

# ROLE DESCRIPTION

## Privacy Commissioner



### Agency Overview

The Information and Privacy Commission (IPC) is an independent statutory authority, established on 1 January 2011.

The IPC promotes transparency and accountability through better access to information, balanced with a commitment to privacy rights for the people of New South Wales.

Our strategic objectives and priorities are to uphold and protect information and privacy rights and to be an effective organisation.

The IPC works to ensure the objectives of the NSW information access and privacy legislation are achieved by:

- promoting and educating the community and agencies about people's privacy and information access rights under the legislation
- assisting government, business and the public to understand and use the legislation
- reviewing agency performance and decisions; investigation and conciliating complaints
- providing feedback about the legislation and developments in law and technology relevant to it
- promote continuous improvement of performance.

### The IPC brings together two functions:

- right to government information functions, in particular, oversight of the operation of the *Government Information (Public Access) Act 2009* and review of decisions made by agencies and ministers under that Act
- privacy functions, conferred by the *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*.

The establishment of a single office for information access and privacy matters ensure that agencies and individuals receive consistent information and advice. It also allows for coordinated training and assistance to be provided to agencies. By providing one point of contact for these matters, referral fatigue is reduced and shared corporate services have delivered operational efficiencies.

The Information Commissioner is the Head of the Commission, with responsibility for managing its budget and administration, and employing and allocating staff and all other statutory responsibilities required of an agency head.

## **Key accountabilities**

The statutory functions of the Privacy Commissioner include:

- promoting the adoption of, and monitoring compliance with, the information protection principles set out in the PPIP Act;
- promoting the adoption of, and monitoring compliance with the health privacy principles set out in the HRIP Act;
- providing guidance and assistance to agencies on legislative obligations and government policy;
- carrying out research on significant developments in law and technology that have an impact on privacy and making reports and recommendations to relevant authorities;
- providing effective and efficient mechanisms to advise and educate individuals, government agencies and business organisations on privacy related issues;
- applying a range of statutory functions to achieve sustainable compliance outcomes including investigating and, where possible, conciliating complaints regarding breaches of privacy;
- publishing reports; and
- assisting public sector agencies to prepare and implement privacy management plans and privacy codes of practice.

The Privacy Commissioner has the right to appear and be heard in the NSW Civil and Administrative Tribunal when a person appeals the result of an Internal Review. These statutory functions are achieved within the IPC operating environment under the expert instruction of the Privacy Commissioner.

## **Key challenges**

- Work effectively with regulated entities to promote awareness of and ongoing compliance with privacy statutory responsibilities and ensure that the legislative interface with the Government Information (Public Access) Act 2009 is appreciated and upheld.
- Positively contribute to the development of a contemporary understanding of privacy and technical and technological systems to ensure appropriate information governance.
- Positively promote an agency culture of sound information governance.
- Maintain and share a contemporary knowledge of legal; policy; regulatory and technical developments to promote functional approaches to privacy management and information governance more broadly.
- Contribute high quality advice and collaborate with the IPC Executive to ensure that the functions of the Privacy Commissioner and IPC's business systems are operate effectively and efficiently to meet service delivery requirements within budgetary and resource constraints.
- Maximise regulatory compliance and minimising regulated entities risk exposure through a proactive and strategic approach to regulatory responsibilities.
- Contribute to the achievement of an effective balance of IPC legislative responsibilities; greater operational efficiencies and increased compliant behaviours by regulated entities.

## Key relationships

Who	Why
<b>Internal</b>	
Chief Executive Officer	<ul style="list-style-type: none"><li>• Exchange information and provide timely, expert advice and assistance in delivering IPC statutory functions</li><li>• Ensure business systems and processes ensure service standards are met within budget</li><li>• Escalate issues as required and actively promote a solution focused and client centric culture</li></ul>
Agency Staff	<ul style="list-style-type: none"><li>• Develop and maintain effective working relationships with all staff and Information Commissioner</li><li>• Positively contribute to IPC client service deliver standards and the IPC values and culture</li></ul>
<b>External</b>	
Regulated sectors	<ul style="list-style-type: none"><li>• Develop strong relationships with regulated sectors to promote compliance with statutory requirements and elevate understanding of sound regulatory behaviours</li></ul>
Other Jurisdictions	<ul style="list-style-type: none"><li>• Develop strong networks across similar agencies in other jurisdictions to ensure that the IPC benefits from practice improvements being applied as appropriate.</li></ul>

## Reporting line

The Privacy Commissioner reports to the New South Parliament with oversight by the Joint Parliamentary Committee.

## Essential requirements

- Understanding of and commitment to the purpose of the PPIP Act and the objects of the HRIP Act.
- Leadership capabilities and a sound understanding of privacy issues; legislation and the role of the Privacy Commissioner.
- Demonstrated superior expertise and experience in the application of legislation and statutory decision making.
- Extensive senior experience in working within regulatory regimes and application of a contemporary risk based regulatory approach.
- Demonstrated capacity to apply intelligence gathering mechanisms and manage data to effectively and efficiently monitor compliance and inform innovative and sustainable regulatory responses.
- Demonstrated capacity to understand and respond to the opportunities and challenges of rapidly evolving technology and potential uses of data.
- Substantial experience and demonstrated expertise in complaint handling and dispute resolution functions to achieve efficient, timely and effective outcomes.
- Superior stakeholder engagement skills and demonstrated capacity to ensure sustainable compliance outcomes.
- Demonstrated ability to judiciously apply wide ranging oversight powers in protecting and advancing the public interest.

- Demonstrated capacity to act ethically and with integrity.
- Demonstrated capacity to efficiently work with a CEO to apply limited resources to achieve statutory outcomes that consistently support the overall operations and goals of a single agency with multiple statutory functions and responsibilities.
- Demonstrated success in inspiring and motivating a team of professionals and working within budgetary parameters through the use of delegations and other efficiency models.
- Demonstrated experience, contemporary knowledge and ability to operate as an independent advocate in relation to privacy issues and judiciously managing complex legislative interactions.
- Demonstrated capacity to work collaboratively with other statutory office holders and heads of regulated entities to achieve successful outcomes.
- Superior and effective communication skills including public presentation; reports; publications and interaction with news media.
- Demonstrated knowledge and capacity to work within public sector environment; uphold and actively contribute to upholding Public Sector values and responsibilities including workplace health and safety requirements; and
- Appropriate tertiary qualifications including legal; business and public administration.

### **Selection Criteria**

- Leadership capabilities and a sound understanding of privacy issues and the role of the Privacy Commissioner;
- Demonstrated experience and ability to operate as an independent advocate/champion in the discharge of a statutory function;
- Understanding of and commitment to the purpose of the PPIP Act and the objects of the HRIP Act;
- Substantial experience and demonstrated expertise in complaint handling and / or dispute resolution functions;
- Demonstrated ability to understand and respond to the opportunities and challenges of rapidly evolving technology, potential uses of data;
- Ability to lead, inspire and motivate a team of professionals;
- Demonstrated ability to judiciously use wide ranging oversight powers in protecting and advancing the public interest;
- Well developed and effective communication skills including public presentation and interaction with news media and appropriate tertiary qualifications.