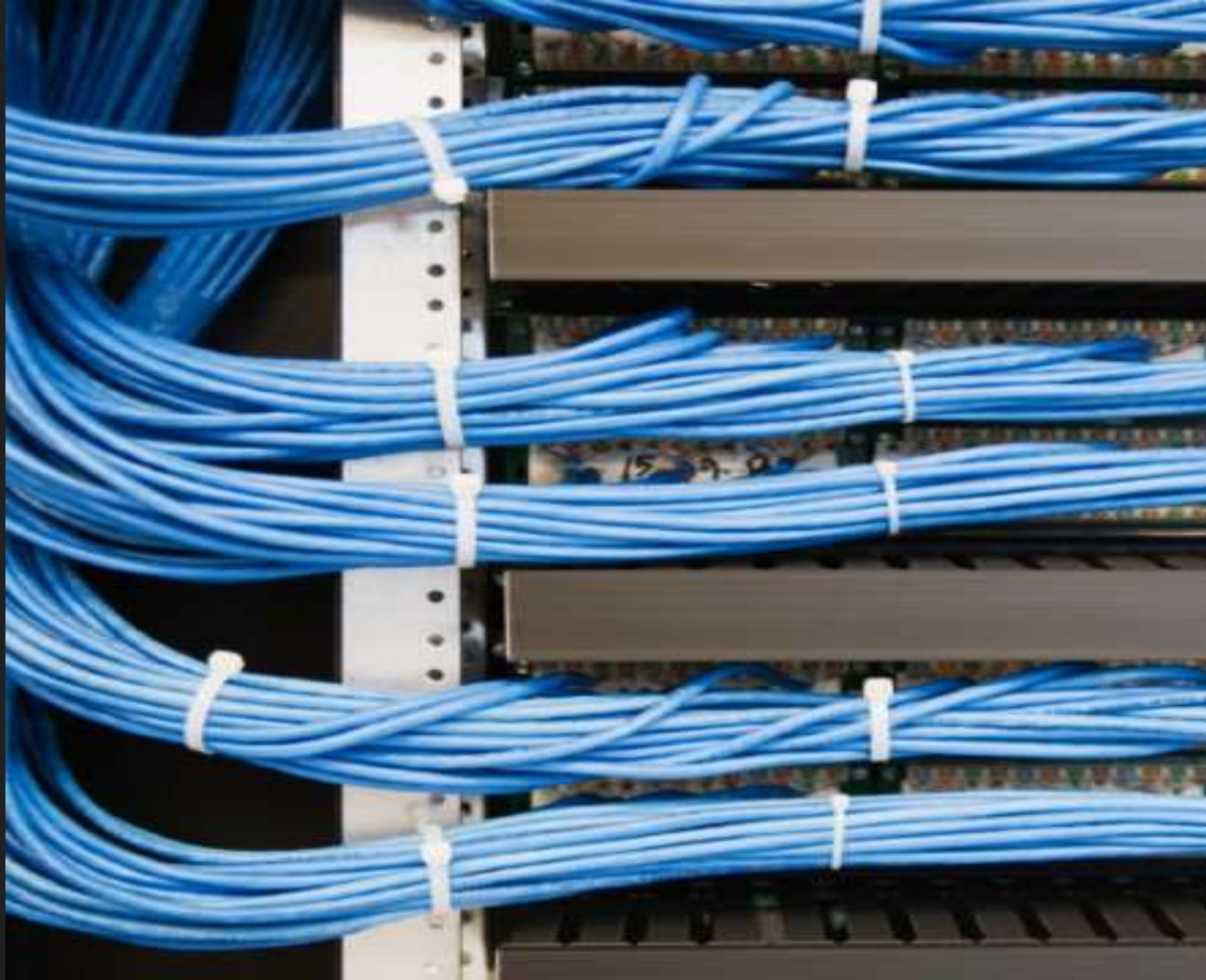


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**Data Breach
Notification**

**Consumer
Data Right**

10 things
you need to
know about
Mandatory
Data
Breach
Notification



1. The Mandatory Data Breach Notification scheme sits within the Privacy Act 1988 (Cth)

2. Data breaches involving employee records are not subject to the Mandatory Data Breach Notification scheme

3. Data breaches are only “eligible” and notifiable if a reasonable person would conclude it is likely to result in serious harm

4. Serious harm includes physical, economic, emotional and psychological harm

5. If you take remedial action to address a data breach before serious harm is likely to result, you don't have to notify

6. If you don't know whether or not a data breach is likely to result in serious harm, you have a 30 day period to make the determination

7. If you disclose information offshore, any data breach by the offshore entity will be deemed to be a data breach by you

8. Each entity involved in an eligible data breach will be under an obligation to notify ... but if one notifies, the other does not need to do so

9. A failure to notify an eligible data breach is an interference with privacy

10. There are other laws and regulatory obligations which could also compel organisations to notify data breaches

11 things you need to know about the Consumer Data Right



1. The Consumer Data Right will give customers the right to safely access certain data held about them by businesses and to direct that this data be transferred to third parties of their choice

2. There will be Legislation, Rules and Standards

3. Open Banking is the application of the Consumer Data Right in the banking sector

4. The Consumer Data Right will extend to all customers, including individuals, and small, medium, and large businesses

5. The Consumer Data Right will apply only to specific, identified classes of data and data holder

6. You cannot charge customers

7. Consent cannot be implied

8. Recipients of data must be accredited

9. In order to receive, you must give

10. Participants in the Open Banking System will be liable for their own conduct but not for the conduct of others

11. The OAIC, the ACCC, a new Data Standards Body, and sector specific regulators will all be involved in regulating the Consumer Data Right

THANKS !