



New South Wales

Privacy and Personal Information Protection Amendment (Aboriginal Trust Funds Exemption) Regulation 2006

under the

Privacy and Personal Information Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Privacy and Personal Information Protection Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Privacy and Personal Information Protection Regulation 2005* to exempt specified public sector agencies engaged in the implementation of the Aboriginal Trust Funds Repayment Scheme (*ATFRS agencies*) from provisions of the *Privacy and Personal Information Protection Act 1998* relating to the collection, holding, use and disclosure of personal information for the purposes of that scheme. This Regulation will also permit other public sector agencies to disclose personal information to an ATFRS agency for the purposes of that scheme.

This Regulation is made under the *Privacy and Personal Information Protection Act 1998*, including section 71 (the general regulation-making power).

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Clause 1

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Amendment (Aboriginal Trust Funds Exemption)
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1 Name of Regulation

This Regulation is the *Privacy and Personal Information Protection Amendment (Aboriginal Trust Funds Exemption) Regulation 2006*.

**2 Amendment of Privacy and Personal Information Protection
Regulation 2005**

The *Privacy and Personal Information Protection Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 8

Insert after clause 7:

8 Aboriginal Trust Funds Repayment Scheme exemption

- (1) In this clause:

ATFRS agency means the Department of Aboriginal Affairs, the State Records Authority or the Premier's Department.

ATFR Scheme means the Aboriginal Trust Funds Repayment Scheme established by the NSW Government.
- (2) An ATFRS agency is exempt from sections 8–11 and 15–19 of the Act in respect of the collection, holding, use and disclosure of personal information in connection with the implementation and operation of the ATFR Scheme if:
 - (a) before collecting, using or disclosing any personal information about a claimant or potential claimant under the ATFR Scheme, the ATFRS agency ensures that the claimant or potential claimant (or if the person is deceased, a relative of the person) is notified of the following:
 - (i) the fact that personal information may be collected, held, used and disclosed,
 - (ii) the purposes for which that information may be collected, held, used and disclosed,
 - (iii) the persons or agencies to which that information may be disclosed,
 - (iv) any rights of the person under the Act relating to that collection, holding, use or disclosure, and
 - (b) the ATFRS agency takes reasonable steps to ensure that personal information affected by the exemption is not unreasonably or unnecessarily disclosed.
- (3) A public sector agency is exempt from sections 17–19 of the Act in respect of a disclosure of personal information to an ATFRS agency in connection with the implementation and operation of the ATFR Scheme.