



New South Wales

# Privacy Code of Practice (General) Amendment (Domestic Violence Intervention) 2010

under the

Privacy and Personal Information Protection Act 1998

I, the Attorney General, in pursuance of section 31 of the *Privacy and Personal Information Protection Act 1998*, do, by this my Order, make the following Privacy Code of Practice.

JOHN HATZISTERGOS, M.L.C.,  
Attorney General

## Explanatory note

This Order amends the *Privacy Code of Practice (General) 2003* to modify the application of the information protection principles contained in the *Privacy and Personal Information Protection Act 1998* (**the Act**) in respect of public sector agencies that participate in the Domestic Violence Intervention Court Model (**the scheme**). The scheme applies to:

- (a) alleged perpetrators of domestic violence who have been charged with a domestic violence offence by a police officer in the Campbelltown, Macquarie Fields or Wagga Wagga Local Area Command or against whom proceedings for a domestic violence offence have been commenced in (or moved or adjourned to) the Local Court at Campbelltown, Junee, Temora or Wagga Wagga, and
- (b) victims (including alleged victims) of those perpetrators, and
- (c) persons in a domestic relationship with those victims.

This Order permits public sector agencies that participate in the scheme to collect, use, disclose or deal with personal information about the persons to whom the scheme applies without complying with a number of the information protection principles in the Act. However, any such collection, use, disclosure or dealing must be for the purposes of the scheme and must be done in accordance with the privacy procedures for the scheme that are approved by the Attorney General from time to time.

This Order also exempts any such agency from provisions of the Act that enable a person to have access to the person's own personal information. Such access is not required to be provided in respect of personal information held for the purposes of the scheme unless the person seeking access to their own information is a victim.

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The Order also makes amendments consequential on the *Public Sector Employment and Management (Departmental Amalgamations) Order 2009* which abolished a number of Departments referred to in the *Privacy Code of Practice (General) 2003*.

This Order is made under section 31 of the *Privacy and Personal Information Protection Act 1998*.

## **Privacy Code of Practice (General) Amendment (Domestic Violence Intervention) 2010**

under the

Privacy and Personal Information Protection Act 1998

### **1 Name of Code**

This Code is the *Privacy Code of Practice (General) Amendment (Domestic Violence Intervention) 2010*.

### **2 Commencement**

This Code commences on the day on which it is published in the Gazette.

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Schedule 1 Amendment of Privacy Code of Practice (General) 2003

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### Schedule 1 Amendment of Privacy Code of Practice (General) 2003

[1] **Part 5**

Omit the heading to the Part. Insert instead:

#### **Part 5 Correctional services**

[2] **Clause 12 Definitions**

Omit the definition of *Department* from clause 12 (1). Insert instead:

*Department* means the Department of Justice and Attorney General.

[3] **Clause 16 Disclosure of personal information**

Omit “Community” from clause 16 (c) (i). Insert instead “Human”.

[4] **Clause 17 Interpretation**

Omit “Ageing, Disability and Home Care” from paragraph (a) of the definition of *ageing, disability or home care service agency* or *ADHC agency* in clause 17 (1).

Insert instead “Human Services”.

[5] **Part 8**

Insert after Part 7:

#### **Part 8 Domestic Violence Intervention Court Model**

##### **22 Definitions**

In this Part:

*domestic relationship* has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

*domestic violence offence* has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

*person who has been charged with an offence* has the same meaning as it has in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

*scheme*—see clause 23.

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*victim of domestic violence* means a person who has been, or who is alleged to have been, the victim of a domestic violence offence.

**23 The scheme**

- (1) In this Part:  
*scheme* means the scheme known as the Domestic Violence Intervention Court Model.
- (2) The objects of the scheme are as follows:
- (a) to ensure the safety of victims of domestic violence and persons in domestic relationships with those victims,
  - (b) to ensure that persons who have been charged with domestic violence offences are dealt with appropriately,
  - (c) to prevent persons who commit domestic violence offences from re-offending,
  - (d) to improve the coordination of services to victims of domestic violence and persons in domestic relationships with those victims,
  - (e) to ensure domestic violence matters are effectively managed throughout the criminal justice process.

**24 Persons to whom Part applies**

This Part applies to the following persons:

- (a) a person who has been charged with a domestic violence offence by a police officer in the Campbelltown, Macquarie Fields or Wagga Wagga Local Area Command within the NSW Police Force,
- (b) a person against whom proceedings for a domestic violence offence have been commenced in (or moved or adjourned to) the Local Court at Campbelltown, Junee, Temora or Wagga Wagga,
- (c) a victim of domestic violence in respect of an offence referred to in paragraph (a) or (b),
- (d) a person in a domestic relationship with a victim referred to in paragraph (c).

**25 Non-compliance with certain information protection principles**

A public sector agency that participates in the scheme is not required to comply with section 8 (1), 9, 10, 11, 13, 15, 17, 18 or 19 (1) of the *Privacy and Personal Information Protection*

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Schedule 1 Amendment of Privacy Code of Practice (General) 2003

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*Act 1998* in respect of the collection, use or disclosure of, or any dealings with, personal information about a person to which this Part applies, if that collection, use, disclosure or dealing is:

- (a) for the purposes of the scheme, and
- (b) done in accordance with the privacy procedures for the scheme that are approved by the Minister from time to time.

### 26 Access to personal information by victims

A public sector agency that participates in the scheme is not required to comply with section 14 of the *Privacy and Personal Information Protection Act 1998* in respect of personal information about a person to which this Part applies that is held for the purposes of the scheme, unless the person is a victim of domestic violence.

#### [6] Schedule 1 Permitted transfers of personal information

Omit “Attorney General’s Department” from clause 1 (1).

Insert instead “Department of Justice and Attorney General”.

#### [7] Schedule 3 Modification of information protection principles applying to ageing, disability and home care service agencies

Omit “Ageing, Disability and Home Care” wherever occurring in clauses 6 (2) (b) and 7 (2) (b).

Insert instead “Human Services”.

BY AUTHORITY

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