

Health

- My Health Record and Healthcare Identifier privacy complaints and investigations
- General health complaints, Data Breach Notifications (DBNs) and Commissioner Initiated Investigations (CIIs) under the APPs
- Mandatory My Health Record system DBNs
- Development of guidance and advice for the health sector (including related to digital health)
- Privacy Assessments (audits)
- Approval of S 95, 95A, 95AA Guidelines (through the NHMRC) – medical research, health and genetic information
- S 135AA (National Health Act 1953) – guidelines on MBS/PBS
- Australian Digital Health Agency MOU
- National Cancer Screening Register (privacy aspects, DBNs)
- Maintain and administer the My Health Records (Information Commissioner Enforcement Powers) Guidelines 2016.

Regulatory, Guidance, Monitoring, Advice functions

- Administer Privacy Act, associated rules, binding guidelines, public interest determinations, and privacy codes (including the Australian Government Agencies Privacy Code).
- Handle privacy complaints from individuals in relation to Australian and Norfolk Island, ACT government agencies and organisations (all business sectors). Conduct Assessments (audits) of agencies, credit providers, credit reporting bodies and since the reforms, the private sector.
- Notifiable Data Breaches scheme (NDB scheme) – receive notifications of eligible data breaches, provide guidance to regulated entities and individuals, exercise regulatory enforcement functions (including direction to notify) where appropriate.
- Commissioner Initiated Investigations (CIIs): conduct investigations including use of new regulatory powers (enforceable undertakings, make determinations, civil penalties).
- Direct government agencies to conduct a Privacy Impact Assessment and recommend to business.
- Make Public Interest Determinations to exempt otherwise unlawful APP acts and practices in the public interest: legislative instrument requires consultation, approval, registration.
- Guidance related functions (making guidelines and developing resources for the avoidance of interferences with privacy, promoting understanding of the Privacy Act and delegated legislation, undertaking educational programs to promote protection of privacy).
- Monitoring related functions (for example, examining proposed enactments that would require or authorise interference with privacy).
- Advice related functions (providing advice to agencies and organisations on the operation of the Privacy Act, reports and recommendations to Minister).

MOUs

- DIBP - assessment of handling of passenger name record data under APPs and EU agreement
- ACMA MOU – framework for mutual assistance
- DHS MOU – privacy advice and guidance
- ABS MOU – privacy advice and guidance

Personal Property Securities Register (PPSR)

Entities and individuals, that may not otherwise be covered by the Privacy Act are covered for specific acts (unauthorised searches and not giving appropriate notices). All regulatory functions attributed.

Participation in privacy forums

- APEC Cross Border Privacy Enforcement Arrangement
- Asia Pacific Privacy Authorities Forum
- OECD Global Privacy Enforcement Network
- Commonwealth Common Thread
- MOU with Data Protection Commissioner of Ireland – mutual assistance with enforcement Oaic networks
- Establish and regularly engage with Privacy Professionals Network and Consumer Privacy Network

State and Territory Cooperation

Working with State and Territory Privacy Commissioners

Unique Student Identifier

Oversight functions and MOU with the SI Registrar

Australian Capital Territory (ACT)

Privacy Commissioner Functions for the ACT and MOU with ACT government

Small Business - Opt-in Register

Small business can opt in to be covered by the Privacy Act. Administering scheme, regulating small business

Tax File Numbers (TFN)

- Issue TFN Rules
- Assess TFN publication requirements and records of ATO and TFN recipients
- Advice on policy proposals to extend uses of TFN e.g. locating lost superannuation

Privacy Act Privacy Commissioner Functions & interaction with other statutes and entities

Submissions and Advice

To Parliamentary Committees and Government on issues relating to proposals impacting on the community's privacy

APPS – Government & business

- Guidelines
- Rules
- Advice
- Complaints
- Commissioner initiated investigations
- Assessments
- Data Breach Notifications
- Privacy Impact Assessments – Directing Agencies
- External Dispute Resolution Scheme oversight

National Security Initiatives - Identity Security and Cyber Policy

- National Security Legislative initiatives e.g. National Security Amendment Bills. Advice to Government, Parliament, oversight and assessments.
- Document Verification System: Conduct Assessments (audits) of issuing and user agencies and Hub providers in public and private sectors
- Foreign Fighters Act: Conduct Assessments (audits) of DIBP and related entities implementing the Act
- Contribute to work of Federal / State National Identity Security Coordination Group in enhancing Australia's identity security framework
- Participate in the National Identity Security Coordination Group; consultation and advice on the National Facial Biometric Matching Capability and MOU for assessments
- Contribute to cross government initiatives relating to Cyber Security in the context of APP 11 and the Oaic's Guide to securing personal information

Code Development

Australian Privacy Principle (APP) Codes
Approve Codes under APPs.
Code regulator functions.

Credit Information

- CR Code (approval process, oversight and review)
- Issuing Credit rules
- External Dispute Resolution (EDR) scheme – recognition/ oversight – advice, complaints
- Complaints, DBNs, CIIs
- Assessments (Audits)
- S20z (CRBs notify Commissioner of pending correction requests)
- Consumer, credit provider and credit reporting bodies advice and guidance

Public Interest Determinations

Advice on applications, public consultation process, approving, registration as legislative instrument

Anti-Money Laundering and Counter Terrorism Funding Legislation (AML/CTF) and AUSTRAC

- Entities that may not otherwise be covered by the Privacy Act are covered where they have AML / CTF obligations.
- All regulatory functions attributed.
- Providing guidance to AUSTRAC on privacy impacts of their activities; participate in AUSTRAC Privacy Consultative Committee

Telecommunications

- Conduct assessments and Commissioner Initiated Investigations (CIIs), into individual complaints.
- Respond to formal consultation requirements for ACMA and Communications Alliance industry Codes developed under the Telecommunications Act.
- Advise re Telecommunications Sector Security Reforms legislation
- Undertake s.309 assessments (audits) of records of disclosure to law enforcement agencies.
- Coordination of regulatory action with ACMA.
- Provide advice on privacy impacts of IPND, Do Not Call Register, interrelationship between Spam and Privacy Acts.
- Oversight role under the data retention scheme – investigations, complaints and assessments (audits); consultation on enforcement agency declarations

Data Matching

- Issuing Guidelines for voluntary data matching (that does not use the TFN).
- Examining data matching protocols developed by agencies (e.g. ATO, DHS) and considering requests for exemption from the voluntary guidelines.
- Oversight of DHS's Non-Employment Income and PAYG data matching programs e.g. Oaic assessments

Crimes Act (Spent convictions)

- Handle complaints re spent convictions provision of Crimes Act
- Advise on applications for exemption from spent convictions regime under the Crimes Act
- Provide advice on privacy impacts of spent conviction regime



Australian Government

Office of the Australian Information Commissioner