

# Privacy and Personal Information Protection Amendment (Prisoners) Act 2002 No 116

[2002-116]



New South Wales

## Status Information

### Currency of version

Repealed version for 12 December 2002 to 21 July 2003 (accessed 23 November 2024 at 5:42)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

### 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](#).

File last modified 22 July 2003

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# Privacy and Personal Information Protection Amendment (Prisoners) Act 2002 No 116



New South Wales

An Act to amend the *Privacy and Personal Information Protection Act 1998* to prohibit damages from being payable for contraventions of privacy laws in relation to persons serving sentences of imprisonment; and for other purposes.

## 1 Name of Act

This Act is the *Privacy and Personal Information Protection Amendment (Prisoners) Act 2002*.

## 2 Commencement

This Act commences on the date of assent.

## 3 Amendment of *Privacy and Personal Information Protection Act 1998 No 133*

The *Privacy and Personal Information Protection Act 1998* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in alphabetical order:

**convicted inmate** has the same meaning as it has in the *Crimes (Administration of Sentences) Act 1999*.

### [2] Section 53 Internal review by public sector agencies

Insert after section 53 (7):

(7A) A public sector agency may not pay monetary compensation under subsection (7) if:

- (a) the applicant is a convicted inmate or former convicted inmate or a spouse, partner, relative, friend or an associate of a convicted inmate or former convicted inmate, and
- (b) the application relates to conduct of a public sector agency in relation to the convicted inmate or former convicted inmate, and
- (c) the conduct occurred while the convicted inmate or former convicted inmate was a convicted inmate, or relates to any period during which the convicted inmate or former convicted inmate was a convicted inmate.

**[3] Section 54 Role of Privacy Commissioner in internal review process**

Insert “, (7A)” after “Section 53 (7)” in section 54 (5).

**[4] Section 55 Review of conduct by Tribunal**

Omit “subsection (3)” from section 55 (2) (a).

Insert instead “subsections (4) and (4A)”.

**[5] Section 55 (4A)**

Insert after section 55 (4):

(4A) The Tribunal may not make an order under subsection (2) (a) if:

- (a) the applicant is a convicted inmate or former convicted inmate or a spouse, partner, relative, friend or an associate of a convicted inmate or former convicted inmate, and
- (b) the application relates to conduct of a public sector agency in relation to the convicted inmate or former convicted inmate, and
- (c) the conduct occurred while the convicted inmate or former convicted inmate was a convicted inmate, or relates to any period during which the convicted inmate or former convicted inmate was a convicted inmate.

**[6] Schedule 4 Savings, transitional and other provisions**

Omit “this Act.” from clause 1 (1). Insert instead:

the following Acts:

this Act

*Privacy and Personal Information Protection Amendment (Prisoners) Act 2002*

**[7] Schedule 4, clause 1 (2)**

Omit “this Act”. Insert instead “the Act concerned”.