



**Small Business  
Development Corporation**

Our ref: D19/7966

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A/Deputy Director  
Privacy and Responsible Information Sharing  
Public Sector Reform Unit  
Department of the Premier and Cabinet  
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WEST PERTH WA 6872

via email: [REDACTED]

Dear Ms Robin Ho

**Privacy and Responsible Information Sharing for the Western Australian public sector**

Thank you for the opportunity to submit comments on the Privacy and Responsible Information Sharing for the Western Australian public sector – Discussion Paper (the Discussion Paper).

The Small Business Development Corporation (SBDC) is an independent statutory authority of the Western Australian (WA) Government established to foster the growth and development of small businesses in this State. We offer a wide range of services designed to meet the needs of small businesses, including business advice, dispute resolution services, and advocacy on behalf of the WA small business sector.

The SBDC welcomes the release of the Discussion Paper and commends the Department of the Premier and Cabinet for its extensive consultation over the last few months. Specifically, we wish to thank you for meeting with SBDC staff on 1 November 2019 to discuss the impacts of the proposed privacy and responsible information sharing reforms on the SBDC, as well as the WA small businesses sector.

The SBDC supports the introduction of legislation to cover privacy and responsible information sharing for the WA public sector. Given the breadth of information that the WA Government handles, having stronger protections for privacy and legislative guidance on how the Public Sector can responsibly handle information sharing is essential. In addition to this, the SBDC sees great opportunity and better outcomes for the community and businesses through the ability to share information and provide insights through the utilisation of data.

## *Privacy Reform*

The SBDC supports the principles approach to the development the privacy legislation, as opposed to being overly prescriptive. In our opinion a high level principles approach ensures that the legislation can be more easily applied by agencies and organisations and adapted to suit specific situations as they arise.

The SBDC notes that in the Discussion Paper it is proposed that the WA Government's privacy legislation will align with the Australian Privacy Principles. The SBDC notes that during consultation there has been much discussion on the General Data Protection Regulation (GDPR) and whether the GDPR principles are more suitable for WA. The SBDC supports future-proofing the legislation and while consideration should be given to the GDPR and its adoption by WA, the SBDC also believes that it is important that WA's legislation aligns with other Australian jurisdictions for consistency and efficient data sharing processes between jurisdictions. The SBDC awaits the Government's position on this issue.

## *Responsible Information Sharing*

Providing certainty to the WA public sector and the general public on information sharing is supported and welcomed by the SBDC. We believe that having clear guidance and a framework to assist in assessing the risks associated with sharing information is long overdue and will help the SBDC to make informed decisions about whether to and how to share information.

In principle, the SBDC supports the proposed "5 Safes" framework as a mechanism for determining the appropriateness of information sharing within the WA Public Sector and with third parties. We are particularly interested in the practical application of the "5 Safes" and look forward to considering this in greater detail as the Government's policy position is developed and legislation is drafted.

For small businesses, the SBDC believes that information sharing between government agencies will be of great benefit. In the current operating environment, WA Government departments and agencies appear, for the most part, to work in isolation of one another. For example, for a small business needing to update their details with the WA Government they will often need to contact each individual agency that holds their information. This can include a number of different agencies resulting in a process that is frustrating and time consuming. The SBDC sees the proposed reforms as an opportunity for WA Government to streamline its information sharing processes, reduce bureaucracy and make it easier for businesses to engage with the WA Government.

Currently, the SBDC is in the process of amending the *Small Business Development Corporation Act 1983 (WA)* to enshrine the Small Business Commissioner's ability to share investigation reports with relevant State and Commonwealth government agencies. The purpose of doing so is to increase the transparency around behaviours and practices in the government and private sector that impact on small businesses. By being aware of these behaviours and practices, government agencies with roles that impact on the commercial activities of small business operators (e.g. as regulators

or assistance providers) can take active measures to change the policy settings or practices to correct these impacts.

*Concluding comments*

The SBDC acknowledges that at this stage the full impact of the proposed privacy reforms cannot be properly assessed without knowing Government's policy position. To this end, the SBDC looks forward to the next stage of this reform process and the release of the Government's policy position.

If you would like to discuss this submission in more detail, please contact Ms Nikki Forrest, Policy and Advocacy Officer at [REDACTED] or on [REDACTED]

Yours sincerely



David Eaton

**SMALL BUSINESS COMMISSIONER**

6 November 2019