Privacy in practice:
A summary of key policy amendments and what it means for you

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By doctors for doctors

Change to the law	Date it comes/came into effect	What this means for you
New powers for the OAIC to issue infringement and compliance notices, with civil penalties imposed for non-compliance with those notices. Previously compliance action was focused on 'serious and repeated' privacy breaches.	11 December 2024	Compliance notices can be issued requiring individuals and organisations to fix breaches of the APPs, such as not having a compliant privacy policy or failing to take reasonable steps to protect patient information. Infringement notices can be issued for failure to comply, with fines of up to $66,000 per contravention. ***Review your systems, policies and procedures, including your privacy policy, and make sure you meet your obligations under the APPs to avoid enforcement action.***
Inclusion of a requirement to implement "technical and organisational measures" as part of the obligation under APP 11 to take reasonable steps to protect information.	11 December 2024	Technical and organisational measures include, for example, securing access to systems and premises, and undertaking staff training. Consider what this means for you and your practice in how you manage patient information and address privacy risks. Implement changes as needed. ***Consider what this means for you and your practice in how you manage patient information and address privacy risks. Implement changes as needed.***
The government can make regulations identifying countries that it considers have substantially similar privacy protections to Australia (known as "whitelisting" those countries).	11 December 2024 (although no regulation has yet been made)	Once countries are on the whitelist, you can rely on that list and no longer have to make your own assessment of whether that country's privacy protections meet your obligations under APP 8 regarding overseas disclosures of information. ***In the meantime, continue to be vigilant about ensuring you know what and when you're disclosing information overseas and how it's being managed.***
New legal cause of action where individuals can sue for serious invasions of privacy, regarding an intrusion into seclusion or misuse of personal information.	10 June 2025	This new cause of action applies where the serious invasion of privacy has been intentional or reckless, and where there is a reasonable expectation of privacy. Intrusion into seclusion includes unauthorised video or audio recordings, and misuse of information includes improper disclosure or handling of patient information. ***Familiarise yourself with the obligations that apply to use and disclosure of patient information, whether you're in in a private practice or public hospital or indeed managing a practice. Respect the privacy of patient information at all times.***
Organisations that use automated processes in decision-making must disclose this in their privacy policy.	10 December 2026	Since 10 December 2026, your privacy policy must include information about types of: • personal information used in automated decision-making, • decisions made solely by computer programs; and • decisions where computer programs do substantially related tasks. ***If you haven't already done since these changes were announced, review and update your policy to include this information and ensure you don't breach this provision and have enforcement action taken by the OAIC.***

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