

Ready set go – Managing privacy risks amidst an evolving privacy regulatory regime

Annelies Moens, Managing Director Privcore

Cybersecurity and privacy

“The cybersecurity industry is on a massive journey to uplift cybersecurity in organisations. The privacy practices in many organisations are even less mature than cybersecurity practices, yet the effectiveness of many cybersecurity practices are dependent on getting privacy right.”

Annelies Moens, Privcore

Overview

- Privacy v security
- Trends leading to increased regulation
- Privacy reform recently passed
- Current state v future state
- Further privacy reform still to come
- How to prepare
- Resources

How is privacy different from security?

Anonymity

Practices, procedures and systems

Collection – data minimisation

Use

Disclosure

Quality

Destruction

Security

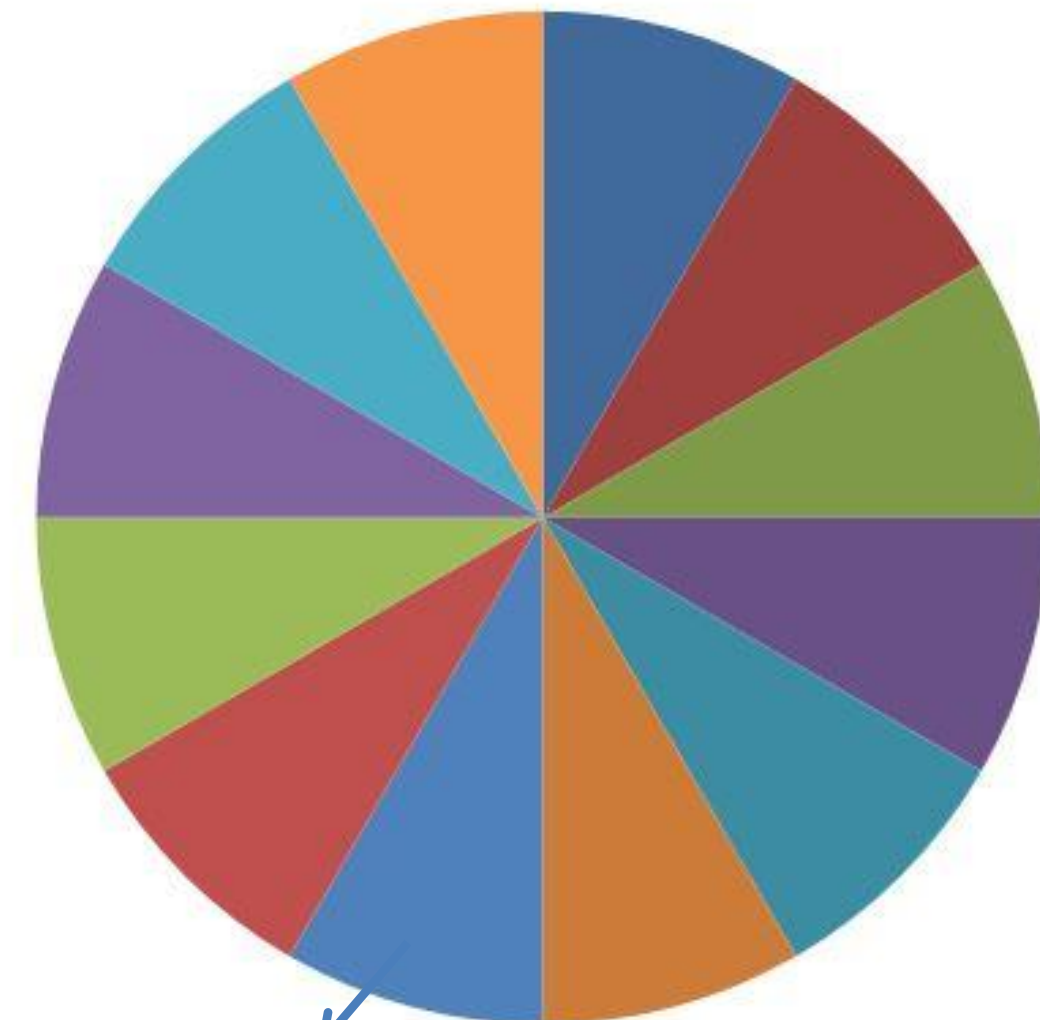
Correction

Cross-border data transfers

Access

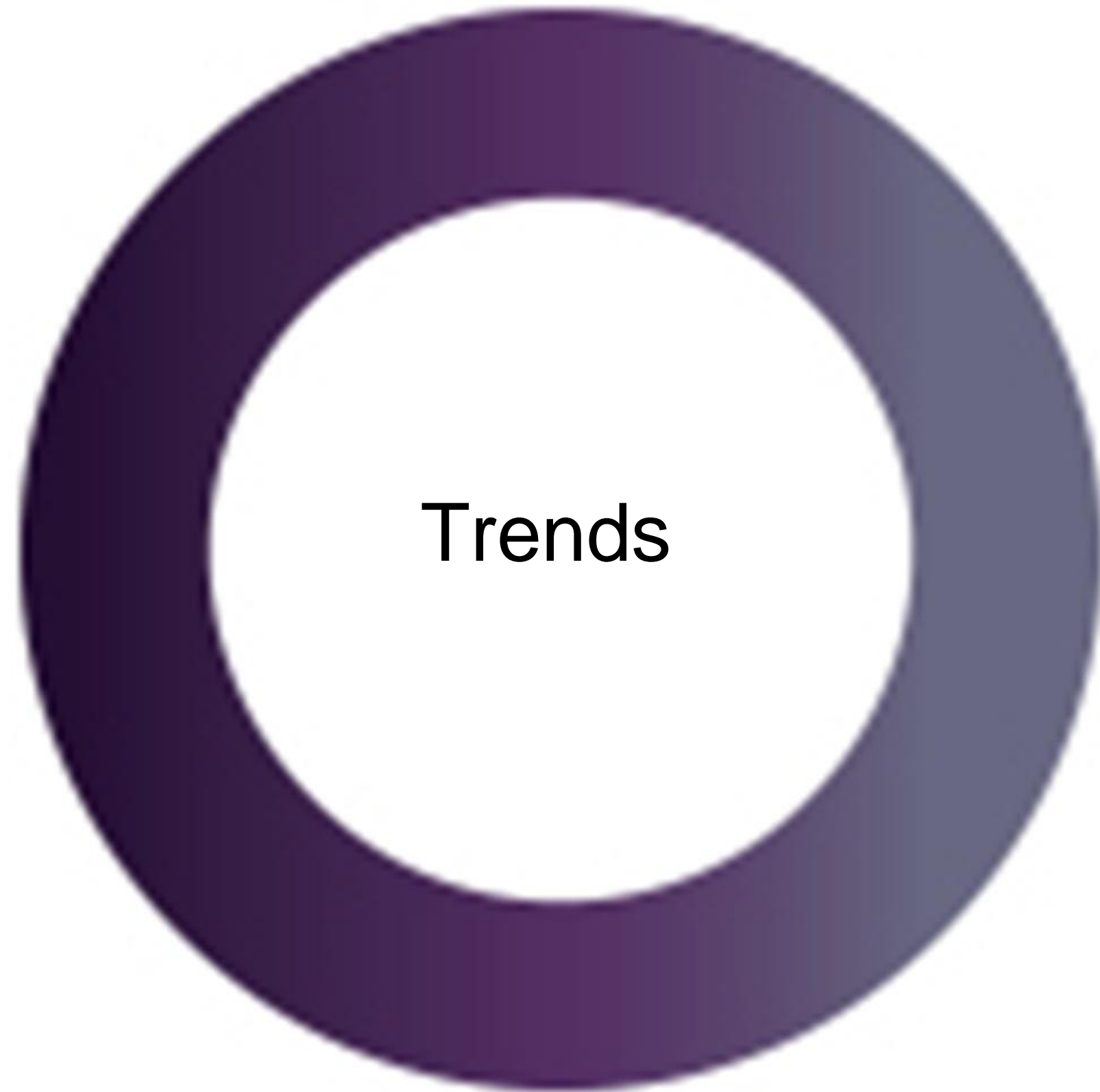
Transparency and notices

Privcore's Privacy Pie



Security is only one component of privacy

Trends leading to increased regulation



- Technology advances
- Mass data collection and customisation
- Data breaches
- Trust decline and lack of social licence

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Privacy law reform

Royal Assent: 10 December 2024



2022-2023-2024

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Privacy and Other Legislation Amendment Bill 2024

No. , 2024

(Attorney-General)

**A Bill for an Act to amend the law in relation to
privacy and the criminal law, and for related
purposes**

Key privacy reforms

- New civil tier penalty regime and infringement notices
- OAIC to develop an online children's privacy code
- Statutory tort for serious invasions of privacy
- Clarification of the security principal – APP 11
- Transparency required around automated decision making in privacy policies – APP 1
- Ministerial approved information sharing in emergency and data breach situations

Who is impacted?

Every entity regulated by the Privacy Act

- Private sector businesses with annual turnover >\$AU 3 million (including offshore entities with link to Australia)
- Private sector health service providers regardless of annual turnover
- Credit reporting bodies
- Residential tenancy database operators
- Any organisation handling TFNs in relation to TFN data
- Federal government agencies and their contractors

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Further reform to come?

Another ~75% of reform was agreed by the current Government:

- Narrowing or removal of exemptions – small business, employee records, journalism
- Clarification of definitions including ‘personal information’ and ‘consent’ to legislate OAI regulatory guidance
- Introduction of a ‘fair and reasonable’ test
- Requirement to conduct PIAs for high risk activities
- Communicate data retention periods in privacy policies
- Data breach notification within 72 hours
- Introduction of a direct right of action

How to prepare

- Conduct or procure a privacy health check – identify key privacy risk areas across your organisation
- Once risks are identified put in place a plan to remediate risks and commence privacy maturity uplift journey
- Develop privacy and security metrics
- Remember you cannot protect what you don't know you have

Resources

- Privcore, [Australia stops use of facial recognition in a retail setting](#), Privacy Laws & Business International Report, February 2025
- Privcore, [What makes a great Privacy Impact Assessment?](#) March 2024
- OAIC, [Notifiable data breaches report: Jan – June 2024](#), September 2024
- OAIC, [APP Guidelines](#) December 2022
- Edelman, [Trust Barometer](#), 2024
- [Privacy and Other Legislation Amendment Bill 2024](#)

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