



information
and privacy
commission
new south wales

Enquiries: David Marcus
Telephone: [REDACTED]
Our reference: IPC15/A000126

Mr Timothy Pilgrim
Acting Australian Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

By email: consultation@oaic.gov.au

Dear Mr Pilgrim,

Revised PCEHR (Information Commissioner Enforcement Powers) Guidelines 2015

I write in response to the invitation for public comment on the revised *PCEHR (Information Commissioner Enforcement Powers) Guidelines 2015* (Revised Guidelines). Thank you for the short extension to be able to submit past the closing date.

The 2014 Privacy Act reforms have resulted in significant new enforcement powers for the Information Commissioner. The preparation of the Revised Guidelines is commended as they support appropriate regulation of sensitive personal and health information. By setting out the general approach to be taken by the Information Commissioner, the Revised Guidelines provide transparency and accountability in the use of the new regulatory powers.

It is pleasing to note that, given the coercive nature of the new regulatory powers, the Revised Guidelines adopt an escalation model in the use of regulatory force to remedy contraventions. The Information and Privacy Commission is refreshing its regulatory framework for the administration of information access and privacy regimes in NSW. The IPC's aim is to foster compliance through a graduated scale of interventions ranging from persuasion and information (probably for the bulk of cases) through to more directive mechanisms where regulated entities are unwilling or unable to achieve compliance. In this regard, entities in NSW that are regulated under both State and Commonwealth regimes, and entities that move between the regimes, will experience consistent regulatory approaches.

The IPC's regulatory framework will include a statement of regulatory strategy and a statement of jurisdiction. These statements will assist us to, among other things, streamline appropriate referral to other regulators, including to the OAIC, in circumstances of absence of IPC jurisdiction. The OAIC's regulatory guidance, including the Revised Guidelines, greatly assists in the referral process.

Please do not hesitate to contact David Marcus, Manager Performance Reporting and Projects, on [REDACTED] or by email at [REDACTED] if you have any queries.

Yours sincerely

[REDACTED]
Ms Elizabeth Tydd
Chief Executive Officer and NSW Information Commissioner

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Level 11, 1 Castlereagh Street, Sydney NSW 2000 • GPO Box 7011, Sydney NSW 2001
t 1800 ipc nsw (1800 472 679) • f 02 8114 3756 • e ipcinfo@ipc.nsw.gov.au

www.ipc.nsw.gov.au