many benefits, such as faster and easier access to services, but it also significantly increases the risk of privacy harms.

“Privacy protection needs to be at the heart and centre of our increasingly connected and digital world. This is particularly important for the NSW government and its provision of new services and technology, to ensure the community can have confidence in these services and systems to protect their privacy.”

The regulatory scan is available to access via the Information and Privacy Commission’s [website](#).

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About the Information and Privacy Commission:

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers New South Wales' legislation dealing with privacy and access to government information. The IPC supports the Information Commissioner and the Privacy Commissioner in fulfilling their legislative responsibilities and functions and to ensure individuals and agencies can access consistent information, guidance and coordinated training about information access and privacy matters.

About the NSW Information Commissioner

The NSW Information Commissioner's statutory role includes promoting public awareness and understanding of the *Government Information (Public Access) Act 2009* (GIPA Act); providing information, advice, assistance and training to agencies and the public; dealing with complaints about agencies; investigating agencies' systems, policies and practices; and reporting on compliance with the GIPA Act.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the Commissioner's powers and functions. It outlines the method for people to complain about the conduct of agencies when undertaking their duties under the GIPA Act, and the way in which the Information Commissioner may deal with the complaint. The GIIC Act also enables the Information Commissioner to investigate and report on how agencies carry out their functions under the GIPA Act.

About the NSW Privacy Commissioner

Samantha Gavel was appointed as NSW Privacy Commissioner on 4 September 2017. Her role is to promote public awareness and understanding of privacy rights in NSW, as well as provide information, support, advice and assistance to agencies and the general public.

For further information about the IPC visit our website at www.ipc.nsw.gov.au