

22 October 2019

Public Sector Reform Unit
Department of the Premier and Cabinet
Locked Bag 3001
West Perth WA 6872

To the Privacy and Responsible Information Sharing team

RE: PRIVACY AND RESPONSIBLE INFORMATION SHARING DISCUSSION PAPER

Thank you for your email dated 6 August 2019 seeking the Water Corporation's (Corporation) comment on the Privacy and Responsible Information Sharing discussion paper. The Water Corporation is very pleased that the State Government has proposed to introduce privacy and whole-of-sector data sharing legislation. Please find our feedback below.

- In the absence of any state privacy legislation, the Water Corporation has implemented a Privacy Management Framework based on the *Privacy Act 1988 (Cth)* (Privacy Act) and the Australian Privacy Principles (APPs). The Corporation supports adopting legislation aligned with this Privacy Act and APPs and we would request that duplicity between state and federal regulation is avoided.
- The Corporation supports the whole-of-government approach to this proposed legislation, however would like consideration of the Corporation's unique status as a Government Trading Entity.
- Currently, when a privacy breach occurs, the Corporation responds quickly to notify the individual/s affected. In addition, although not bound by the Privacy Act, if a breach was to occur that met the requirements under the Privacy Act to notify the Federal Privacy Commissioner, the Corporation would provide this notification. The Corporation would like the proposed state legislation to maintain a similar eligibility threshold for reporting privacy breaches to the proposed WA Privacy Commissioner.
- The Corporation is supportive of a comprehensive data sharing framework based on a risk management framework, such as the *Five Safes*, which should include risk factors such as commercial obligations, legal, copyright, intellectual property, and infrastructure, operational and security risks.
- Data sharing will have a positive impact on the Corporation through enabling the Corporation to update customer records and help to facilitate hardship arrangements with other organisations. The Corporation would expect that the proposed legislation would require that



appropriate consent from customers is obtained before sharing personal or sensitive information.

- We believe that a successful data sharing framework will require that information be classified and the information that is rated as 'confidential, or sensitive, or restricted', be appropriately secured.
- The Corporation agrees that the WA Government should share information outside the WA public sector as long as the appropriate safeguards are afforded to the information shared.
- The Corporation believes the role of the Chief Data Officer role is critical and should directly include providing guidance on:
 - Safeguarding information and clarity around the responsibilities of all parties with regard to appropriate management of information;
 - Integration controls for information use across agencies;
 - Managing potential replication, manipulation, misrepresentation; and
 - Managing the potential Monetisation and/or profiting of data-sharing.

Sincerely,

A handwritten signature in black ink that reads "Pat Donovan". The signature is written in a cursive, flowing style.

Pat Donovan

Chief Executive Officer