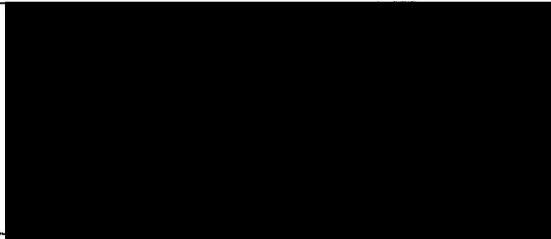


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

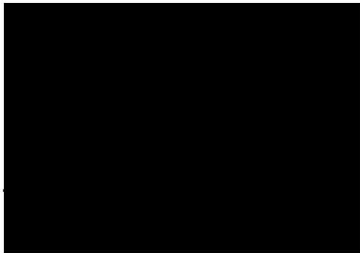
**ATTACHMENT WS AH-12 TO JOINT STATEMENT OF ASSISTANT COMMISSIONER
WENDY MAREE STEENDAM AND SENIOR SERGEANT AILSA CAROLINE HOWARD**

Date of document: 3 August 2015
Filed on behalf of: the Applicant
Prepared by:
Victorian Government Solicitor's Office
Level 33
80 Collins Street
Melbourne VIC 3000



This is the attachment marked '**WS AH-12**' produced and shown to **WENDY MAREE STEENDAM** and **AILSA CAROLINE HOWARD** at the time of signing their Joint Statement on 3 August 2015.

Before me: ...



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

Attachment WS AH-12

Chief Commissioner's Instruction

The following instruction is issued pursuant to the powers of the Chief Commissioner under section 60, *Victoria Police Act 2013*. This Chief Commissioner's Instruction was originally published on the Victoria Police intranet on 23 October 2014 and is effective from that date. This instruction expires 12 months from publication or until earlier cancelled or reissued.

CCI 11/14 Privacy and Data Protection Act 2014

Context

The *Privacy and Data Protection Act 2014* (PDP Act) has replaced the *Information Privacy Act 2000* and the *Commissioner for Law Enforcement Data Security Act 2005*. The commencement date for the PDP Act was 17 September 2014. The PDP Act combines the functions of the Commissioner for Law Enforcement Data Security and the Privacy Commissioner, and expands the data security functions to the whole of the Victorian Government. Whilst this Act retains most of the provisions from the previous Acts, it also includes some additional mechanisms to seek approval for exemptions or certifications.

For Victoria Police, the PDP Act will require minimal changes to existing documentation or processes. Pending the publication of further standards and processes, Victoria Police employees are to refer to IMSSD for guidance.

Application

The following instruction applies to All Victoria Police employees.

References

This CCI is supported by and should be read in conjunction with the following:

- VPMG Information privacy
- VPMP Information use, handling and storage
- VPMP Information sharing

Definitions

There are no specific definitions for this instruction. Refer to the general [VPM Dictionary](#).

Rules and Responsibilities

Update of documentation

1. With the commencement of the PDP Act the following references will be updated in the VPM on a progressive basis. Any current reference to the previous terms should be read as referring to the new terms.

Previous	New
Privacy Commissioner Commissioner for Law Enforcement Data Security (CLEDS)	Privacy and Data Protection Commissioner
CLEDS Act 2005 <i>Information Privacy Act 2000</i>	<i>Privacy and Data Protection Act 2014 (PDP Act)</i>
CLEDS Standards	Law Enforcement Data Security Standards

- Any area responsible for forms, training or other Victoria Police documents that makes reference to the previous terms is to update them accordingly.
- Any area responsible for contracts, memorandums of understandings or other agreements should update references at the next extension, review or other appropriate opportunity.
- The Victoria Police Manual (which enables compliance to the Victorian Government Acts, Regulations, Law Enforcement Data Security Standards and Public Records Standards) is the preferred reference source. When determining references to update, all areas should identify if direct reference to external documents or organisations is required, or if the Victoria Police Manual should be the primary reference source.

Information Privacy Principles and Information handling exemptions

2. The PDP Act contains two new methods to obtain temporary authorisations for acts or practices that would otherwise breach privacy requirements. The new instruments are:
 - **Public Interest Determination (PID) & Temporary Public Interest Determination (TPID)** - these are determinations that the public interest of engaging in an act or practice that may contravene a specified Information Privacy Principle (IPP) (other than IPP 4 or 6) substantially outweighs the public interest in complying with that IPP. Engaging in an act or practice that is permitted by a public interest determination will not be an interference with privacy
 - **Information Usage Agreement (IUA)** - IUAs can either:
 - modify the application of specified IPPs (other than IPP 4 (security) or IPP 6 (access and correction)) to, or exempt from the application of such IPPs, specified acts or practices involving the handling of personal information, or
 - provide that an act or practice that is covered by the arrangement is required or authorised for the purposes of an information handling provision in another Act.

The Commissioner must consider whether the public interest in the applicant(s) engaging in the specified acts or practices substantially outweighs the public interest in adhering to the applicable IPPs. If satisfied that it does, the PDP Commissioner is required to certify the IUA. Approval of relevant Ministers is also required.

3. These exemption options are in addition to the Law Enforcement exemption that has carried over from the Information Privacy Act. Based on this, the application by Victoria Police for a PID, TPID or IUA is expected to be infrequent.

Information Privacy Principles certification

4. The PDP Act also provides the ability to have the PDP Commissioner formally certify that specified acts or practices (e.g. a process or information exchange) is compliant with the IPPs.
5. The effect of certification is that a person who engages in the act or practice in good faith does not contravene the specified requirement(s). This may be able to assist in reassuring other agencies that are reluctant to provide data exchanges with Victoria Police that the information sharing is not in contravention to the IPPs.

Victoria Police application process

6. All applications on behalf of Victoria Police must be submitted to the PDP Commissioner by the CIO. Work Units are not to contact the PDP Commissioner directly.
7. Should any area believe that they have a requirement to apply for a PID, TPID, IUA or a certification under the PDP Act, they must engage with IMSSD to develop an application and for submission to the Commissioner via the CIO.

Consequential amendments

Nil

Further Information

For further information or advice on this instruction contact the:

- Privacy Unit on 9628 7349 or privacy@police.vic.gov.au
- Information Security on IMSSD-INFORMATION SECURITY-MGR@police.vic.gov.au

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