

Privacy Code of Practice (General) 2003

[2003-273]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**

Gazette No 63 of 26.3.2004, p 1527, Sch 1 [2] [3] and [5] (not commenced — Sch 1 [2] to commence on the commencement of cl 21 of Sch 1 to the [Dental Practice Act 2001](#); Sch 1 [3] to commence on the commencement of Sch 1 [32] to the [Nurses Amendment Act 2003](#); Sch 1 [5] to commence on the commencement of cl 21 of Sch 1 to the [Podiatrists Act 2003](#))

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Privacy Code of Practice (General) 2003



New South Wales

Part 1 Preliminary

1 Name of Code

This Code is the *Privacy Code of Practice (General) 2003*.

2 Operation of Code

This Code modifies the application of the information protection principles and public register provisions of the Act.

3 Limitations

Nothing in this Code:

- (a) authorises an agency to deal with personal information in a way that is contrary to any other Act or law other than the provisions of the Act modified by this Code, or
- (b) affects a disclosure that is otherwise permitted by law (including, but not limited to, a disclosure made pursuant to the *State Records Act 1998* or the *Freedom of Information Act 1989*), or
- (c) prevents an agency from disclosing personal information with the consent of the individual to whom the information relates.

4 Definitions

In this Code:

agency means a public sector agency.

information protection principles means the principles set out in Division 1 of Part 2 of the Act.

public register provisions means the provisions of Part 6 of the Act.

the Act means the *Privacy and Personal Information Protection Act 1998*.

Part 2 Inter-agency transfers of personal information

5 Application of Part

This Part applies to the exchange of personal information between the agencies specified in Schedule 1.

6 Permitted transfers of personal information

The information protection principles are modified to the extent necessary to permit the transfer between the agencies, of the personal information, and for the purposes, described in Schedule 1.

Part 3 Public registers

7 Application of Part

This Part applies to the disclosure of personal information contained in public registers.

8 Modification of Part 6 of the Act

- (1) Part 6 of the Act is modified to the extent necessary to permit a disclosure referred to in subclause (2).
- (2) An agency specified in Column 2 of Schedule 2 that is responsible for keeping a public register (or that part of a register) described in Column 1 may, subject to any conditions set out in Column 1, disclose personal information kept in the register (or part of the register) without being satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Schedule 1 Permitted transfers of personal information

(Clause 6)

1 Verification of vehicle ownership details by Sheriff

- (1) **Agencies exchanging personal information** Roads and Traffic Authority, Attorney General's Department.
- (2) **Type of personal information** Vehicle registered operator details.
- (3) **Purpose for which information is exchanged** To permit the Sheriff to verify vehicle registered operator details in connection with the proposed or actual seizure of a vehicle.

2 Environmental offences involving vehicles

- (1) **Agencies exchanging personal information** Roads and Traffic Authority,

Environment Protection Authority.

(2) **Type of personal information** Vehicle registered operator details.

(3) **Purpose for which information is exchanged** To permit the Environment Protection Authority to contact the operator of a vehicle when it has received a report about an environmental offence concerning the vehicle.

Schedule 2 Modification of Part 6 of the Act

(Clause 8)

Column 1	Column 2
Public register	Agency responsible for keeping the register
1 The record maintained under section 58 of the Contaminated Land Management Act 1997 , however, this exception does not extend to the name of an individual who is the occupier, owner or polluter of a contaminated site or the address of such an individual if the individual does not reside at a contaminated site.	Environment Protection Authority
2 The registers listed in regulation 15.1 of the Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth that apply in New South Wales as the Road Transport Reform (Dangerous Goods) (New South Wales) Regulations under the Road and Rail Transport (Dangerous Goods) Act 1997 , however, this exception does not extend to information relating to the medical condition or the driving history of an individual.	Environment Protection Authority
3 The Credit Register for the tradeable emission scheme known as the Hunter River Salinity Trading Scheme, made publicly available by the EPA through the Internet, comprising the name and contact details of a member of the Scheme or an employee or agent of that member and the member's business facilities, credit holdings and trading history.	Environment Protection Authority
4 The information made publicly available by the EPA through the Internet concerning the Waste Reduction Grants Program paid from the Waste Fund set up under section 19 of the Waste Avoidance and Resource Recovery Act 2001 comprising the name and contact details of the person awarded the grant, or an employee or agent of that person, the amount of the grant, the grant number and the details of the project for which the grant was given.	Environment Protection Authority

5	The information made publicly available by the EPA through the Internet concerning grants made under the Stormwater Trust Grants Scheme administered by the EPA comprising the name and contact details of the person offered the grant, or an employee or agent of that person, the amount of the grant, the grant number and the details of the project for which the grant was offered.	Environment Protection Authority
6	The public register kept under Part 9.5 of the Protection of the Environment Operations Act 1997 .	Environment Protection Authority
7	The Register of Chiropractors for New South Wales kept under clause 21 of Schedule 1 to the Chiropractors Act 2001 .	Chiropractors Registration Board
8	The Register of Dental Technicians of New South Wales kept under section 14 of the Dental Technicians Registration Act 1975 .	Dental Technicians Registration Board
9	The Register kept under section 12 of the Dentists Act 1989 .	Dental Board
10	The Register of Medical Practitioners for New South Wales kept under clause 21 of Schedule 1 to the Medical Practice Act 1992 .	New South Wales Medical Board
11	The Register of Nurses kept under section 16 of the Nurses Act 1991 .	Nurses Registration Board
12	The Register of Optical Dispensers for New South Wales kept under section 21 of the Optical Dispensers Act 1963 .	Optical Dispensers Licensing Board
13	The Register of Optometrists for New South Wales kept under clause 21 of Schedule 1 to the Optometrists Act 2002 .	Optometrists Registration Board
14	The Register of Osteopaths for New South Wales kept under clause 21 of Schedule 1 to the Osteopaths Act 2001 .	Osteopaths Registration Board
15	The Register of Pharmacists kept under section 12 of the Pharmacy Act 1964 .	Pharmacy Board of New South Wales
16	The Register of Physiotherapists for New South Wales kept under clause 21 of Schedule 1 to the Physiotherapists Act 2001 .	Physiotherapists Registration Board
17	The register kept under section 9 of the Podiatrists Act 1989 .	Podiatrists Registration Board
18	The Register of Psychologists for New South Wales kept under clause 21 of Schedule 1 to the Psychologists Act 2001 .	Psychologists Registration Board