

# Privacy Act Update

## What are the changes?

2014 will be another significant year as the Privacy Amendment (Enhancing Privacy Protection) Act 2012 will be implemented in March. The new laws are the most significant reforms to the Privacy Act in over 20 years.

The amendment will apply to the personal information of “natural persons” (sole traders, members of partnerships who are natural people, guarantors who are natural people and directors).

The changes include the introduction of a single set of 13 Australian Privacy Principles, new credit reporting laws, and enhanced powers for the Privacy Commissioner to promote, and enforce privacy compliance. The Australian Privacy Principles (APPs) will replace the existing Information Privacy Principles and the National Privacy Principles.

Another substantial change is the strengthening of the powers of the Commissioner. The Commissioner will be able to conduct a performance assessment of private sector organisations to determine whether they are handling personal information in accordance with new APPs, the new credit reporting provisions and other rules and codes.

Changes include the introduction of more comprehensive credit reporting, which will allow the reporting of information about an individual’s current credit commitments and their repayment history information over the previous two years. The new system will be accompanied by enhanced privacy protections and underpinned by a new industry-agreed code of conduct, to be called the ‘CR code’.

Given the increased financial penalties that apply to a failure to comply with this legislation, it is important for organisations to review and understand their obligations contained within the Privacy Act, Privacy Code and the Regulations.

Organisations will need to consider what changes they make to their policies, systems and processes such as disclosure and notification obligations, complaints and corrections, use of the additional data elements, training, bans and any transfer of information offshore.

What you will need to do:

- Change your privacy policy
- Provide more information to individuals when you collect their personal information
- Implement a privacy compliance program
- Change your direct marketing practices
- Review arrangements for offshore data storage or processing

You may need to tailor your specific circumstances in regards to privacy. AMA is able to assist you in obtaining legal opinion on your privacy obligations and privacy documentation. Please contact us on 1800 882 820.