

Update Privacy Law and Practice

Service 121 — February 2023

UPDATED MATERIAL IN SERVICE 121 INCLUDES:

Commentary

Privacy Act 2020

The following sections under the Privacy Act 2020 commentary have been updated:

PA4.3 Relevant definitions

PA7.3 “Agency”

PA13.5 Office holders

PA17.12 Section 17(1)(g) To examine proposed legislation

PA22.119 Information privacy principle 10(1)(a): use as a purpose or directly related purpose for which the information was obtained

PA22.134 Information privacy principle 11(1)(c): disclosure authorised by individual concerned

PA22.139 Information privacy principle 11(1)(f): disclosure “necessary to prevent or lessen a serious threat”

PA22.167 Information privacy principle 13(2): re-assignment of unique identifiers

PA32.14 Section 32(4)(a) Controls on private sector matching in codes

PA49.9 Section 49(1)(a)(ii): disclosure would “create a significant likelihood of serious harassment”

PA49.11 Section 49(1)(a)(iii): disclosure would cause “significant distress, loss of dignity, or injury to feelings” to a victim of an offence

PA53.10 Section 53(b): Cases on “unwarranted disclosure” of another’s affairs

PA53.13 Section 53(c) in relation to informants

PA98.7 Section 98(8): extension of six-month time limit for commencing proceedings

PA104.2 Cases on access orders

PA110.3 Costs decisions under the Privacy Act: particular issues

PA111.4 Proceedings in the Human Rights Review Tribunal

PA111.24 Suppression of case details and name suppression

PA111.29 Tribunal can strike out proceedings

PA111.30 Effect of delay in bringing proceedings

PA111.37 Appeals from Tribunal decisions

PA111.41 Application for review of Tribunal decisions

PA112.8 Breaches involving unavailability of personal information

PA113.9 Consideration (d): recipient or possible recipient

PA113.11 Consideration (f): other relevant matters

PA123.9 Compliance notices can be concurrent with other processes

PA125.5 Reporting to the Privacy Commissioner on the steps taken to comply
PA128.3 Information obtained during the course of an inquiry
PA138.4 “Lead agency” and “relevant minister”
PA138.7 “information sharing agreement or agreement” and “public service”
PA138.10 “organisation” and “specified organisation”
PA138.12 “sharing”

Commentary has also been updated to the tabs Business and Administration Practices; International; Education and Welfare; and Law Enforcement. An updated index can also be found online.

Legislation

Human Rights Act 1993

The Human Rights Act 1993 has been amended by the Remuneration Authority Legislation Act 2022; 2022 No 74.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 has been amended by the Statutes Amendment Act 2022; 2022, No 75.

Privacy Act 2020

The Privacy Act 2020 has been amended by the Firearms Prohibition Orders Legislation Act 2022; 2022, No 41; and the Statutes Amendment Act 2022; 2022, No 75.