

# Western Australia's PRIS Act: A new benchmark for privacy governance

Most of the privacy provisions of the PRIS Act will commence on 1 July 2026. By **Annelies Moens** and **Caris Carroll**, Office of the Information Commissioner, Western Australia.

Western Australia has introduced what is widely regarded as the most advanced privacy legislation in Australia regulating the handling of personal information across the public sector and, in some circumstances, extending to contracted service providers operating in and outside of Australia.

The Privacy and Responsible Information Sharing Act 2024 (WA) (PRIS Act)<sup>1</sup> establishes a comprehensive framework governing the collection, use, disclosure and management of personal information, while also regulating certain aspects of de-identified information and automated decision-making.

The legislation represents a significant shift in the privacy landscape in Western Australia. It introduces modern privacy principles, embeds stronger governance expectations for public sector agencies and creates new regulatory powers for the Office of the Information Commissioner WA.<sup>2</sup>

For regulated entities, the PRIS Act will require a more structured and proactive approach to identifying privacy

provisions.

The legislation regulates the handling of personal information by Western Australian public sector agencies and certain contracted service providers. Where agencies engage third-party providers to deliver services involving personal information, contractual arrangements may require those providers to comply with the obligations imposed by the PRIS Act. This ensures privacy protections extend through supply chains and outsourcing arrangements.

The framework also addresses emerging risks associated with advanced technologies. Notably, it is the first law in Australia introducing provisions regulating automated decision-making in the context of handling personal information. It requires privacy, bias risks and harms associated with high-risk activities to be identified and mitigated.

## IMPLEMENTATION TIMELINE

The introduction of the PRIS Act will occur in stages.

On 1 July 2025, Western Australia

23 February 2026.

Most of the substantive provisions of the PRIS Act will commence on 1 July 2026. This includes the majority of the privacy provisions, the responsible information sharing framework and consequential amendments to the Freedom of Information Act 1992 (WA). Whilst the responsible information sharing framework sits within the PRIS Act, its oversight belongs with the Chief Data Officer within Premier and Cabinet.

The notifiable information breach scheme will commence later, on 1 January 2027.

This phased implementation is intended to provide regulated entities with time to build capability, establish governance frameworks and prepare systems and processes for compliance.

## A BROADER DEFINITION OF PERSONAL INFORMATION

A key feature of the PRIS Act is its broad definition of personal information. The definition recognises that information capable of identifying an individual extends well beyond basic identifiers such as name, date of birth and address.

The PRIS Act definition includes information about deceased individuals, inferred information and certain technical and location-based data. This approach is consistent with proposed reforms to federal privacy legislation and recognises the increasing role that analytics and digital systems play in generating information about individuals.

The definition of personal information in Western Australia's Freedom of Information legislation will also be amended to adopt the PRIS Act definition. This alignment is intended to promote consistency across the State's information governance framework and reduce uncertainty for regulated entities managing requests under both regimes.

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De-identified information is generally not regulated by data protection or privacy laws around the world, so the PRIS Act is world-leading in that regard.

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risks, implementing appropriate controls and embedding privacy considerations into operational and strategic decision-making.

## WA'S MODERN PRIVACY LEGISLATION

The PRIS Act reflects the increasingly complex ways in which entities collect and process information. In doing so, it aligns Western Australia with modern privacy frameworks already operating in other Australian jurisdictions while incorporating several more advanced

established the new Office of the Information Commissioner, including roles of Information Commissioner, Privacy Deputy Commissioner and Information Access Deputy Commissioner. Ms Annelies Moens commenced as the inaugural Information Commissioner under the Information Commissioner Act 2024 (WA) on 28 July 2025. Ms Nina Skewes commenced as Privacy Deputy Commissioner on 27 January 2026 and Mr Patrick Ky commenced as Information Access Deputy Commissioner on

For regulated entities, the broader definition reinforces the importance of carefully mapping the types of information collected and held across systems. Data that may previously have been considered technical or operational could now fall within the scope of personal information and therefore be subject to the requirements of the Act.

### INFORMATION PRIVACY PRINCIPLES

At the centre of the PRIS Act are eleven Information Privacy Principles (IPPs). These principles regulate the handling of personal information throughout its lifecycle, from collection through to use, disclosure, storage and disposal.

The IPPs establish clear expectations for agencies regarding transparency, purpose limitation, data quality, security and accountability. They are designed to ensure personal information is handled lawfully, fairly and in ways that are proportionate to the purpose for which it was collected.

Some of the IPPs will apply to personal information regardless of when it was originally collected. Information collected before the commencement of the Act may still be subject to the new requirements if it continues to be held and used after the legislation comes into force. Transitional guidance for regulated entities and members of the public has recently been released.<sup>3</sup>

The PRIS Act also regulates certain aspects of de-identified information. De-identified information is generally not regulated by data protection or privacy laws around the world, so the PRIS Act is world-leading in that regard. The PRIS Act introduces obligations in relation to security and cross-border data flows where such information is involved. This reflects growing recognition that de-identified data can still pose privacy risks if it is inadequately protected or combined with other datasets.

To assist regulated entities, practitioners and members of the public, the Office of the Information Commissioner has published a plain-English version of the Information Privacy Principles. These resources are intended to support the community in understanding and implementing the requirements of the new framework.

### MANAGING THE RISKS OF AUTOMATED DECISION-MAKING

One of the most notable innovations in the PRIS Act is the introduction of specific regulatory requirements addressing automated decision-making (Information Privacy Principle 10). This is the first law in Australia to regulate automated decision-making (with respect to personal information).

Automated decision-making systems are increasingly used in government processes ranging from eligibility assessments to risk profiling and service delivery decisions. While such systems can improve efficiency and consistency, they also present potential risks. These include lack of transparency, reliance on inaccurate or incomplete data, and the possibility that automated outcomes may significantly affect individuals without meaningful oversight.

IPP 10 requires regulated entities to identify and manage these risks when using automated decision-making processes that use personal information to make significant decisions. This includes ensuring appropriate safeguards are in place and that individuals can seek human intervention in relation to such decisions.

The provision reflects a broader international trend toward regulating algorithmic decision-making and ensuring technological innovation is accompanied by appropriate accountability and oversight.

### THE FAIR AND REASONABLE TEST

The PRIS Act introduces a “fair and reasonable” test for the collection, use and disclosure of personal information. This requirement applies irrespective of whether an individual has provided consent.

The test reflects the view that consent alone may not always be sufficient to justify the handling of personal information. Even where consent is relied upon, entities must consider whether the relevant activity is objectively fair and reasonable in the circumstances.

Effectively, this pushes some of the risk management around decisions involving personal information away from the individual and back to the entity which is generally better positioned to manage and wear those risks.

For regulated entities, the fair and

reasonable test will require careful consideration of factors such as the sensitivity of the information involved, the expectations of individuals and the potential impacts on privacy.

### PRIVACY IMPACT ASSESSMENTS

Privacy impact assessments (PIAs) are another central component of the PRIS Act framework.

Regulated entities are required to undertake a PIA where the performance of a function or activity involves the handling of personal information likely to have a significant impact on the privacy of individuals.

PIAs provide a structured method for identifying privacy risks and developing strategies to mitigate those risks before a project or initiative is implemented. They are widely recognised as an effective governance tool and are already used extensively across many jurisdictions.

Under the PRIS Act, the Information Commissioner also has the power to direct agencies to undertake a privacy impact assessment in certain circumstances. This provides an additional mechanism for ensuring high-risk activities are appropriately assessed, risk mitigated and managed.

### NOTIFIABLE INFORMATION BREACHES

The PRIS Act introduces a notifiable information breach scheme requiring entities to notify<sup>4</sup> affected individuals and the Information Commissioner when serious breaches occur.

Notification will be required where personal information held by an entity is subject to unauthorised access, unauthorised disclosure or loss and the incident is likely to result in serious harm to affected individuals.

The scheme is intended to ensure transparency and enable individuals to take steps to protect themselves where their information has been compromised. It also encourages organisations to strengthen their security practices and improve incident response processes.

Importantly, the notifiable information breach provisions will commence six months later than most of the other privacy provisions under the Act. This staged approach provides agencies with additional time to establish incident response frameworks and reporting mechanisms.

**INFORMATION COMMISSIONER  
ENFORCEMENT AND DETERMINATION**

The PRIS Act establishes a range of enforcement mechanisms designed to ensure compliance with the new privacy framework.

Where the Commissioner determines that a breach of privacy has occurred, compensation of up to \$75,000 may be awarded to affected individuals.

The Commissioner may also issue compliance notices in cases involving serious, flagrant or repeated interferences with privacy. Failure to comply with a compliance notice may result in a fine of up to \$60,000.

In addition, the Commissioner has the power to prepare and publish reports on matters arising under the Act. These reports may include findings from investigations, systemic issues identified across agencies and recommendations for improving privacy practices.

Together, these powers are intended to promote accountability and ensure entities responsibly manage the personal information for which they are custodians.

**PREPARING FOR PRIS**

The PRIS Act represents a significant evolution in Western Australia’s information governance framework. It introduces modern privacy protections, strengthens regulatory oversight and places greater emphasis on proactive risk management.

For agencies and contracted service providers, preparation will be key. Understanding how personal information flows through the organisation, identifying high-risk activities and embedding privacy into governance structures will help ensure a smooth transition to the new regime.

As the commencement dates approach, the Office of the Information Commissioner will continue to develop guidance and resources to support organisations in meeting their obligations.

The introduction of the PRIS Act signals a clear commitment by Western Australia to strengthening privacy protections and ensuring that personal information is handled responsibly in an increasingly data-driven environment.

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- 2 [www.oic.wa.gov.au](http://www.oic.wa.gov.au)
- 3 [www.wa.gov.au/organisation/office-of-the-information-commissioner/privacy-western-australia](http://www.wa.gov.au/organisation/office-of-the-information-commissioner/privacy-western-australia)
- 4 As soon as reasonably practicable, but in any case within 30 days after the day on which the reasonable suspicion is formed.

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## Towards better EU level cross-regulatory cooperation

The EDPS proposes to form Digital Clearinghouse 2.0. *PL&B's Nel Anna Krzeslowska* reports on the future of possible cross-regulatory cooperation on new EU digital laws.

In recent years it has become evident that EU digital governance is no longer compartmentalised leading to an intersection between consumer protection, competition law, and data protection law, rendering siloed enforcement both inefficient

and normatively inconsistent.<sup>1</sup> The GDPR, together with the Digital Services Act (DSA), the Digital Markets Act (DMA), the Data Act, and the AI Act form the EU's digital

*Continued on p.3*

## Driving data equity: Data sharing in the automotive sector

The EU Data Act has signalled a shift toward structured data access and reuse within the EU. The automotive industry is an example of data sharing resulting in innovation, but with consumers in mind. By *PL&B's Maisie Robinson*.

Data sharing is increasingly integral to multiple sectors, with the digital economy representing a substantial proportion of global GDP,<sup>1</sup> and cross-border data flows contributing trillions to

economic activity.<sup>2</sup> Data is no longer merely an input; it is infrastructure.

Despite these developments, equitable distribution of the

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“ **comment** ”

## Children come at the top of the agenda

There is much emphasis on children's privacy now in the EU. Some Member States are looking into children's social media age restrictions, and the EU's Special Panel on Child Safety Online aims to present a report with recommendations to the Commission President by summer 2026. The UK government has the same timeline for a response to its consultation on children's digital wellbeing.

Meanwhile, the UK regulator fined Reddit £14.47 million for failing to properly check user ages and unlawful data processing. In the US, California's authority has recently taken action against PlayOn Sports, digital ticketing and media platforms for high school athletics and activities, resulting in a \$1.1 million penalty.

The EU Digital Omnibus is currently being debated in Brussels. One of the main issues is the proposed changes to the personal data concept (p.8, p.19).

It looks like the AI Omnibus could be an easier task to accomplish (p.33). However, as digital regulation has expanded in recent years, questions remain how authorities from data protection, AI, competition and consumer protection could cooperate more effectively (p.1). Many structures are already in place. It remains to be seen how the EU Commission's AI Office will operate - one of the proposed measures in the AI Omnibus is to reinforce the AI Office's powers but that should not affect the powers and competences of the national authorities.

Read about GDPR fines and whether they are effective on p.22. Outside of Europe, we report on important developments in India (p.16), Indonesia (p.12) and Western Australia (p.27).

Laura Linkomies, Editor  
PRIVACY LAWS & BUSINESS

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