

# CHECKLIST - PRIVACY COMPLIANCE PROGRAM



## WHY HAVE A PRIVACY COMPLIANCE PROGRAM?

Privacy law is becoming more and more onerous worldwide - if you're not already, it's time to get serious about privacy compliance!

## WHAT IS A PRIVACY COMPLIANCE PROGRAM?

A properly resourced set of policies, procedures and people that help manage data handling in accordance with a business' legal and internal requirements.

Your organisation should have:

- Leadership by the Board and senior management
- A legally compliant privacy policy
- Internal privacy and security policies and training
- A program for destroying "old" personal information (PI)
- Template clauses for engaging service providers with whom PI is shared
- Pro-active risk management for new projects - "Privacy by Design"
- Regular reviews and updates
- A Privacy Officer with suitable experience and clout
- A data breach response plan
- Compliance audits



THERE HAVE BEEN

# 63

DATA BREACHES NOTIFIED  
UNDER THE SCHEME

during the first 6 weeks of operation.

### TOP 3 POINTS FOR TEMPLATE CLAUSES FOR ENGAGING SERVICE PROVIDERS

- Compliance with privacy laws, whether service provider is otherwise subject to Privacy Act or not.
- Reasonable assistance in complying with Privacy Act, including in the event of a data breach (by service provider or otherwise).
- Maintaining control over data breach notification process and relationship with customers.

## Mandatory Data Breach Notification Scheme

Commenced 22 February 2018

A data breach response plan:

- ✗ Details steps to follow if a privacy breach occurs or is suspected
- ✗ Lists questions to ask in the event of a (suspected) breach; responses will help determine the nature and extent of any breach
- ✗ Specifies when and how to notify affected individuals and the Privacy Commissioner, including notification templates
- ✗ States who is responsible for handling the response

Failure to notify a data breach may result in privacy complaints being determined against you and possibly, large civil penalties for serious or repeated interferences with privacy.

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