

## The Concept of Data Privacy in Australia....just got more serious



## New Australian Privacy Principles

- The Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Privacy Amendment Act) was introduced to Parliament on 23 May 2012 and was passed with amendments on 29 November 2012. The Privacy Amendment Act introduces many significant changes to the Privacy Act and becomes effective **12 March 2014**
  - Includes a set of new, harmonised, privacy principles that will regulate the handling of personal information by both Australian government agencies and businesses.
    - Known as **the Australian Privacy Principles (APPs)**.
    - Replacement for **existing Information Privacy Principles (IPPs) that currently apply to Australian government agencies and the National Privacy Principles (NPPs) that currently apply to businesses.**
  - And this time, the penalties can hurt!
    - The Office of the Australian Information Commissioner can
      - Accept enforceable undertakings
      - Seek civil penalties
      - Conduct assessments of privacy performance
      - Impose fines
- Up to \$340K for individuals, \$1.7M for entities

## Summary of APPs

- APP 1 – Open and transparent management of personal information
- APP 2 – Anonymity and pseudonymity
- **APP 3 – Collection of solicited personal information (formerly NPP 10)**
- APP 4 – Dealing with unsolicited personal information
- APP 5 – Notification of the collection of personal information
- **APP 6 – Use and disclosure of personal information (formerly NPP 2)**
- APP 7 – Direct marketing
- **APP 8 – Cross-border disclosures (formerly NPP 9)**
- **APP 9 – Adoption, use or disclosure of government related identifiers (formerly NPP 7)**
- APP 10 – Quality of personal information
- **APP 11 – Security of personal information (formerly NPP 5)**
- APP 12 – Access to personal information
- APP 13 – Correction of personal information

## Recommendations

- Ensure that those responsible for Data Security in your organisations are aware of this new legislation
  - Senior DBAs, CIO, Security, Finance Officers, Compliance Officers, Risk Officers
- Review Privacy Policies
- Invest in adequate IT Security
  - Perimeter security
  - Data Security maintenance
  - Reviewing privileged users
  - Maintain monitoring and auditing (encryption where appropriate)

## Recommendations (cont). And IBM Can Help....

- Know where your sensitive data resides – is it in a DBMS, VSAM or flat files?
- Run software to help you identify where sensitive data is stored **Guardium**  
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- Review what regulations you are required to meet and look into the future
- Verify your internal auditing procedures have been tested
- Verify your system software is up to date and running current maintenance
- Verify the proper encryption is being used to meet requirements **Guardium**  
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- Review your database audit logs
- Verify you can monitor privileged users
- Review your list of privileged users regularly
- Verify you can identify what sensitive objects have been accessed and by whom
- Review the process of using production data in non-production environments
- Verify all default passwords have been changed
- Verify passwords must be changed regularly, have minimum length and contain patterns
- Confirm there is separation of duties between privileged users and auditing reports





## Resources

- The OAIC has produced a number of resources both to assist agencies and organisations, and their staff, in preparing for the reforms and to assist individuals understand the changes:
  - • Australian Privacy Principles - [www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles](http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles)
  - • Frequently asked questions - [www.oaic.gov.au/privacy/privacy-law-reform/privacy-law-reform-frequently-asked-questions](http://www.oaic.gov.au/privacy/privacy-law-reform/privacy-law-reform-frequently-asked-questions)
  - • **IPP/APP comparison guide** - [www.oaic.gov.au/privacy/privacy-resources/privacy-guides/australian-privacy-principles-and-information-privacy-principles-comparison-guide](http://www.oaic.gov.au/privacy/privacy-resources/privacy-guides/australian-privacy-principles-and-information-privacy-principles-comparison-guide)
  - • **NPP/APP comparison guide** - [www.oaic.gov.au/privacy/privacy-resources/privacy-guides/australian-privacy-principles-and-national-privacy-principles-comparison-guide](http://www.oaic.gov.au/privacy/privacy-resources/privacy-guides/australian-privacy-principles-and-national-privacy-principles-comparison-guide)
  - • Checklist for APP entities (organisations) - [www.oaic.gov.au/privacy/privacy-resources/privacy-business-resources/privacy-business-resource-2-privacy-act-reforms-checklist-for-app-entities-organisations](http://www.oaic.gov.au/privacy/privacy-resources/privacy-business-resources/privacy-business-resource-2-privacy-act-reforms-checklist-for-app-entities-organisations)
  - • Checklist for APP entities (agencies) - [www.oaic.gov.au/privacy/privacy-resources/privacy-agency-resources/privacy-agency-resource-2-privacy-act-reforms-checklist-for-app-entities-agencies](http://www.oaic.gov.au/privacy/privacy-resources/privacy-agency-resources/privacy-agency-resource-2-privacy-act-reforms-checklist-for-app-entities-agencies)
  - • A privacy reform poster - [www.oaic.gov.au/news-and-events/privacy-awareness-week/resources#heading\\_3](http://www.oaic.gov.au/news-and-events/privacy-awareness-week/resources#heading_3)
  - • An APP quick reference tool (a 1 page summary of the APPs) - [www.oaic.gov.au/news-and-events/privacy-awareness-week/resources#heading\\_8](http://www.oaic.gov.au/news-and-events/privacy-awareness-week/resources#heading_8)

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Merci  
French

Спасибо  
Russian

شكراً  
Arabic

Obrigado  
Brazilian Portuguese

Danke  
German

多谢  
Simplified Chinese

Tack  
Swedish

நன்றி  
Tamil

ありがとうございました  
Japanese

Grazie  
Italian