



information
and privacy
commission
new south wales

Privacy Commissioner – Executed Instrument of Delegation to Staff

October 2023



Instrument of Delegation

Privacy and Personal Information Protection Act 1998 (NSW) *Health Records and Information Privacy Act 2002 (NSW)*

Public Interest Disclosures Act 2022 (NSW)

I, Sonia Minutillo, Acting Privacy Commissioner, under section 35H of the *Privacy and Personal Information Protection Act 1998* (PPIP Act), revoke all previous delegations made under that Act and delegate the exercise and performance of matters arising under, or incidental to the functions, authorities, duties and powers set out in Schedules 1, 2 and 3 to this instrument, to the officers set out in those schedules.

The Privacy Commissioner has such functions as may be conferred or imposed on the Commissioner under the PPIP Act or any other Act: section 36(1), PPIP Act.

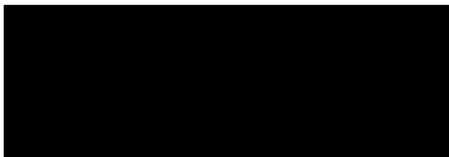
This instrument delegates the functions, authorities, duties and powers of the Privacy Commissioner under:

- the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act)
- the *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act)
- the *Public Interest Disclosures Act 2022* (NSW) (PID Act)

The delegates may not sub-delegate.

This instrument takes effect from the date it is executed. It consists of this page and 20 pages containing Schedules 1, 2 and 3.

This delegation will continue until revoked notwithstanding the termination of my term of office as Acting Privacy Commissioner.



Sonia Minutillo
Acting Privacy Commissioner

Date: 12 October 2023

Instrument of Delegation – Schedule 1

Privacy and Personal Information Protection Act 1998

(NSW)

Section	Description of Function/ Power	Officer
Section 36(2)(a)	Promoting the adoption and monitoring compliance with the information protection principles.	Director, Business Improvement Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 36(2)(b)	Preparing and publishing guidelines relating to the protection of personal information and other privacy matters, and promoting the adoption of such guidelines.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Manager, Communications and Corporate Affairs
Section 36(2)(c)	Initiating and recommending the making of privacy codes of practice.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 36(2)(d)	Providing assistance to public sector agencies in adopting and complying with the information protection principles, privacy codes of practice	Director, Investigation and Reporting

Section	Description of Function/ Power	Officer
	and the mandatory notification of data breach scheme.	Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 36(2)(e)	Providing assistance to public sector agencies in preparing and implementing privacy management plans under section 33, and data breach policies under section 59ZD of the PPIP Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 36(2)(f)	Conducting research and collecting and collating information about any matter relating to the protection of personal information and the privacy of individuals.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer

Section	Description of Function/ Power	Officer
		Regulatory Officer
Section 36(2)(g)	Providing advice on matters relating to the protection of personal information and the privacy of individuals.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 36(2)(i)	Conducting education programs and disseminating information for the purpose of promoting the protection of the privacy of individuals.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Manager, Communications and Corporate Affairs Senior Policy Officer Senior Regulatory Officer
Section 36(2)(k)	Receiving, investigating and conciliating complaints about privacy related matters (including conduct to which Part 5 applies).	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Section	Description of Function/ Power	Officer
		Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 36(2)(l)	Conducting inquiries and investigating privacy related matters as the Privacy Commissioner thinks appropriate.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 36(2)(m)	Investigating, monitoring, auditing and reporting on a public sector agency's compliance with Part 6A of the PPIP Act, including the agency's data handling systems, policies and practices.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 36(3)	Consulting with the Information Commissioner before preparing guidelines concerning limits in relation to the information protection principle set out in section 18 of the PPIP Act (Limits on disclosure of personal information).	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
		Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 37	Requiring a person or public sector agency to provide a statement of information or produce a document/thing or copy of a document.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Director, Business Improvement
Section 38	Conducting inquiries and investigations.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 39	Determining the procedure for inquiries and investigations.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Section	Description of Function/ Power	Officer
Section 40	Preparing and publishing information digest setting out the nature and source of personal information held by public sector agencies and requiring details relating to the personal information from public sector agencies.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer
Section 42	Requiring agencies to provide information about compliance arrangements.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Director, Business Improvement
Section 45	Receiving and dealing with privacy related complaints and requiring information about a complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer

Section	Description of Function/ Power	Officer
Section 46(1)	Conducting a preliminary assessment of privacy related complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Director, Business Improvement Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 46(2)	Informing the complainant of the review process.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Director, Business Improvement Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 46(3)	Deciding not to deal with a complaint if satisfied of certain matters.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
		Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 47	Referring complaints for investigation or other action.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 48	Dealing with privacy related complaints and making inquiries and investigations in relation to complaints	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer

Section	Description of Function/ Power	Officer
Section 49	Resolving privacy related complaints by conciliation.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 51	Conducting an inquiry or investigation into general issues or matters raised in connection with the complaint even though the complaint referred or declined.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 54(1)	Receiving an application for internal review.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review

Section	Description of Function/ Power	Officer
		Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 54(2)	Making submissions on internal review.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 54(3)	Undertaking an internal review on behalf of an agency and making a report to an agency in relation to application for review.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 55(6)	Appearing and making submissions in Tribunal proceedings.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
		Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 59K(5)	Requesting further information from a public sector agency about the progress of the assessment of a data breach.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 59P(5)	Publishing information on the Commissioner's website about how to access the notification made by a public sector agency.	Director, Business Improvement Manager, Communications and Corporate Affairs
Section 59Z	Investigating, monitoring, auditing and reporting on the exercise of a function of 1 or more public sector agencies, including the systems, policies and practices of an agency.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer

Section	Description of Function/ Power	Officer
		Legal Officer Regulatory Officer
Section 59ZA(3)(a)-(c)	enter the premises based upon notice issued under Section 59ZA(1) and observe a demonstration of the agency's data handling systems, policies and procedures and inspect documents.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer

Instrument of Delegation – Schedule 2

Health Records and Information Privacy Act 2002 (NSW)

Section	Description of Function/ Power	Officer
Section 24	Issuing guidelines with respect to access to, and retention and amendment of, health information held by private sector persons for the purpose of assisting them to comply with the Health Privacy Principles.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 42	Receiving privacy related complaints and allowing an extension of time for making a complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review

Section	Description of Function/ Power	Officer
		Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 43(1)	Making a preliminary assessment of a complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 43(2), (3)	Deciding not to deal with a complaint if satisfied of certain matters and advising complainant of reasons for deciding to not deal with a complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 44(1)	Assessing of complaints, including making inquiries and investigations to determine prima facie case of breach.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review

Section	Description of Function/ Power	Officer
		Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 44(2), (3)	If there is no prima facie case, ceasing to deal with complaint and advising complainant of reasons for ceasing to deal with complaint.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 45	Dealing with complaints, considering certain matters and notifying complainant and respondent of outcome.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 46	Resolving complaint by conciliation.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice

Section	Description of Function/ Power	Officer
		Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 50(2)	Appearing and making submissions in Tribunal proceedings in relation to an inquiry.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer
Section 58(a)	Promoting the adoption and monitoring compliance with the Health Privacy Principles and the provisions of Part 4 of the HRIP Act.	Director, Business Improvement Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer

Section	Description of Function/ Power	Officer
Section 58(b)	Preparing and publishing guidelines relating to the protection of health information and other privacy matters, and to promote the adoption of such guidelines.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 58(c)	Providing assistance to organisations in adopting and complying with the Health Privacy Principles and the provisions of Part 4 of the HRIP Act.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 58(d)	Conducting research, and collecting and collating information about any matter relating to the protection of health information and the privacy of individuals.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer

Section	Description of Function/ Power	Officer
Section 58(e)	Providing advice on matters relating to the protection of health information and the privacy of individuals.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 58(f)	Receiving, investigating and conciliating complaints about alleged contraventions of the Health Privacy Principles, the provisions of Part 4 or any health privacy code of practice.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer
Section 59(1)(a)-(c)	Requiring a person or organisation to give a statement of information, or to produce any document or other thing, or to give a copy of any document.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review

Section	Description of Function/ Power	Officer
		Manager, Complaints and Proactive Compliance
Section 60	Conducting inquiries and investigations.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer
Section 61	Determining procedures for inquiries and investigations.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 63	Requiring an organisation to provide information about compliance arrangements and demonstrating the means by which the organisation is implementing such arrangements.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Section	Description of Function/ Power	Officer
Section 64	Issuing, amending and replacing guidelines.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 65	Referring privacy related complaint to Health Care Complaints Commission if the complaint concerns the professional conduct of a health service provider or a health service that affects the clinical management or care of a person who uses or receives a health service (including a patient)	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 66	Referring and communicating a privacy related complaint to the Commonwealth Privacy Commissioner.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Director, Business Improvement Manager, Investigation and Review Manager, Complaints and Proactive Compliance
Section 67	Referring a privacy related complaint to other persons or bodies (the relevant authority).	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance

Section	Description of Function/ Power	Officer
		Senior Policy Officer Senior Regulatory Officer Legal Officer Regulatory Officer Regulatory Support Officer

Instrument of Delegation – Schedule 3

Public Interest Disclosures Act 2022 (NSW)

Section	Description of Function/ Power	Officer
Section 55 and 56	Investigating a voluntary public interest disclosure.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice Manager, Investigation and Review Manager, Complaints and Proactive Compliance Senior Regulatory Officer Legal Officer
Section 57(3)	Considering the views of an integrity agency before referring a voluntary public interest disclosure.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice
Section 83	Providing information relating to a public interest disclosure to another agency.	Director, Investigation and Reporting Director, Legal Counsel and Regulatory Advice