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SPECIAL SUPPLEMENT



New South Wales

Privacy and Personal Information Protection (Transitional) Amendment Regulation 2002

under the

Privacy and Personal Information Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Privacy and Personal Information Protection Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make a transitional provision extending provisions prohibiting the payment of monetary compensation for breaches of privacy law to persons serving sentences of imprisonment to:

- (a) breaches that occurred before the commencement of the provisions, if no application for review has been made, and
- (b) applications that were made (but were not decided) before the commencement of the Regulation.

This Regulation does not affect any decisions as to, or orders for, payment of monetary compensation made before that commencement.

This Regulation is made under the *Privacy and Personal Information Protection Act 1998*, including clause 1 of Schedule 4 and section 71 (the general regulation-making power).

Clause 1 Privacy and Personal Information Protection (Transitional) Amendment
Regulation 2002

Privacy and Personal Information Protection (Transitional) Amendment Regulation 2002

under the

Privacy and Personal Information Protection Act 1998

1 Name of Regulation

This Regulation is the *Privacy and Personal Information Protection (Transitional) Amendment Regulation 2002*.

2 Amendment of Privacy and Personal Information Protection (Transitional) Regulation 1999

The *Privacy and Personal Information Protection (Transitional) Regulation 1999* is amended as set out in Schedule 1.

Privacy and Personal Information Protection (Transitional) Amendment
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 5

Insert after clause 4:

5 Transitional application of Privacy and Personal Information Protection Amendment (Prisoners) Act 2002

- (1) Sections 53 and 55 of the Act, as amended by the *Privacy and Personal Information Protection Amendment (Prisoners) Act 2002*, extend to the following:
 - (a) conduct of a public sector agency that occurred before the commencement day, if an application in relation to that conduct has not been made under the section concerned before the commencement of this clause,
 - (b) applications made under either of those sections in relation to conduct that occurred before the commencement day, and not finally determined, before the commencement of this clause.
- (2) Nothing in this clause affects a decision to pay, or an order for the payment of, monetary compensation made under section 53 or 55 of the Act before the commencement of this clause.
- (3) In this clause:

commencement day means the date of commencement of the *Privacy and Personal Information Protection Amendment (Prisoners) Act 2002*.

the Act means the *Privacy and Personal Information Protection Act 1998*.

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