



New South Wales

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

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New South Wales

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

Act No 116, 2002

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. [Assented to 12 December 2002]

The Legislature of New South Wales enacts:

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”.

[Second reading speech made in—

Legislative Council on 20 November 2002

Legislative Assembly on 11 December 2002 pm]

BY AUTHORITY