



# NOTIFIABLE DATA BREACHES (NDB) SCHEME

Are you ready for Australia's new Notifiable Data Breaches (NDB) Scheme?

## Overview

The NDB scheme introduces an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. This notification must include recommendations about the steps individuals should take in response to the breach.

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## Will I be affected?

It applies to all entities with an annual turnover of \$3 million or more, businesses that provide health service, businesses that disclose personal information for advantage as well as Federal Government Agencies and business that contract with federal government agencies.

## Which data breaches require notification?

An 'eligible data breach', which triggers notification obligations, is a data breach that is likely to result in serious harm to any of the individuals to whom the information relates.

A data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure.

Examples of a data breach include when:

- a device containing customers' personal information is lost or stolen
- a database containing personal information is hacked
- personal information is mistakenly provided to the wrong person

## How to notify

When an agency or organisation is aware of or has reasonable grounds to believe an eligible data breach has occurred, they are obligated to promptly notify individuals likely at risk of serious harm. The Australian Information Commissioner (Commissioner) must also be notified as soon as practicable through a statement about the eligible data breach.

- maximum 30 days to investigate and determine if eligible breach.

The notification to affected individuals and the Commissioner must include the following information:

- the identity and contact details of the organisation,
- a description of the data breach,
- the kinds of information concerned and;
- recommendations about the steps individuals should take in response to the data breach.

## Data breach response plan

Agencies and organisations should also prepare or update their privacy policy procedures and data breach response plan to ensure they are able to respond quickly to suspected data breaches, and conduct an assessment as required under the NDB scheme.

## Fines & penalties

Failure to comply with the NDB scheme can attract significant fines and penalties for individuals and organisations.

## Further information

Visit the website at <https://www.oaic.gov.au/privacy/notifiable-data-breaches>

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