

**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

SUPPLEMENTARY STATEMENT OF DAVID GEOFFREY WATTS

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Filed on behalf of: State of Victoria
Prepared by:
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Level 33
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I, **DAVID GEOFFREY WATTS**, Commissioner for Privacy and Data Protection, SAY AS FOLLOWS:


1. I am Victoria's Commissioner for Privacy and Data Protection.
2. I have made a revised witness statement dated 11 August 2015 and have given evidence to the Royal Commission in relation to the matters the subject of Module 20 - Information Sharing of the Royal Commission's public hearings. I make this supplementary statement to correct one point stated in my 11 August 2015 statement.
3. At paragraph 92 of my 11 August 2015 statement, I stated that the New South Wales 'CARAM-DFV Framework', a Directive issued by that State's Information and Privacy Commission which modified the application of certain Information Protection Principles to participating public sector agencies and non-government organisations in context of domestic and family violence risk assessment and management, expired in 2011, but was renewed in 2014 and expired on 30 June 2015 (the Directive). A copy of the Directive was attached to my 11 August 2015 statement as Attachment DW-11.
4. I have since been informed by the Office of the New South Wales Information and Privacy Commission that the CARAM-DFV Framework was not renewed at any time after its expiry on 30 June 2011.
5. However, in 2014, amendments were made to Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* which removed the need for the Directive. Following those amendments, section 98M(2) of that Act permits an agency (defined

to mean a public sector agency or an organisation to which the *Health Records and Information Privacy Act 2002* (NSW) applies), despite the NSW privacy legislation, to deal with information about a person without the consent of the person if the agency or organisation believes on reasonable grounds that:

- 5.1 the particular dealing is necessary to prevent or lessen a domestic violence threat to the person or any other person;
- 5.2 the threat is a serious threat; and
- 5.3 the person has refused to give consent or it is unreasonable or impractical to obtain the person's consent.

6. "Dealing" with information is defined in section 98M(1) to mean the collection, use or disclosure of information.

Signed by)
 DAVID GEOFFREY WATTS)
 at Melbourne)
 this 9th day of September 2015)



Before me



An Australian legal practitioner
 within the meaning of the
 Legal Profession Uniform Law (Victoria)

