

Privacy and Personal Information Protection Amendment (Exemptions Consolidation) Act 2015 No 69

[2015-69]



New South Wales

Status Information

Currency of version

Repealed version for 2 January 2016 to 1 April 2016 (accessed 23 December 2024 at 8:42)

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**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.4.2016.

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 2 April 2016

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New South Wales

An Act to amend the *Privacy and Personal Information Protection Act 1998* and certain other Acts and an instrument to consolidate and rationalise certain exemptions from the operation of that Act.

1 Name of Act

This Act is the *Privacy and Personal Information Protection Amendment (Exemptions Consolidation) Act 2015*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Privacy and Personal Information Protection Act 1998 No 133*

[1] (Repealed)

[2] Section 19 Special restrictions on disclosure of personal information

Omit section 19 (2)–(5). Insert instead:

- (2) A public sector agency that holds personal information about an individual must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:
 - (a) the public sector agency reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the information protection principles, or
 - (b) the individual expressly consents to the disclosure, or

- (c) the disclosure is necessary for the performance of a contract between the individual and the public sector agency, or for the implementation of pre-contractual measures taken in response to the individual's request, or
- (d) the disclosure is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the public sector agency and a third party, or
- (e) all of the following apply:
 - (i) the disclosure is for the benefit of the individual,
 - (ii) it is impracticable to obtain the consent of the individual to that disclosure,
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or
- (f) the disclosure is reasonably believed by the public sector agency to be necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or
- (g) the public sector agency has taken reasonable steps to ensure that the information that it has disclosed will not be held, used or disclosed by the recipient of the information inconsistently with the information protection principles, or
- (h) the disclosure is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

[3]-[9] (Repealed)

Schedule 2 (Repealed)