

2023 KEY DATA AND PRIVACY DEVELOPMENTS

The Australian Government is changing the law to protect consumer privacy after a series of high-profile data breaches. This fact sheet outlines what is expected in 2023.

BACKGROUND



- In December 2019, the Attorney-General announced a review of the Privacy Act 1988 (Cth) (the Act).
- In December 2022, following high-profile data breaches (including Telstra, Optus, Woolworths and Medibank), significant changes were made to the Act.
- In February 2023, the Attorney-General's Department released its Privacy Act Review Report 2022, proposing further changes to the Act to strengthen the protection of personal information and the control individuals have over it.

PRIVACY ACT REVIEW REPORT



Key recommended changes include:

- increasing privacy protections, particularly for individuals;
- more ways of enforcing breaches;
- tighter timeframes for complying with the Act's obligations;
- a fair and reasonable test for the collection, use and disclosure of personal information;
- entities erasing an individual's personal information if requested; and
- direct right of action for individuals affected by a privacy breach.

TIPS ON PREPARING YOUR BUSINESS



- Audit your data and privacy processes:
 1. Undertake an audit of your information collection processes. Check how your business collects, stores, uses, discloses, and monitors personal information. Identify any obvious gaps in your processes and implement policies and procedures to fill them.
 2. Check how compliant you are with your existing privacy obligations. Ensure your employees understand the correct procedures and implement training if required.
- Start planning:
 1. Determine what steps your business will need to take to comply with the recommendations and plan for these changes. In particular, identify what processes will be required to erase an individual's information if requested.
 2. Review and update Privacy Policy: Businesses should review their Privacy Policy and update it to reflect the new requirements under the Privacy Act.
 3. Train staff: Businesses should train their staff on the new regulations and how they will impact the way personal information is collected, used, stored, and disclosed.
- Contact us: LegalVision can help you comply with your existing obligations and prepare for future changes.