



**Australian
Privacy
Foundation**

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Brad Hazzard, MP
Shadow Minister for Education
NSW Parliament

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Education Legislation Amendment Bill, 2006 – an unjustified threat to privacy

Dear Mr Hazzard,

We urge you to oppose Schedule 1, Clause [5] of the above Bill, as it will result in unjustified intrusion into the privacy of thousands of individuals and families in NSW.

These provisions, ostensibly addressing a problem involving a relatively small number of violent children, amount to a wholly disproportionate authorisation for exchanges of personal information, including sensitive health information, about any family with children in the NSW Education system, without consent.

The provisions directly undermine the privacy protection that would normally be provided, albeit imperfectly, by the State's own *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*, and the federal *Privacy Act 1988*.

I attach our letter to the Minister, explaining our concerns in more detail.

We also draw your attention to this as a further example of the Government's contempt for its own privacy laws. We have only recently experienced the Health Department's effective reversal of the legislated opt-in policy for the creation of electronic health records, established by Health Privacy Principle 15 under the *Health Records and Information Privacy Act 2000*. Regulations have allowed the trials of the *Healthlink* project to proceed instead on an unacceptable opt-out basis, effectively repealing HPP 15.

When also set alongside the Government's failure to appoint a permanent Privacy Commissioner for more than 3 years, its starving of the resources of Privacy NSW and its failure to publish the findings of the statutory five year review of the Privacy and Personal Information Protection Act 1998, we can see a clear pattern of

complete insincerity and contempt for privacy protection. We document all these failings on our website at www.privacy.org.au

We urge you to oppose this legislation, and to hold the government to account for its failure to uphold the privacy rights of the people of NSW.

Yours faithfully

David Vaile

Vice-Chair, Australian Privacy Foundation

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About the Australian Privacy Foundation

The Australian Privacy Foundation is the leading non-governmental organisation dedicated to protecting the privacy rights of Australians. We aim to focus public attention on emerging issues which pose a threat to the freedom and privacy of Australians.

Since 1987 the Australian Privacy Foundation has led the defence of the rights of individuals to control their personal information and to be free of excessive intrusions. We use the Australian Privacy Charter as a benchmark against which laws, regulations and privacy invasive initiatives can be assessed.

For further information about us see www.privacy.org.au