



THE AUSTRALASIAN COLLEGE OF DERMATOLOGISTS

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Policy, Reform and Legislation
NSW Department of Communities and Justice
GPO Box 31
Sydney NSW 2001

By email: policy@justice.nsw.gov.au

To Whom It May Concern

RE: Proposed changes to NSW Privacy Laws – Mandatory Notification of Data Breaches by NSW Public Sector Agencies

Thank you for the opportunity to provide feedback on the Privacy and Personal Information Protection Amendment Bill 2021. This Amendment will establish a mandatory notification of data breach (MNDB) scheme to require public sector agencies bound by the *Privacy and Personal Information Protection Act 1998* to notify the Privacy Commissioner and affected individuals of data breaches of personal or health information, which are likely to result in serious harm.

The ACD is the peak medical college accredited by the Australian Medical Council for the training and professional development of medical practitioners in the speciality of Dermatology. The ACD has a NSW/ACT membership base of 208 practising specialist dermatologists and 37 trainees.

A number of our fellows work across public and private settings, and as such are responsible for the collection, management, security and safe storage of a great number of health, personal and privacy information. There is an expectation that our members adhere to the appropriate legislative instruments, as well as Commonwealth legislation to achieve a high standard of clinical practice and patient trust. We support breaches of health information being captured by the MNDB scheme. It is important that this sensitive subset of personal information is protected.

Data breaches can have serious consequences both for government agencies and for individuals affected. It is vitally important to maintaining public trust that individuals can be notified and can take action to protect themselves in the event of a data breach that is likely to result in serious harm and that agencies are encouraged to build their capacity to properly respond to data breaches. Comprehensive capture of data breaches can help identify and track patterns of breaches, enabling more targeted system-wide approaches to improving preparedness and responsiveness.

We are supportive of the NSW MNDB scheme sharing the same notification threshold as the Commonwealth National Data Breach scheme, while noting the differences in application and enforcement between these two schemes. The more consistency that can be achieved nationally, the simpler it will be for agencies and organisations to adopt best practice.

Thank you again for the opportunity to make a submission. Please contact [REDACTED], Policy Manager at [REDACTED] for further correspondence on this matter.

Kind regards

[REDACTED]