

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.1**

**Question No. 35**

**Senator Payne asked the following question at the hearing on 14 February 2006:**

I understand that the NSW Privacy Commissioner exempted the NSW Road and Traffic Authority from the operation of the NSW privacy legislation so that they could participate in the DVS pilot.

- a) What implications does this have for the protection of individuals' privacy?
- b) What information might the RTA hand over through the DVS process?

**The answer to the honourable senator's question is as follows:**

a) The NSW Privacy Commissioner issued a Direction under s.41(1) of the *Privacy and Personal Information Protection Act 1998 (NSW)* that allows the NSW Roads and Traffic Authority to participate in the pilot Document Verification Service.

The Direction is limited to allowing the RTA to receive information from the DVS prototype, use that information to verify the correctness of the information, and to disclose to the DVS prototype either a yes or no response.

The Direction states that it does not override any other legal requirement dealing with the collection, use or disclosure of personal information by a relevant agency.

The DVS prototype is operating under existing privacy legislation and principles. The participation of the NSW Roads and Traffic Authority is in accordance with existing New South Wales privacy legislation and public interest directions. The personal information handled in the DVS prototype is therefore subject to existing complaint mechanisms. A complaint about a breach of privacy can be directed to the Privacy Commissioner in the appropriate jurisdiction. If the complaint is against a state authority it can be made to the relevant State Privacy Commissioner, if the complaint is about an Australian Government agency it can be made to the Federal Privacy Commissioner.

b) The NSW RTA will provide a simple yes/no verification response back to the prototype DVS.