

Passed by both Houses



New South Wales

Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2021



New South Wales

Service NSW (One-stop Access to Government Services) Amendment (COVID-19 Information Privacy) Bill 2021

Act No _____, 2021

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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.