



## Exemptions matrix

### Exemptions to the information protection principles (IPPs), the public register provisions and the offence provisions under the *Privacy and Personal Information Protection Act*

It is often difficult to know what exemptions apply to each of the information protection principles (IPPs) in the *Privacy and Personal Information Protection Act* (PPIP Act). This *Privacy Essentials* is a comprehensive table which covers every current exemption which applies to each IPP, whether a code, public interest direction, regulation or an exemption within the Act itself. Our aim is to provide a basic guide which can help point you in the right direction when trying to figure out whether an exemption might apply to your situation.

The matrix also covers exemptions to the public register provisions in Part 6 of the PPIP Act, and the offence provisions in Part 8 of the PPIP Act.

We suggest that you print out the matrix in A3 format and keep it handy.

The matrix reflects the law as at 22 April 2004. It does not include codes or public interest directions that have expired. For information on expired codes or public interest directions, please see our website or call us on (02) 9268 5588.

*The material in this publication is intended only to inform. It has been simplified and should not be relied on as legal advice. If in doubt, please contact Privacy NSW on (02) 9268 5588 or write to [privacy\\_nsw@agd.nsw.gov.au](mailto:privacy_nsw@agd.nsw.gov.au) for more information. Privacy NSW accepts no liability for loss or damage that may be suffered by any person or entity that relies on information in this publication.*

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## Exemptions Matrix

Exemptions to the information protection principles (IPPs), the public register provisions and the offence provisions under the PPIP Act.

		IPP 1 (section 8)	IPP 2 (section 9)	IPP 3 (section 10)	IPP 4 (section 11)	IPP 5 (section 12)	IPP 6 (section 13)	IPP 7 (section 14)	IPP 8 (section 15)	IPP 9 (section 16)	IPP 10 (section 17)	IPP 11 (section 18)	IPP 12 (section 19)	Public Register Provisions (section 57)	Public Register Provisions (section 58)	Offences (sections 62-63)
Exemption	exemption expires ... ?	collection for lawful purpose	collection from the individual	notification at time of collection	relevant, accurate, up to date, non- intrusive collection	retention and security	notification of holdings of personal information	access to ones own personal information	amendment of information	accuracy before use	limits on use	limits on disclosure	limits on disclosure - special classes of information	disclosure from a public register	suppression from public register	corrupt disclosure and use ; offering to supply
<b>Act exemptions</b>																
<b>Section 4(3)</b> Threshold definition of "personal information" <sup>1</sup>  From 01/07/04 "health information" will not be covered by the PPIP Act – see the HRIP Act		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
<b>Section 4(5)</b> Unsolicited information		√	√	√	√											
<b>Section 6</b> Judicial functions of a court or tribunal		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
<b>Section 20(3)</b> Collection before 1/7/00		√	√	√	√											
<b>Section 20(5)</b> Conditions and limitations from the FOI Act apply							√	√	√							
<b>Section 23</b> Law enforcement agencies			√													
<b>Section 23</b> Law enforcement purposes or proceedings, missing persons, protection of public revenue			√	√							√	√	√			
<b>Section 24</b> Investigative agencies, and other agencies in some circumstances			√	√		√					√	√				
<b>Section 25</b> If lawfully authorised, required, otherwise permitted, necessarily implied or reasonably contemplated under another law not to comply with the IPP			√	√			√	√	√		√	√	√			
<b>Section 26(1)</b> If compliance would prejudice interests of the individual			√	√												

<sup>1</sup> For example: The section 4(3)(j) exemption applies to "information or an opinion about an individual's suitability for appointment or employment as a public sector official".

		IPP 1 (section 8)	IPP 2 (section 9)	IPP 3 (section 10)	IPP 4 (section 11)	IPP 5 (section 12)	IPP 6 (section 13)	IPP 7 (section 14)	IPP 8 (section 15)	IPP 9 (section 16)	IPP 10 (section 17)	IPP 11 (section 18)	IPP 12 (section 19)	Public Register Provisions (section 57)	Public Register Provisions (section 58)	Offences (sections 62-63)
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<b>Section 26(2)</b> Individual expressly consents to non- compliance				√								√	√			
<b>Section 27</b> Operational activities of ICAC, Police, PIC, Crime Commission		√	√	√	√	√	√	√	√	√	√	√	√			
<b>Section 28(1)</b> Ombudsman, HCCC, Anti-Discrimination Board, Guardianship Board													√			
<b>Section 28(2)</b> Health information in relation to continued care or treatment of the individual													√			
<b>Section 28(3)</b> Informing Minister about any matter within their administration, or informing the Premier about any matter											√	√	√			
<b>Regulation exemptions</b>																
<b>PPIP Regulation 2000</b> Land title registers and valuation roll held by Department of Lands; Register of JPs held by Attorney General's Department														√	√	
<b>PPIP Regulation 2000</b> Law Society and Bar Association		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
<b>Code exemptions</b>																
<b>Privacy Code of Practice (General) 2003</b> Exchanges between RTA and Attorney General's Department; RTA and the EPA			√									√	√			
<b>Privacy Code of Practice (General) 2003</b> Public registers held by EPA; various professional health registration registers														√		
<b>Privacy Code of Practice for Local Government</b> Local Councils in certain circumstances			√	√							√	√	√	√		

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<b>Privacy Code of Practice for the Director of Public Prosecutions</b>  DPP in certain circumstances							√				√					
<b>Privacy Code of Practice for Department of Education and Training</b>  In certain circumstances			√	√		√	√	√	√		√	√	√			
<b>Privacy Code of Practice for NSW Health</b>  Purpose of care or treatment, student placements, legal representation, notification of closest relatives; registers of health professionals											√	√	√	√		
<b>Privacy Code of Practice for the Bureau of Crime Statistics and Research</b>  In certain circumstances			√	√			√	√	√							
<b>Privacy Code of Practice for the Workforce Profile</b>  The composition and employment conditions of the public sector workforce			√	√									√			
<b>NSW Police Service Privacy Code of Practice</b>  Exchanges between Police and the RTA and the National Motor Vehicle Theft Reduction Council . Disclosures to Department of Housing, insurance companies, persons involved in motor vehicle accidents, and the Police Association			√								√	√				
<b>Privacy Code of Practice for the Department of Fair Trading</b>  Investigations, law enforcement, licensing and complaint handling			√	√			√	√	√		√	√	√			

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<b>Privacy Code of Practice for the Legal Aid Commission</b>			√	√												
Financially associated persons and dependents																
<b>Department of Housing Privacy Code of Practice</b>			√	√			√				√	√	√			
In certain circumstances																
<b>Public interest directions exemptions</b>																
<b>Direction on Research</b>	31 December 2004	√	√	√			√	√	√	√	√	√	√			
<b>Direction on Investigations</b>	31 December 2004		√	√			√	√	√		√	√	√			
<b>Direction on Inter- agency transfers</b>	31 December 2004		√	√								√	√			
Enquires, auditing, law enforcement, pre-1/7/99 agreements.																
<b>Direction on Infringement Processing Bureau, NSW Police, and RTA</b>	30 September 2004		√	√	√		√	√				√				
Information transfer for issuing infringement notices, law enforcement etc.																
<b>Direction on disclosure of information to victims of crime</b>	31 December 2004		√	√							√	√	√			
<b>Direction on indirect collection from third parties by human service agencies</b>	31 December 2004		√	√												
<b>Direction on disclosures to National Coronial System</b>	31 December 2004											√	√			
<b>Direction on Department of Ageing, Disability and Homecare</b>	31 December 2004		√	√				√	√		√		√			
If individual is 16 or over and incapable of giving consent																