

Privacy Act Breaches

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Serious harm

- Importance of early detection and assessment;
- application of response plan with each person in the structure knowing their responsibilities, attending to matters quickly and thoroughly;
- dealing with the breach – whether it caused “serious harm” or whether a reasonable person would conclude that the access or disclosure is likely to result in “serious harm”.

Assessing serious harm

Factors that a school should consider in making an assessment about serious harm, include:

- the type of personal or health information involved in the access or disclosure;
- the circumstances in which the affected information was held and how the breach occurred;
- the cause and extent of the breach;
- the risk of serious harm to the affected person or persons;
- the risk of other harm.

Some typical school potential breaches

- Laptops, removable storage devices or paper records containing personal information being lost by the school, or stolen;
- a database containing personal information being “hacked” into or otherwise illegally accessed by someone outside the school;
- a member of the school staff accessing or disclosing personal information outside the requirements or authorisation of their employment contract;
- personal information being mistakenly provided to the wrong person, to the wrong email address or to the wrong postal address.

Questions?

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