



New South Wales

# Privacy and Personal Information Protection Regulation 2005

under the

Privacy and Personal Information Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Privacy and Personal Information Protection Act 1998*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to remake, with the addition of a further clause and a subclause, the provisions of the *Privacy and Personal Information Protection Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) provides that certain information contained in archives or held by a library, art gallery, museum or the State Records Authority is not personal information for the purposes of the *Privacy and Personal Information Protection Act 1998*, and
- (b) exempts certain public sector agencies from the requirements under section 33 of the *Privacy and Personal Information Protection Act 1998* to prepare and implement a privacy management plan, and
- (c) provides that certain registers and rolls kept by the Registrar-General, the Valuer-General, the Attorney General and the Minister administering the *Water Management Act 2000* are exempt from the provisions of Part 6 of the *Privacy and Personal Information Protection Act 1998* relating to public registers, and
- (d) exempts the Law Society Council and the Council of the Bar Association from all of the provisions of the *Privacy and Personal Information Protection Act 1998*.

The additional subclause preserves an Order made under the *Privacy and Personal Information Protection Regulation 2000*.

## **2005 No 426**

Privacy and Personal Information Protection Regulation 2005

Explanatory note

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This Regulation is made under the *Privacy and Personal Information Protection Act 1998*, including sections 4 (3) (k) (meaning of *personal information*), 33 (regarding privacy management plans) and 71 (2) (b) (concerning the making of regulations exempting persons and agencies).

This Regulation comprises or relates to matters of a machinery nature.

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## 2005 No 426

Clause 1 Privacy and Personal Information Protection Regulation 2005

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# Privacy and Personal Information Protection Regulation 2005

under the

Privacy and Personal Information Protection Act 1998

## 1 Name of Regulation

This Regulation is the *Privacy and Personal Information Protection Regulation 2005*.

## 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Privacy and Personal Information Protection Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

## 3 Definitions

(1) In this Regulation:

**the Act** means the *Privacy and Personal Information Protection Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

## 4 Meaning of personal information

For the purposes of section 4 (3) (k) of the Act, the following information is not personal information:

- (a) information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition,
- (b) information about an individual that is contained in a State record under the control of the State Records Authority that is available for public inspection in accordance with the *State Records Act 1998*,
- (c) information about an individual that is contained in archives within the meaning of the *Copyright Act 1968* of the Commonwealth.

**5 Exemptions in relation to privacy management plans**

- (1) A public sector agency (*the relevant agency*) is exempt from the provisions of section 33 of the Act if:
  - (a) the staff of the relevant agency are part of the staff of another public sector agency, or
  - (b) the Minister has, by order published in the Gazette, declared that the relevant agency is taken not to be a separate agency for the purposes of section 33 of the Act but is taken to be included in another public sector agency,and the privacy management plan of that other agency states that the plan extends to the relevant agency.
- (2) The *Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002* published on 29 November 2002 in Gazette No 237 at page 10135 is taken to have been made under this clause and, accordingly, continues in force unless it is revoked by the Minister.

**6 Exemptions in relation to public registers**

- (1) The Registrar-General is exempt from the provisions of Part 6 of the Act with respect to the following public registers:
  - (a) the Register within the meaning of the *Real Property Act 1900* (that is, the Torrens Register) and any index that is kept by the Registrar-General in connection with that Register,
  - (b) the General Register of Deeds maintained under section 184C of the *Conveyancing Act 1919*,
  - (c) any index kept under section 198 of the *Conveyancing Act 1919*,
  - (d) the Central Register of Restrictions maintained under Part 24 of the *Conveyancing Act 1919*.
- (2) The Valuer-General is exempt from the provisions of Part 6 of the Act with respect to the Register of Land Values kept under the *Valuation of Land Act 1916*.
- (3) The Attorney General's Department is exempt from the provisions of Part 6 of the Act with respect to the register of justices of the peace kept under section 11 of the *Justices of the Peace Act 2002*.
- (4) The Minister administering the *Water Management Act 2000* is exempt from the provisions of Part 6 of the Act with respect to the Water Access Licence Register kept under section 71 of that Act and the register of approvals kept under section 113 of that Act.

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### **7 General exemption**

The Council of the Law Society and the Council of the Bar Association are exempt from all of the provisions of the Act.

BY AUTHORITY

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