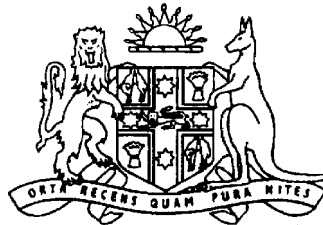


Passed by both Houses



New South Wales

Privacy and Personal Information Protection Amendment (Prisoners) Bill 2002

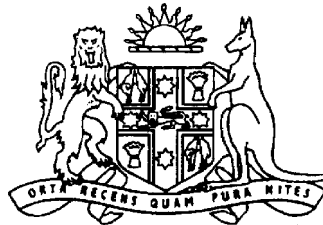
Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Privacy and Personal Information Protection Act 1998 No 133	2
Schedule 1 Amendments	3

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2002

Clerk of the Parliaments



New South Wales

Privacy and Personal Information Protection Amendment (Prisoners) Bill 2002

Act No , 2002

An Act to amend the *Privacy and Personal Information Protection Act 1998* to prohibit damages from being payable for contraventions of privacy laws in relation to persons serving sentences of imprisonment; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Privacy and Personal Information Protection Amendment (Prisoners) Act 2002*.

2 Commencement

This Act commences on the date of assent.

**3 Amendment of Privacy and Personal Information Protection Act
1998 No 133**

The *Privacy and Personal Information Protection Act 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order:

convicted inmate has the same meaning as it has in the
Crimes (Administration of Sentences) Act 1999.

[2] Section 53 Internal review by public sector agencies

Insert after section 53 (7):

- (7A) A public sector agency may not pay monetary compensation under subsection (7) if:
- (a) the applicant is a convicted inmate or former convicted inmate or a spouse, partner, relative, friend or an associate of a convicted inmate or former convicted inmate, and
 - (b) the application relates to conduct of a public sector agency in relation to the convicted inmate or former convicted inmate, and
 - (c) the conduct occurred while the convicted inmate or former convicted inmate was a convicted inmate, or relates to any period during which the convicted inmate or former convicted inmate was a convicted inmate.

[3] Section 54 Role of Privacy Commissioner in internal review process

Insert “, (7A)” after “Section 53 (7)” in section 54 (5).

[4] Section 55 Review of conduct by Tribunal

Omit “subsection (3)” from section 55 (2) (a).

Insert instead “subsections (4) and (4A)”.

[5] Section 55 (4A)

Insert after section 55 (4):

- (4A) The Tribunal may not make an order under subsection (2) (a) if:
- (a) the applicant is a convicted inmate or former convicted inmate or a spouse, partner, relative, friend or an associate of a convicted inmate or former convicted inmate, and
 - (b) the application relates to conduct of a public sector agency in relation to the convicted inmate or former convicted inmate, and
 - (c) the conduct occurred while the convicted inmate or former convicted inmate was a convicted inmate, or relates to any period during which the convicted inmate or former convicted inmate was a convicted inmate.

[6] Schedule 4 Savings, transitional and other provisions

Omit “this Act.” from clause 1 (1). Insert instead:

the following Acts:

this Act

*Privacy and Personal Information Protection Amendment
(Prisoners) Act 2002*

[7] Schedule 4, clause 1 (2)

Omit “this Act”. Insert instead “the Act concerned”.