

c2015-152B
GRNS--The Greens

LEGISLATIVE COUNCIL

Data Sharing (Government Sector) Bill 2015

First print

Proposed amendments

No. 1 **Protected information**

Page 4, clause 5 (2). Insert after line 22:

- (c) to disclose any government sector data that is information of the following kind:
 - (i) information about an individual arising out of, or in connection with, an authorised operation within the meaning of the *Law Enforcement (Controlled Operations) Act 1997*,
 - (ii) information about an individual arising out of, or in connection with, a Royal Commission or a Special Commission of Inquiry,
 - (iii) information about an individual arising out of, or in connection with, a complaint made under Part 8A of the *Police Act 1990*,
 - (iv) information about an individual (including an opinion about an individual) relating to the employment or proposed employment of the individual by a government sector agency,
 - (v) information about an individual arising out of, or in connection with, a warrant issued under the *Telecommunications (Interception and Access) Act 1979* of the Commonwealth,
 - (vi) adoption information within the meaning of the *Adoption Act 2000*,
 - (vii) any other information prescribed by the regulations for the purposes of this paragraph, or

No. 2 **Privacy safeguards**

Page 7, clause 12 (2), line 15. Insert "and the Privacy Commissioner" after "data provider".

No. 3 **Privacy safeguards**

Page 7, clause 12, insert after line 16:

- (3) If a data recipient is provided with government sector data that contains health information or personal information, the data recipient is to ensure that the data is made anonymous unless:
 - (a) to do so would defeat the purpose for which the data is transferred to the data recipient, and
 - (b) the data is protected by a privacy code of practice or public interest direction under the privacy legislation.

No. 4 **Data custody**

Page 7, clause 14. Insert after line 36:

- (2) Any health information or personal information that is provided to the DAC must be held on a computer or other storage medium that is owned and controlled by a government sector agency.

No. 5 **Reviews of Act**

Page 9. Insert after line 26:

20 Separate reviews of Act by Auditor-General, Information Commissioner and Privacy Commissioner

- (1) The Auditor-General, the Information Commissioner and the Privacy Commissioner are each to review the operation of the Act separately and report to the Minister on the outcome of their reviews.
- (2) Each such review is to be undertaken as soon as possible after the period of 2 years from the date of assent to this Act.
- (3) The report on the outcome of the review by the Auditor-General, the Information Commissioner and the Privacy Commissioner is to be tabled in each House of Parliament within 12 months after the period of 2 years.