

Direction on Disclosures of Information by Public Sector Agencies for Research Purposes

As Privacy Commissioner appointed under Part 4, Division 1 of the *Privacy and Personal Information Protection Act 1998 (NSW)* (the PPIP Act), I Elizabeth Coombs, hereby direct pursuant to section 41 of the PPIP Act that:

Overview

1. This is a direction made under section 41(1) of the PPIP Act. It should be read in conjunction with that Act.

Interpretation

2. For the purposes of this Direction:
“**personal information**” has the same meaning as in section 4 of the PPIP Act.
“**public sector agency**” has the same meaning as in section 3 of the PPIP Act.

Application

3. This Direction applies to each public sector agency, however any public sector agency may choose to comply with Part 2 Division 1 of the PPIP Act rather than comply with this Direction.

Public Interest

4. This Direction has been made to allow each public sector agency to use personal information for the purposes set out in this Direction. I am satisfied that the public interest in making this Direction to enable public sector agencies to deal with personal information for research purposes as set out in this Direction is greater than the public interest in requiring public sector agencies to comply with the Information Protection Principles referred to in this Direction.

Provisions

5. This Direction applies to:
 - a) the disclosure by a public sector agency covered by this Direction of personal information held by the agency for research where this would otherwise breach sections 18 or 19 of the PPIP Act;
 - b) the collection, storage, use, disclosure, provision of personal access to, and alteration of, personal information in records which are created by a person or organisation that is not a public sector agency but which are deposited with a public sector agency for purposes which include research; and
 - c) the collection and use of personal information by a public sector agency or part of a public sector agency, which has as a major function, the collection of items of historical or cultural significance and the information is collected and used to provide reference material in relation to collected items;

but does not apply to the use by or on behalf of a public sector agency of personal information held by the agency for purposes which are lawful purposes directly related to a function or activity of the agency, including the assessment or evaluation of the operation of the agency or services provided by the agency.

6. In the case of conduct referred to in paragraph 5(a) of this Direction an agency may reasonably depart from sections 18 and 19 of the PPIP Act, provided that it follows guidelines or policies of the agency covering the disclosure of personal information for research purposes which were established at 1 July 2000, or the proposed research has been approved by a committee established for the purpose of giving ethical approval to research projects after such a committee has considered the privacy implications of the collection and subsequent use of such information by the researcher in the absence of express consent.
7. In the case of conduct referred to in paragraph 5(b) of this Direction an agency is not required to comply with sections 8, 9, 10, 13, 14, 15, 16, 17, 18 or 19 of the PPIP Act, provided that the agency takes such steps as are reasonable in the circumstances to protect the privacy of any person whose personal information is contained in deposited records.
8. In the case of conduct referred to in paragraph 5(c) of this Direction a relevant agency may collect, use and disclose personal information otherwise than in accordance with sections 8, 9, 10, 14, 15, 17, 18 and 19 of the Act, provided that it adheres to a written policy on the protection of the privacy of such material.

Health Information

9. This Direction does not apply to 'health information', as defined in section 6 of the *Health Records and Information Privacy Act 2002 (NSW)*.

Previous Directions

10. This Direction replaces previous Directions on this matter.

Duration

11. This Direction has effect from **1 July 2015** to **31 December 2015**, or until legislative amendments are made to incorporate this Direction, whichever is earlier.

Signed by me on **19 June 2015**

Elizabeth Coombs

Privacy Commissioner