

**Submission
No 3**

INQUIRY INTO PUBLIC INTEREST DISCLOSURES BILL 2021

Organisation: Information and Privacy Commission NSW

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4 November 2021

The Hon Tara Moriarty MLC
Committee Chair
Portfolio Committee No. 1
NSW Legislative Council
Parliament of New South Wales

By email: portfoliocommittee1@parliament.nsw.gov.au

Dear Ms Moriarty

INQUIRY INTO THE PUBLIC INTEREST DISCLOSURES BILL 2021

The Information and Privacy Commission (IPC) is pleased to provide a submission to the Inquiry into the Public Interest Disclosures Bill 2021 (the Bill) to assist the Portfolio Committee No. 1 – Premier and Finance’s review of this important legislative reform.

The IPC oversees the operation of privacy and information access laws in New South Wales.

The Information Commissioner has responsibility for overseeing agency compliance with the information access rights enshrined in the *Government Information (Public Access) Act 2009* (GIPA Act) and exercises functions prescribed in the GIPA Act and the *Government Information (Information Commissioner) Act 2009*.

The Privacy Commissioner has responsibility for overseeing and advising NSW public sector agencies on compliance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

As a member of the Public Interest Disclosure Steering Committee (the Steering Committee), the Information Commissioner notes the Steering Committee’s Annual Report for 2020-21 which was tabled in Parliament on 4 November 2021. The Information Commissioner joins with Committee members in welcoming the Bill, which will represent a significant enhancement to whistleblower protections in NSW, helping to ensure that reports of wrongdoing are acted upon, and that reporters are encouraged to come forward and are protected when they do.

The Privacy Commissioner was consulted during the development of the Bill and supports in particular the aspects relating to privacy, including:

- A ‘privacy contravention’ being included in the definition of ‘serious wrongdoing’ relating to the exercise of functions by agencies and public officials under the PPIP Act and the HRIP Act
- The Privacy Commissioner being specified as an ‘integrity agency’ with powers under NSW privacy laws to investigate a ‘privacy contravention’, and

- The Privacy Commissioner being a member of the Steering Committee.

Both Commissioners look forward to working with the Steering Committee to support the implementation of the new legislation. This will include:

- supporting the Ombudsman's Office as it develops new public and agency guidelines, reporting tools, templates and training, and
- providing advice to Government on the draft regulations under the Bill.

The Commissioners welcome the opportunity to make a submission to the Committee.

Yours sincerely

~~Elizabeth Tydd~~
CEO, Information and Privacy Commission NSW
Information Commissioner
NSW Open Data Advocate

Samantha Gavel ✓
Privacy Commissioner