



New South Wales

Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to ensure that personal information and health information collected by the Chief Executive Officer of Service NSW as part of the response to the COVID-19 pandemic is not used or disclosed except in very limited circumstances.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Service NSW (One-stop Access to Government Services) Act 2013 No 39

Schedule 1[2] inserts proposed Part 3A into the *Service NSW (One-stop Access to Government Services) Act 2013*. The proposed Part contains proposed sections 17A–17C.

Proposed clause 17A sets out the objective of the proposed Part.

Proposed clause 17B sets out protections for personal information and health information held by the Chief Executive Officer of Service NSW if the information was collected in response to the COVID-19 pandemic for contact tracing and the issue of permits. The information held by the Chief Executive Officer must not be used or disclosed except—

- (a) for the purposes for which it was collected, or
- (b) for the purposes of investigating or prosecuting a breach related to the permit, or

- (c) for information contained in a declaration made when entering or leaving New South Wales—for the purposes of investigating or prosecuting a breach related to the declaration,
- (d) to provide access to the information for the individual to which it relates.

The protections override other Acts or laws that may permit access to information, including search warrants or court orders. A failure to comply with the proposed section may be reviewed under the *Privacy and Personal Information Protection Act 1998*, Part 5.

Proposed section 17C requires the Minister to conduct a review of the proposed Part after 1 year and to table a report on the outcome of the review in each House of Parliament.

Schedule 1[1] makes a consequential amendment.