



19 October 2021

Dr Juanita Fernando  
Chair, Health Committee  
Australian Privacy Foundation

By email: [juanita.fernando@privacy.org.au](mailto:juanita.fernando@privacy.org.au)

Dear Dr Fernando

### **SECONDARY USE OF COVID-19 CHECK-IN DATA**

Thank you for your letter of 24 September 2021 concerning the need for consistent national legislation to prohibit the secondary use of COVID-19 check-in app data.

The COVID-19 pandemic has presented significant challenges to all aspects of government and has resulted in the rapid development of new technological solutions to manage the health and safety risks posed by the COVID-19 pandemic.

As Privacy Commissioner, I continue to monitor these developments and provide advice, where appropriate, on measures being implemented by government. The protection of personal information collected as a result of the government's response to the COVID-19 pandemic is vital to maintaining public trust in government.

Consistency in approach by governments is encouraged where possible and appropriate. To support this, in September 2021, the Office of the Australian Information Commissioner and all State and Territory Privacy Commissioners and Ombudsmen released universal privacy principles to support a nationally consistent approach to solutions and initiatives designed to address the ongoing risks related to the COVID-19 pandemic. These high-level principles provide a framework to guide a best practice approach to the handling of personal information during the pandemic by government and business.

In NSW, the development of the COVID-19 check-in app was undertaken using a privacy-by-design approach which incorporated a number of privacy protective features. This includes strict requirements for deletion of data after 28 days, and a provision within the Public Health (COVID-19 General) Order 2021 that personal information collected by the check-in app (or equivalent paper process) is to be used or disclosed only for the purposes of contact tracing during the COVID-19 pandemic.

My office will continue to monitor, and provide advice on, the privacy risks arising from the government response to the COVID-19 pandemic to ensure that NSW public sector agencies comply with their obligations under the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

Please do not hesitate to contact me if you require any further information. Alternatively, your officers can contact Rachel Jhinku, Senior Policy Officer, Legal Counsel and Regulatory Advice on (02) 4823 4606 or via email at [rachel.jhinku@ipc.nsw.gov.au](mailto:rachel.jhinku@ipc.nsw.gov.au).

Yours sincerely

  
Samantha Gavel  
**Privacy Commissioner**