



Australian Government

Department of Veterans' Affairs

Privacy Impact Assessment Report Executive Summary

**Veterans' Affairs Legislation
Amendment
(Digital Readiness and Other Measures)
Bill 2016**

Public Interest Disclosure Provisions

Executive Summary

- The PID provisions relate only to the disclosure of information (including ‘personal information’ and ‘sensitive information’ as defined in the *Privacy Act 1988* (Privacy Act)) in listed circumstances – in this way, they provide further bases for authorised disclosure, which operate in addition to the current bases for authorised disclosure set out in Australian Privacy Principle (APP) 6.
- In all other respects, any personal information that may potentially be disclosed by the Department through the operation of the PID provisions is required to be handled by the Department in accordance with the current APPs relating to collection, use, quality, security and access.
- The PID provisions contain detailed and stringent controls over the exercise of the disclosure power that reflect the importance of taking necessity and proportionality considerations into account before relying on the provisions to make a disclosure.
- The requirement that an individual be notified of a proposed disclosure of their personal information prior to any disclosure being made is an important privacy safeguard – it will operate to ensure that the power is exercised in appropriate and necessary cases and will also provide individuals with the opportunity to inform the Department if information is inaccurate, out of date or incomplete. The requirement also provides the individual with an opportunity to seek advice or consider the option of themselves making a public statement to publish the information proposed to be released by the Department, therefore negating the need for a PID to be made.
- In some instances, the PID provisions could operate to permit public disclosure of personal information, rather than disclosure to particular recipients subject to specific privacy obligations in their own handling of this information – and that this public disclosure power would be utilised only in circumstances where a significant public benefit would be served by such action, supplementary procedures should be developed to assist in assessing the potential consequences, risks and benefits of any public disclosure.
- It will be necessary for the Department’s current privacy materials and published documents to be reviewed and updated to reflect the operation and effect of the PID provisions. In addition, specific staff training materials and guidelines need to be prepared to ensure that Departmental employees understand the meaning and operation of key definitions and tests in the PID provisions and are able to explain the effect of these changes to Departmental clients and other stakeholders.