

GilchristConnell



Changes to Privacy Laws

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THE WORLD THESE DAYS



Rachel [REDACTED] I'm board.

9 hours ago · Comment · Like



Jeff [REDACTED] I'm chalk, we should get together.

9 hours ago



Rachel [REDACTED] BOARD! Like I don't have anything to do, not BORD, like a chalkbord. Learn to spellcheck.

9 hours ago



Jeff [REDACTED] Oh god I hope you don't breed.

9 hours ago



A NATION IS BORN



BUT ALSO...



Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

- Previous regime – NPPs and IPPs
- New regime – effective 12 March 2014
- 197 changes
- Australian Privacy Principles – APPs
- Other sources of privacy obligations

WHO IS AFFECTED?

Affected Entities (APP entities)	Exempt Entities
Federal government bodies or entities with a connection to the Federal government	Small organisations (revenue < \$3M)
Trusts	Media organisations
Unincorporated associations	Registered political parties
Individuals in business	Most State or Territory authorities and instrumentalities
Bodies corporate	Organisations that are individuals acting in a non-business capacity
Partnerships	Organisations acting under a Commonwealth or State contract
	Employer organisations acting in respect of employee records

PERSONAL INFORMATION

- Previously:

information about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion

- Now:

information about an identifiable individual or an individual who is reasonably identifiable

SENSITIVE INFORMATION

- Personal information about an individual's:
 - racial or ethnic origin; political opinions, associations or memberships; religious/philosophical beliefs or affiliations; professional, trade association or trade union memberships; sexual orientation or practices; criminal record
- Health information about an individual
- Genetic information
- Biometric information and templates

NPPS v APPS

NPPs	Corresponding APPs
NPP 1: Collection	APPs 2 - 5: anonymity and pseudonymity, collection of solicited personal information, dealing with unsolicited personal information and notification of the collection of personal information
NPP 2: Use And Disclosure	APPs 6 & 7: use or disclosure of personal information and direct marketing
NPP 3: Data Quality	APP 10: quality of personal information
NPP 4: Data Security	APP 11: security of personal information
NPP 5: Openness	APP 1: open and transparent management of personal information, including content of APP privacy policy
NPP 6: Access And Correction	APP 12 and 13: access to and correction of personal information
NPP 7: Identifiers	APP 9: adoption, use or disclosure of government related identifiers
NPP 8: Anonymity	APP 2: anonymity and pseudonymity
NPP 9: Trans-Border Data Flows	APP 8: cross-border disclosure of personal information
NPP 10: Sensitive Information	APP 3: collection of solicited sensitive (including health) information

MAIN CHANGES

Data Security





MAIN CHANGES

Direct Marketing



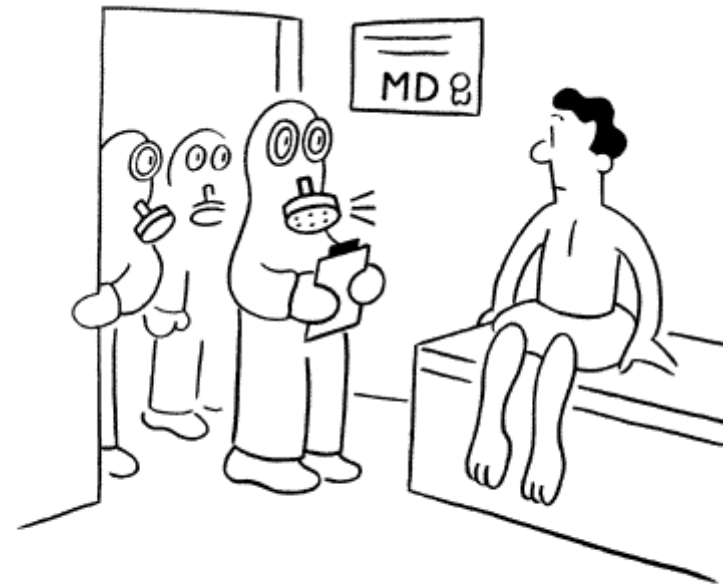
MAIN CHANGES

Cloud computing
& Cross-border
disclosure



MAIN CHANGES

Health
information



"Here's what we know so far..."

MAIN CHANGES

Record keeping





MAIN CHANGES

Powers of the Commissioner

- Investigations
- Determinations
- Enforceable undertakings
- Civil penalties



SOCIAL MEDIA

- Benefits
- Disadvantages
- Applicable principles



ISSUES

- Update of Privacy Policy and compliance
- Insurance issues:
 - Underwriters' obligations
 - Proposal forms
 - Policy terms and available policies
 - Reporting
 - Claims investigation



QUESTIONS?