




NOTIFIABLE DATA BREACH ACT 2017

REPORTING,
NOTIFICATION
&
COMPLIANCE

OVERVIEW


ENTITIES WHO MUST COMPLY



All private sector and not-for-profit businesses with an annual turnover of more than \$3 million. All private health service providers; and *some small businesses. Credit providers, reporting bodies, and holders of tax file number information, (most) Australian Government agencies.

*those who (do or) are related to a business who turns over \$3 million, are a Commonwealth Government contractor, collect personal information as a service and all Health Service providers.


ASSESSING DATA BREACHES



Entities that suspect an eligible data breach may have occurred must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm* to any individual affected. Entities have 30 days to carry out this assessment.

*could include serious physical, psychological, reputational, emotional, economic and financial harm.

NOTIFICATION



Notification must occur as soon as practicable after the entity becomes aware of the eligible data breach. Between the MSP and End User, it must be the entity with the most direct relationship to the people affected, who must report the Eligible Data Breach.



The NDB scheme requires agencies and organisations to take steps to secure certain categories of personal information



FIVE IMPORTANT FACTS

- Name: Privacy Amendment (Notifiable Data Breaches) Act 2017
- Deals With: “Eligible Data Breaches”
- Governing Body: Office of the Australian Information Commissioner (OAIC)
- Applies to: (most) Australian businesses and international businesses with Australian customers.
- Penalties: (minimum) \$2000 for individuals; and \$350 000 up to \$2.1 million for businesses.

ELIGIBLE DATA BREACHES

Are unauthorised access, disclosure or loss of personal information, that an entity holds;

Futhermore, the incident is likely to result in serious harm to one or more individuals; and

The entity has not been able to prevent the likely risk of serious harm with remedial action

[FIND OUT MORE](#)

RESOURCES:

blog.probax.io/ndb-msp-overview
blog.probax.io/ndb-fivethings

ADDRESS:

Level 33, 250 St Georges Terrace
Perth WA 6000

Please contact the governing body (OAIC) for specific advice on how the NDB relates to your business.