



New South Wales

# **Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Act 2021 No 35**

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# **Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Act 2021 No 35**

Act No 35, 2021

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An Act to amend the *Service NSW (One-stop Access to Government Services) Act 2013* to provide additional safeguards on certain information collected during the COVID-19 pandemic. [Assented to 29 November 2021]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Act 2021*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Service NSW (One-stop Access to Government Services) Act 2013 No 39

### [1] Clause 3 Definitions

Omit section 3(1), definition of *information*. Insert instead—

*health information* has the same meaning as in the *Health Records and Information Privacy Act 2002*.

*information* includes personal information and health information.

### [2] Part 3A

Insert after Part 3—

## Part 3A Information collected during COVID-19 pandemic—additional protections

### 17A Objective of Part

The objective of this Part is to recognise that—

- (a) the collection of information about the location or movement of people during the COVID-19 pandemic plays a vital role in protecting people from serious illness and death, and
- (b) people are generally compelled to provide the information under extraordinary powers that have been invoked because of the pandemic, and
- (c) people expect the information provided will be used only for the purposes of protecting them from the pandemic, and
- (d) inappropriate use or disclosure of the information may increase the circumstances in which information is not provided and consequently increase the risk of serious illness or death.

### 17B Information collected by CEO in relation to COVID-19

- (1) This section applies to personal information or health information held by the CEO if the information was collected—
  - (a) in the exercise of a function under an order made under the *Public Health Act 2010*, section 7 in response to COVID-19 (a **public health order**), or
  - (b) under authority of a public health order, or
  - (c) for the purpose of COVID-19 contact tracing and because of a direction given by the Minister under section 4(c).
- (2) The information held must not be used or disclosed except—
  - (a) for the purposes for which it was collected, or
  - (b) for the purposes of contact tracing, including in another Australian jurisdiction, or
  - (c) for information collected in relation to the issue of a permit—for the purposes of investigating or prosecuting a breach of a public health order related to the permit, or
  - (d) for information collected in relation to a declaration provided when entering or leaving New South Wales—for the purposes of

- investigating or prosecuting a breach of a public health order related to the declaration, or
- (e) for information about an individual—to provide access to the information for—
    - (i) the individual, or
    - (ii) if the individual is under 16 years of age—a person having parental responsibility for the individual, or
    - (iii) if the individual lacks capacity to access the information—a person having the care of the individual.
- (3) Nothing in this section prevents the proper disposal of the information.
  - (4) This section extends to information collected by the CEO—
    - (a) before the commencement of this section, or
    - (b) that was not required to be provided to the CEO.
  - (5) This section has effect despite—
    - (a) another provision of this Act, or
    - (b) another Act or law, including a warrant or an order of a court.
  - (6) A failure to comply with this section is taken to be conduct to which the *Privacy and Personal Information Protection Act 1998*, Part 5 applies.

#### **17C Review of Part**

- (1) The Minister must review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 1 year from the commencement of this Part.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 6 months after the end of the period of 1 year.

[Second reading speech made in—  
Legislative Assembly on 10 November 2021  
Legislative Council on 19 November 2021]