

Advice Sheet

IPPI Exemption Extensions

Purpose

This advice sheet has been developed to assist agencies seeking approval from the Privacy Committee of South Australia (the Committee) to extend an existing exemption from compliance with one or more of the Principles of the [Information Privacy Principles Instruction \(IPPI\), Premier and Cabinet Circular 12](#).

Background

Agencies seek approval for exemption from the IPPI to enable them to use and disclose personal information in a manner contrary to the IPPI.

The Committee considers the requests it receives on a case by case basis and, where it deems it is in the public interest to do so, that is, where the public interest in non-compliance is stronger than the public interest in compliance, it grants exemption from compliance with one or more of the principles.

The exemption is granted for a set period of time, not exceeding 3 years, and often includes specific conditions agencies must implement or adhere to as part of the approval.

Discussion

Often agencies seek to extend existing exemptions for a further period as the timeframe for the initiative/project has extended, or while they seek permanent exemption from the Cabinet.

The type of information the Committee needs to consider for an extension to an exemption is different to the initial exemption documentation. When considering an extension to the exemption the Committee needs to know:

- » whether the initiative has been delivered as previously described and whether it has been effective
- » if any issues have arisen relating to the management of personal information or the initiative/project more generally
- » if any changes have been implemented since the program/initiative commenced or changes that are proposed to be implemented, including partners to the agreement
- » whether the specific conditions included within the original exemption have been adhered to (where appropriate)
- » why it continues to be in the public interest for the exemption to be in place
- » the aggregate length of the extension.
- » other options that have been considered.

Exemption Process

To seek an extension to an exemption from the Committee, agencies must provide a letter to the Committee that summarises the initiative/project, describes the previous exemptions and addresses any of the other dot points that are relevant above.

A copy of the previous submission and exemption should be attached. Where one agency is submitting the request on behalf of a group of agencies, a supporting letter should be attached from each participating agency.

Further Advice and Information

State Records website for information and advice about the IPPI and Privacy in South Australia www.archives.sa.gov.au

Office for Data Analytics for information and advice about the Public Sector (Data Sharing) Act 2016 <http://oda.sa.gov.au/content/data-sharing>

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