



information
and privacy
commission
new south wales

Foreword by the Privacy Commissioner

Why Privacy Governance?

Governance underpins effective and efficient public sector administration and facilitates policy objectives. I emphasise privacy governance to Secretaries, General Managers and senior management, as an integral part of service provision. Moreover, the benefits of protecting the personal information of NSW citizens cannot be achieved solely by compliance with regulatory frameworks.

The *Privacy Governance Framework* aims to de-mystify compliance with the NSW privacy requirements. A clearer understanding of what is required when personal information is collected, used, disclosed and disposed of will enable organisations to establish privacy management as an asset underpinning their corporate standing. It's timely to see the opportunities and benefits in establishing rigorous and observable privacy governance arrangements.

My approach to privacy regulation draws upon the 'privacy by design' privacy model developed by Dr Ann Cavoukian, former Ontario Privacy Commissioner. This approach is marked by a proactive orientation to prevention of privacy breaches by building the protection of personal information into standard practices, systems and operating procedures so privacy becomes an essential component.

Privacy is easiest when it is the organisation's standard mode of operation and monitoring is mainstreamed through existing governance mechanisms such as the Board, Executive or Senior Management meetings. Monitoring and review can be achieved through existing mechanisms such as the Audit and Risk Committee or Customer or other Advisory Committees.

The ideal is that no action is required on the part of the individual to protect their personal information – appropriate management is built in by default. Proactive management of personal information does not wait for privacy risks to materialise.

Such an agency governance framework assures all stakeholders that whatever the business practice or technology involved, it is operating according to the NSW privacy requirements and operations remain visible and transparent, to users and providers alike.

Above all, a transparent and open governance approach to personal information keeps the interests of the individual paramount in a user centric manner and engenders trust; influencing the confidence citizens have in the NSW public sector's operations.

The governance cycle starts with leadership and strategic scene setting and moves through to planning, service and program provision to complaint handling, reporting and evaluation, with the learnings from these steps provided back to leadership for review and adjustment. Governance arrangements need to cover the full life cycle of personal information from collection through to use and disposal; a secure information lifecycle management. The result is that the protection of personal information and privacy is integral to operations without diminishing functionality.

I commend the framework to you.

Dr Elizabeth Coombs

NSW Privacy Commissioner

August 2016 Update: The Privacy Governance Framework has now been revised to include important information on Health Privacy and the compliance with the Health Records and Information Privacy Act 2002. The Privacy Governance Framework can be accessed at www.ipc.nsw.gov.au/privacy-governance-framework