



New South Wales

# Information Sharing Amendment (Corrective Services NSW) Regulation 2024

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the following Acts—

- (a) the *Crimes (Administration of Sentences) Act 1999*,
- (b) the *Government Information (Public Access) Act 2009*,
- (c) the *Health Records and Information Privacy Act 2002*,
- (d) the *Privacy and Personal Information Protection Act 1998*.

MICHAEL DALEY, MP  
Attorney General

## Explanatory note

The object of this regulation is to amend the following regulations to provide that Corrective Services NSW and the Department of Communities and Justice must be treated as a single Public Service agency for the purposes of the Act under which each regulation is made—

- (a) the *Government Information (Public Access) Regulation 2018*,
- (b) the *Health Records and Information Privacy Regulation 2022*,
- (c) the *Privacy and Personal Information Protection Regulation 2019*.

The regulation also amends the *Crimes (Administration of Sentences) Regulation 2014* to prescribe information that may be exchanged between Corrective Services NSW and the Department of Communities and Justice in relation to misconduct by correctional employees.

The regulation is consequent on the establishment of Corrective Services NSW as a Public Service agency on 1 October 2024.

## **Information Sharing Amendment (Corrective Services NSW) Regulation 2024**

### **1 Name of regulation**

This regulation is the *Information Sharing Amendment (Corrective Services NSW) Regulation 2024*.

### **2 Commencement**

This regulation commences on 1 October 2024.

## Schedule 1 Amendment of regulations

### 1.1 Crimes (Administration of Sentences) Regulation 2014

[1] **Clause 327, heading**

Insert “with Commissioner of Fines Administration” after “information”.

[2] **Clause 327A**

Insert after clause 327—

**327A Authority to exchange information relating to misconduct by correctional employees**

- (1) This clause applies to an information sharing arrangement between the Commissioner and the Secretary of the Department of Communities and Justice under the Act, section 257A.
- (2) For the Act, section 257A(4), definition of *prescribed information*, information is of a prescribed kind if the information assists in the exercise of the Commissioner’s functions in relation to misconduct of correctional employees, including functions under the Act or the *Government Sector Employment Act 2013*.
- (3) The information prescribed by subclause (2) includes—
  - (a) health information, within the meaning of the *Health Records and Information Privacy Act 2002*, and
  - (b) personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998*.
- (4) In this clause—

*correctional employee* has the same meaning as in the Act, section 236P.  
*misconduct* includes conduct or alleged conduct of a correctional employee that—

  - (a) constitutes, or would constitute, a criminal offence by the employee, or
  - (b) would provide grounds for taking proceedings or action under the *Government Sector Employment Act 2013* against the employee.

### 1.2 Government Information (Public Access) Regulation 2018

**Schedule 3 Agencies declared to be part of other agencies**

Insert after the matter relating to the Coroner—

Corrective Services NSW

Department of Communities and Justice

### 1.3 Health Records and Information Privacy Regulation 2022

[1] **Section 10, heading**

Omit “s 75(2)(d)(iii)”. Insert instead “s 75(2)(d)(i) and (iii)”.

[2] **Section 10(2)**

Insert at the end of the section—

- (2) The following public sector agencies must be treated as a single agency for the purposes of the Act—

- (a) Corrective Services NSW,
- (b) the Department of Communities and Justice.

## **1.4 Privacy and Personal Information Protection Regulation 2019**

### **Clause 5A**

Insert after clause 5—

#### **5A Certain public sector agencies to be regarded as part of another agency**

For the Act, section 4B(1)(a), it is declared that Corrective Services NSW, for each of its functions, must be regarded as part of and included in the Department of Communities and Justice.