LSC LEGAL SERVICES COUNCIL | COMMISSIONER FOR UNIFORM LEGAL SERVICES REGULATION

Privacy Management Plan

July 2025

LEGAL PROFESSION Uniform Law

Contents

Purpose

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**) requires that "each public sector agency must prepare and implement a Privacy Management Plan within 12 months of the commencement of this section" (s 33). This plan explains how we manage personal information in line with the PPIP Act.

Further information about the PPIP Act is at **Attachment A**.

Who we are

The Legal Services Council (**Council**) and Commissioner for Uniform Legal Services Regulation (**Commissioner**) are created by the Legal Profession Uniform Law (**Uniform Law**) which applies in New South Wales by virtue of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**NSW Application Act**), in Victoria by virtue of the *Legal Profession Uniform Law Application Act 2014* (Vic) and in Western Australia by virtue of the *Legal Profession Uniform Law Application Act 2022* (WA). The Uniform Law commenced operation in New South Wales and Victoria on 1 July 2015 and in Western Australia on 1 July 2022.

The Council consists of seven members drawn from participating jurisdictions:

- two members appointed by the host Attorney-General on the recommendation of the Law Council of Australia
- one member appointed by the host Attorney-General on the recommendation of the Australian Bar Association
- three members appointed by the host Attorney-General on the recommendation of the Standing Committee on the basis of their expertise in one or more of the following areas:
    - the practice of law
    - the protection of consumers
    - the regulation of the legal profession
    - financial management, and
- one member appointed as the Chair by the host Attorney-General on the recommendation of the Standing Committee.[1]

The Council's work is overseen by a Standing Committee, which comprises the Attorneys General of the jurisdictions participating in the scheme, currently New South Wales, Victoria, and Western Australia.

Under clause 17 of Schedule 1 to the Uniform Law, the Chief Executive Officer (**CEO**) of the Council is to administer the affairs of the Council in accordance with the policies and directions of the Council. The functions of the CEO are exercised by the Commissioner.

The Council and Commissioner are supported by an Admissions Committee, which is responsible for developing Admissions Rules. Those Rules set out the qualification prerequisites for admission to the legal profession, the procedural requirements for admission and the process of accrediting law courses and practical legal training providers. The Committee also has a broader role, providing advice to the Council about admissions matters.

The Admissions Committee works consultatively with the admitting authorities in Uniform Law jurisdictions and with the Law Admissions Consultative Committee (**LACC**). The LACC's main role is to forge consensus on admission and admission-related matters nationally, between the bodies represented by its members.

[1] *Legal Profession Uniform Law*, Schedule 1, clause 2.

The Council has also established an Audit and Risk Committee (**ARC**), which operates under approved terms of reference. The ARC monitors and reviews the effectiveness and efficiency of the processes of the Council and Commissioner.

A small Secretariat administers the day-to-day work of the Council. The Secretariat provides administrative and policy support to the Admissions Committee, LACC and the ARC.

The Council operates as a cost centre of the NSW Department of Communities and Justice (**NSW Department**). The NSW Department provides corporate services under a service partnership agreement to the Council on a fee for service basis.

For more information on organisational structure, please refer to the Council and Commissioner's latest annual reports.

Nature of the Council and Commissioner as organisations

The functions of the Council and Commissioner are set out in the Uniform Law. In broad terms, they are required to oversee the implementation of the Uniform Law and to encourage other jurisdictions to join the Uniform Law scheme. The work that staff are required to undertake is in the nature of legal policy and advisory work and it requires high levels of accuracy, skill and experience.

Application of the PPIP Act

The Council and Commissioner are subject to the PPIP Act by virtue of the section 416 of the Uniform Law and section 6(1)(2) of the NSW Application Act, as modified by clause 5(1)(a) of the Legal Profession Uniform Regulations 2015 (**Uniform Law Regulations**). The Council and Commissioner are not public sector agencies. However, clause 5(1)(a) of the Uniform Law Regulations provides that the Council and Commissioner "are taken to be public sector agencies" for the purposes of the PPIP Act.

For the above reasons, it is necessary that the Council and Commissioner prepare and implement a Privacy Management Plan.

From time to time, the Council members may be provided with personal information in the course of their deliberations but this will very much be secondary to the legal, policy or management issue which the Council may be considering. However, as Council members are subject to the PPIP Act, this Privacy Management Plan will be provided to them to be formally noted. In future, when other members are appointed to the Council, they too will be advised of the requirements of the PPIP Act and will be expected and assisted by the Secretariat to comply with the PPIP Act and Information Protection Principles (**IPPs**).

Policies and practices to ensure compliance with the PPIP Act

The Council devises its policies and practices by reference to the relevant provisions of the PPIPA and also by reference to the instructional information published by the Privacy Commissioner, including the "Guide to making Privacy Management Plans" and the Privacy Management Plan "Checklist". Aside from the policies and procedures set out in this document, there are no other policies and procedures relevant to the Plan.

Section 20 of the PPIP Act makes clear that the IPPs set out in the PPIP Act apply to public sector agencies. As noted above, the Council and Commissioner are subject to the PPIP Act, effectively to equate them with public sector agencies.

Because the Council and Commissioner are subject to the PPIP Act, all staff made available to the Council by the NSW Department are also subject to the PPIP Act. Staff are instructed to comply with the PPIP Act, including the IPPs set out in sections 8-21 of the PPIP Act. New staff

must familiarise themselves with the PPIP Act, the IPPs and this Plan as part of their induction and are required to sign the instrument (**Attachment B**) to indicate that they are familiar with the Plan and the date on when they reviewed it. Staff are also provided with training on the PPIP Act, including that if they are unsure what to do about a privacy issue, they should approach the CEO or the Privacy Contact Officer. Staff are encouraged to undertake this training annually.

Compliance with IPPs

Broadly, the IPPs cover the collection, retention and security, access, alteration and checking of personal information. The IPPs also place limits on use and disclosure of personal information.

Practices for compliance with the PPIP Act

Most of the information held by the Council and Commissioner is not personal information. It is more accurately described as legal or policy information. Personal information collected, retained, altered and disclosed is incidental to the performance of the policy and oversight functions of these entities.

Neither the Council nor Commissioner directly regulate law practices, solicitors or barristers and neither have a complaint handling function. Day to day regulation of the legal profession remains with the State based regulators and professional bodies. However, both the Council and Commissioner occasionally receive, in error, details of complaints about law practices, solicitors or barristers. When this occurs, the correspondence is forwarded to the correct regulatory body and the complainant is informed that the correspondence has been forwarded to the appropriate authority in accordance with section 414 of the Uniform Law.

How we collect, store, use and disclose personal information

Collection

Information must only be collected by lawful means for purposes related to the functions and activities of the Council or Commissioner.

Personal information collected and held by the Council and Commissioner falls into four categories:

1. The personal information relating to Council and Committee members, employees and student interns.
2. Contact details for key stakeholders, including individuals.
3. Personal details disclosed to the Council or Commissioner as part of a submission or through participating in other forms of consultation.
4. Documents lodged in error with the Council or Commissioner relating to a complaint against a law practice, solicitor or barrister.

The details of these categories are:

1. The personal information of Council and Committee members, employees and student interns is limited to that information which is relevant to the individual's position in the organisation. It is collected and retained for those purposes only and is to be retained for as long as it is relevant.
2. The Council maintains a list of contact details for key stakeholders including names, addresses and telephone numbers. The list is kept up to date.
3. The Council undertakes public consultation as part of the development of the Uniform Law and Rules and related policies, guidelines and directions. Personal information disclosed to the Council, in the course of these consultations, is collected for the purpose of the relevant consultation and may be used for the purpose of future consultations and included

in the stakeholder contact list. The Council also acknowledges each submission and requests consent before the submission is published. Submissions are thereafter published unless the entity making the submission requests the submission be treated as confidential. Personal information disclosed on a published submission is limited to the name of the author and the organisation. The person's address, email, phone number and signature are removed prior to publication.

4. When documents, letters or communications are lodged in error with the Council or Commissioner, these are redirected to the relevant regulatory authority and the sender is advised of this course of action.

The Council and Commissioner ensure that the personal information collected by them is relevant, accurate, not excessive and does not unreasonably intrude into the personal affairs of people. The information contains no more detail than has been provided and does not contain any other information.

The Council will notify the individual that his or her personal information is being collected at the time of first request by the Council. This notification will usually occur by email and, where reasonable, they will also be notified of matters such as the purposes for which the information is collected, the intended recipients of the information and the existence of any right of access to, or correction of, the information. Where it is lawful and practical, we give people the option of remaining anonymous if preferred when providing personal information to us.

Generally, the Council and Commissioner do not collect sensitive personal information such as racial origin or sexuality.

Storage

The majority of information held by the Council and Commissioner is contained on an electronic document and records management system. All electronic information is held on secured servers provided and maintained by the NSW Department. Where information is stored in an electronic database, staff ensure that appropriate descriptions are used. If any sensitive personal information is collected, it will be held in a restricted access folder and particular care would be exercised when dealing with it to ensure compliance with the IPPs.

Hard copy files are kept in offices that can only be accessed by staff with appropriate security access. The Council and Commissioner dispose of hard copy information by way of shredding and electronic information in accordance with NSW Department practices.

Use

It is the responsibility of all staff to ensure that use and disclosure of personal information is made in accordance with IPPs 10 and 11. This includes only using the information for the purposes for which it was collected unless informed consent has been provided or an exemption to one of the IPPs applies. Staff should not disclose the information to any person other than the person to whom information relates, unless one of the exemptions applies.

Disclosure

The Council and Commissioner are subject to a general statutory prohibition on disclosure of any information obtained in the administration of the Uniform Law (section 462) unless a specified exemption applies (section 462(2)).

Contact information must be kept up-to-date and accurate to guard against accidental disclosure of personal information by sending a communication to the wrong person. Particular care must be taken when using electronic forms of communication, for example, when sending an email to multiple recipients, that the personal information of the other recipients is not incorrectly disclosed to any individual recipient. Staff also ensure that

personal information is accurate before using it, including checking contact details directly with a person or their organisation.

Staff are required to update their personal information using the human resource application (SAP) as relevant. The onus is to keep their personal information up to date and accurate rests with the individual employee.

Dissemination of policies and practices within and outside the agency

Legal Services Council website

This Privacy Management Plan, the Data Breach Policy and the personal information collection notice (**Attachment C**) are published on the Council website at https://legalservicescouncil.org.au/about-us/access-to-information-and-privacy.html.

The "publications" section on the Council website (https://legalservicescouncil.org.au/publications.html) indicates how publications can be accessed and provides a contact address where relevant documents are not published on the website. The publication guide refers to, for example, the Annual Report and Council guidelines, directions and information sheets.

Exemptions

There are exemptions in the PPIP Act that explain when an agency need not comply with the IPPs. To date neither the Council nor Commissioner has relied on any of these exemptions nor has any public interest direction been made in its favour by the Privacy Commissioner. Any change will be published by the Council and/or Commissioner.

Public registers

The Council publishes a simple online register of legal practitioners in Uniform Law jurisdictions, called the Australian Legal Profession Register. The Register contains the name, type of practising certificate (solicitor or barrister only) and State where the practising certificate was obtained. The information published on the Register is provided directly to the Council by the designated local regulatory authorities and it is also publicly available on their websites. The Register does not contain reference to any personal information such as address, email or phone number. Users are directed to the relevant regulatory body to obtain further information about a legal practitioner, including accessing Registers of Disciplinary Actions. Legal practitioners who would like to remove or update their details on the Register should contact their designated local regulatory authority.

Pursuant to the Mandatory Notification of Data Breach Scheme (**MNDB Scheme**) established by the PPIP Act, the Council will also maintain a public register of any eligible data breaches where the CEO is unable, or it is not reasonably practicable, to contact all of the affected individuals.

Procedures for access, amendment, internal and external review

Access and amendment

A person wanting to access or amend their own personal information can make an informal request to the Council or Commissioner. Generally, this request does not need to be made in writing. If a person is unhappy with the outcome of their informal request, they can make a formal application.

A person can make a formal application for access to personal information under the PPIP Act by writing to the Council or Commissioner at LSC@legalservicescouncil.org.au.

The Council or Commissioner will aim to respond to the formal application within 20 working days. They will contact the applicant to advise how long the request is likely to take, particularly if it may take longer than expected.

As the information published in the Australian Legal Profession Register is provided directly by the designated local regulatory authorities, any request to alter that information should be directed to the relevant authority.

Privacy complaints

A person who is aggrieved by the way in which the Council or Commissioner has handled their personal information may either make a complaint to the Privacy Commissioner or apply to the Council or Commissioner for an internal review of that conduct. If a person considers the Council or Commissioner has breached the PPIP Act the complaint can be resolved informally. Contact should be made with the Council or Commissioner via email, phone or in writing to raise the complaint.

If the applicant is dissatisfied with the outcome, a formal application for internal review may be lodged with the Council or Commissioner.

Internal review process

If a person considers that the Council or Commissioner has breached the PPIP Act relating to their personal information, they may request an internal review under the provisions of the PPIP Act. A request can be lodged by completing the information review application form made available on the NSW Information and Privacy Commission's website[2] and forwarding it to LSC@legalservicescouncil.org.au.

Under section 53(3) of the PPIP Act, an application for internal review must be lodged within six months from the date the applicant became aware of the conduct the subject of the application (however, the Council or Commissioner may consider a late application for internal review).

An internal review will be completed as soon as is reasonably practical or within 60 days from the date the application is received. An internal review will follow the process set out in the Office of the Privacy Commissioner's internal review checklist. When the internal review is complete, the Council or Commissioner will notify the applicant in writing (within 14 days) of:

- the finding of the review
- the reasons for the finding, described in the terms of the IPPs
- any action we propose to take
- the reasons for the proposed action (or no action), and
- the applicant's entitlement to have the findings and the reasons for the findings reviewed by the NSW Civil and Administrative Tribunal (**NCAT**).

Section 54 of the PPIP Act states that when the Council or Commissioner receives an application for internal review, they must notify the Privacy Commissioner of the application as soon as practicable, keep the Privacy Commissioner informed of the progress of the internal review and inform the Privacy Commissioner of the findings of the review and any action proposed to be taken by the agency in relation to the matter. The Privacy Commissioner is entitled to make submissions to the Council or Commissioner in relation to the subject matter of the application.

[2] Available at https://www.ipc.nsw.gov.au/sites/default/files/2022-07/Form_Privacy_complaint_internal_review_application_form_September_2019_Fillable.pdf.

The Privacy Commissioner may, at the request of the Council or Commissioner, undertake the internal review on their behalf or make a report to the Council or Commissioner in relation to the application.

Applicants are also able to lodge their complaint directly with the Privacy Commissioner.

External review

An application may also be made to the NCAT for an external review of the conduct that was the subject of a person's internal review application. However, a person must seek an internal review before they have the right to seek an external review.

Generally, a person has 28 days from completion of the internal review to seek an external review. The NCAT has the power to make binding decisions on an external review. For more information on how to request an external review please contact the NCAT.

Offences

Part 8 of the PPIP Act contains offences for certain conduct of public sector officials and other persons including in relation to the following:

- corrupt disclosure and use of personal or by public sector officials
- offering to supply personal information that has been disclosed unlawfully, and
- offences relating to dealings with the Privacy Commissioner.

The Council's strategies to minimise the risk of its employees committing an offence include obtaining a written acknowledgement by the employee that they have read this Privacy Management Plan and that they agree to comply with its requirements.

Related parties

The Council has a service partnership agreement in place with the NSW Department that covers human resources, finance, procurement and information and digital services. For this reason, personal information may be disclosed to the NSW Department as part of this arrangement. The NSW Department has its own Privacy Management Plan on its website.

Provision of Privacy Management Plan to Privacy Commissioner

Section 33(5) of the PPIP Act requires agencies to provide a copy of the Privacy Management Plan to the Privacy Commissioner as soon as practicable after it is prepared and whenever the Plan is amended. Accordingly, a copy of this Plan was provided to the Privacy Commissioner in January 2020 and an updated Plan was provided to the Privacy Commissioner in October 2021. A further amended copy of this Plan was provided to the Privacy Commissioner in February 2024 to include references to the MNDB Scheme, as well as further amendments which were made in May 2024.

Data breach notification and the MNDB Scheme

The MNDB Scheme commenced in New South Wales in November 2023. Pursuant to Part 6A of the PPIP Act, the Council and Commissioner have implemented a Data Breach Policy, which is available to view on the Council's website at https://legalservicescouncil.org.au/about-us/access-to-information-and-privacy.html.

The purpose of the Data Breach Policy is to provide an outline of the Council and Commissioner's approach and procedures in relation to containing, assessing, managing, notifying, and reporting on eligible data breaches in accordance with the MNDB Scheme, and to comply with section 59ZD of the PPIP Act.

If a data breach creates a real risk of serious harm to an individual, the affected individuals will be notified. The Council and Commissioner's Data Breach Policy sets out information

about roles and responsibilities in identifying any actual or suspected data breach and the notification process.

In the event of a breach, the Council and Commissioner will ensure a review is conducted so that risk mitigation measures can be taken to prevent further breaches in the future.

In the event of a data breach relating to NSW Department systems, NSW Department Legal and Information and Digital Services will be contacted.

For data breaches involving tax file numbers (**TFN**), the Council and Commissioner may be required to notify the Office of the Australian Information Commissioner (**OAIC**) if the breach of the TFN is likely to result in serious harm to any individual.

Amendments and version control

Section 33(4) of the PPIP Act provides that an agency may amend its Privacy Management Plan from time to time. To facilitate amendments and version control, details including the date of each amendment of this Plan are noted at the back of the Plan. This Plan will be reviewed annually.

Contacts

Legal Services Council Privacy Contact Officer	**T**: (02) 9692 1305 **E:** lsc@legalservicescouncil.org.au **Address**: PO Box H326, Australia Square NSW 1215
Information and Privacy Commission (IPC)	**T**: 1800 472 679 **E**: ipcinfo@ipc.nsw.gov.au **Address**: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
NSW Civil and Administrative Tribunal (NCAT)	**T:** 1300 00 NCAT or 1300 006 228 National Relay Service for TTY Users: 13 36 77 **Address:** John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

Version schedule

Revision	Date
Initial draft	28 April 2016
Final draft	8 June 2016
Final document	2 August 2016
Amended due to office move	30 January 2019
Amended to include ALPR	8 May 2019
Amended as per Office of General Counsel DCJ advice	12 September 2019
Amended as per Information and Privacy Commission advice	20 January 2020
Amended formatting and editing	31 January 2021
Amended to remove reference to HRIPA and update references to shared drives to EDRMS. Attachment B included. Endorsed by ARC on 8 February 2022; Council approved on 23 February 2022.	8 February 2021
Revised to include Western Australia as a participating jurisdiction	1 July 2022

Revised to update details of the Privacy Contact Officer and Secretariat	16 February 2023
Revised following introduction of the MNDB scheme	29 February 2024
Revised following feedback from the Information and Privacy Commission NSW	16 May 2024
Annual review. No amendments.	8 July 2025

Next scheduled review: February 2026

Attachment A: Overview of the PPIP Act

The PPIP Act sets out how the Council and Commissioner must manage personal information.

About personal information
Personal information is defined in section 4 of the PPIP Act and is essentially any information or opinions about a person where that person's identity is apparent or can be reasonably ascertained. Personal information can include a person's name, address, family life, gender identification, sexual preferences, financial information, fingerprints and photos.

There are some kinds of information that are not personal information, e.g. information about someone who has been dead for more than 30 years, information about someone that is contained in a publicly available publication, or information or an opinion about a person's suitability for employment as a public sector official. Health information is generally excluded here as it is covered by the *Health Records and Information Privacy Act 2002* (NSW), which does not apply to the Council or Commissioner. However, health information is included in the definition of personal information for the purposes of the Council and Commissioner Data Breach Policy developed in accordance with Part 6A of the PPIP Act.[3]

Information protection principles (IPPs)
Part 2, Division 1 of the PPIP Act contains 12 IPPs with which we must comply. Here is an overview of them as they apply to us.

Collection
1. We collect personal information only for a lawful purpose that is directly related to our functions and activities.
2. We collect personal information directly from the person concerned.
3. We inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their personal information and any possible consequences if they decide not to give their personal information to us.
4. We ensure that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.

Storage
1. We store personal information securely, keep it no longer than necessary and destroy it appropriately. We protect personal information from unauthorised access, use or disclosure.

Access and accuracy
1. We are transparent about the personal information we store, why we use the information and about the right to access and amend it.
2. We allow people to access their own personal information without unreasonable delay or expense.
3. We allow people to update, correct or amend their personal information where necessary.
4. We make sure that personal information is relevant and accurate before using it.
5. We only use personal information for the purpose we collected it for unless the person consents to us using it for an unrelated purpose.
6. We only disclose personal information with people's consent unless they were already informed of the disclosure when we collected the personal information.
7. We do not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual

[3] *Privacy and Personal Information Protection Act 1998* (NSW), s 59B.

activities unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

Attachment B: Instrument – Staff compliance with PPIP Act

I, **[name of staff member]** have read this Privacy Management Plan and agree to comply with its requirements.

Signed:

Dated:

Attachment C: Personal Information Collection Notice

Personal Information Collection Notice
By responding you may be giving personal information (such as name, email address and/or telephone contact) to the Legal Services Council and Commissioner for Uniform Legal Services Regulation (**we**, **us**, or **our**).

Who we collect the personal information from
We generally collect your personal information directly from you or from publicly available sources. However, in some cases, we may receive your personal information from a third party when it is relevant to our statutory responsibilities (for instance during the course of consultation).

For what purposes do we collect personal information
We collect your personal information to perform our functions under the Legal Profession Uniform Law, *Legal Profession Uniform Law Application Act* 2014 (NSW), the *Legal Profession Uniform Law Application Act 2014* (Vic) and *Legal Profession Uniform Law Application Act 2022* (WA).

What are the types of bodies and persons to whom we usually disclose your personal information?
Your personal information may be provided to:

- Regulators and government entities (such as the Office of the Legal Services Commissioner, Law Society of NSW, NSW Bar Association, Victorian Legal Services Board and Commissioner, Legal Practice Board in Western Australia, Western Australian Legal Services and Complaints Committee, Legal Profession Admission Board (NSW), Victorian Legal Admission Board, NSW Department, Victorian Department of Justice and Community Safety and Western Australian Department of Justice), and
- Organisations that represent the legal profession such as the Law Council of Australia, the Australian Bar Association, State law societies and State bar associations.

You can access and correct your personal information
Our Privacy Management Plan contains information about how you can access your personal information and seek correction of such information; as well as our compliance with the *Privacy and Personal Information Protection Act 1998* (NSW). The Privacy Management Plan is accessible at https://legalservicescouncil.org.au/about-us/access-to-information-and-privacy.html.

How to contact us
Write to:

Legal Services Council and Commissioner for Uniform Legal Services Regulation
PO Box H326
Australia Square NSW 1215

Email: lsc@legalservicescouncil.org.au