



**Community  
Legal Centres  
Queensland**

# Data Governance: Why is data retention and deletion fundamental for CLCs?

Alec Christie, Partner, Digital Law & Privacy, Clyde & Co

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# Acknowledgement of country

*Community Legal Centres Queensland acknowledges the traditional owners of the land on which we are holding this presentation, the Turrbul and Jaggara people.*

*We pay our respects to their elders, past, present and emerging, and acknowledge the important role Aboriginal and Torres Strait Islanders continue to play in our society.*

*As this presentation is being viewed throughout Queensland, we also pay respect to the traditional owners of the land throughout the country and extend a warm welcome to any First Australians listening to this presentation.*



# Our presenter Alec Christie

Alec has over 30 years' experience providing practical solutions in data privacy/cyber security, information and innovation (including in relation to the digital economy, AI, Big Data analytics and IoT), digital transformation, e-commerce (including online marketing) and Cloud computing/outsourcing. Since 2013 Alec has been recognised as one of the leading privacy and information technology lawyers in Australia by Who's Who Legal, the Asia Pacific Legal 500 and BestLawyers Australia and described as a 'distinguished practitioner... lauded by clients for his excellent advisory work in... privacy'.

Alec is also a Senior Member of the NSW Civil and Administrative Tribunal (NCAT) focusing on the privacy and freedom of information jurisdiction of the Tribunal.



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[Link to CV](#)

# Aim of this webinar

The objectives of this Webinar are:

- To bring you up-to-date with significant privacy developments relevant to CLCs
- Assist your CLC to significantly reduce their privacy risks (especially if there is a data breach)
- Help your CLC to better protect the very sensitive data of your clients
- Assist CLCs to better manage the necessary privacy uplift to meet the announced privacy law changes
- Help CLCs prioritise where to focus your privacy spend
- Help CLCs get more out of your data (in a compliant way)

# What this webinar covers

Today we will cover:

- CLCs' data retention/deletion obligations
- How best to address APP 11.2 and legal hold periods
- Why is data deletion such a hot issue?
- The announced changes to the privacy law
- How CLCs can best prepare for the announced changes
- Key takeaways
- Questions & Answers



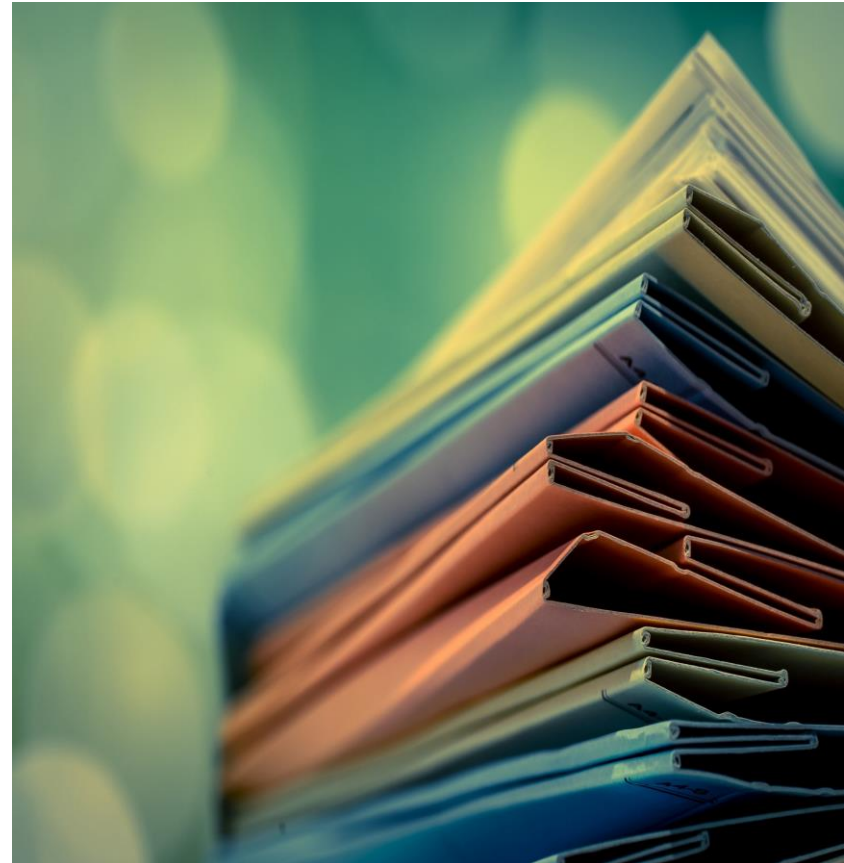
# CLCs' data retention/deletion obligations



- How does the *Privacy Act 1988* (Cth) come into play?
- What do we mean by data retention?
- What do we mean by data deletion (or de-identification)?
- What does APP 11.2 say?
- What does this mean in practice?
- What are the data governance benefits of data retention/deletion?
- Why not just delete everything as soon as you have finished with it?

# How to best address APP 11.2 and legal hold periods

- Know what you have ... data wise
- Focus on personal information (**PI**) rich data
- Determine the 'record' types/categories which are PI-rich
- Based on these record types determine the legal hold periods
- Where there is no express statutory period
- Anything else ... 'litigation holds'
- Create a data retention schedule (**DRS**)
- How best to implement and operationalise your DRS (or, what is a DRDP?)



# Why is data deletion such a hot issue?



- Those high-profile data breaches of 18 months ago (and continuing)
- The risks of not doing this:
  - greater impact (and costs) of data breaches for more individuals
  - ongoing costs keeping more PI than you should
  - non-compliance
  - not knowing your data
  - not getting the most out of your data
- Increased Privacy Commissioner activity and enforcement
- Increased fine for serious or repeated breaches of the privacy law and new mid and low tier fines to be introduced

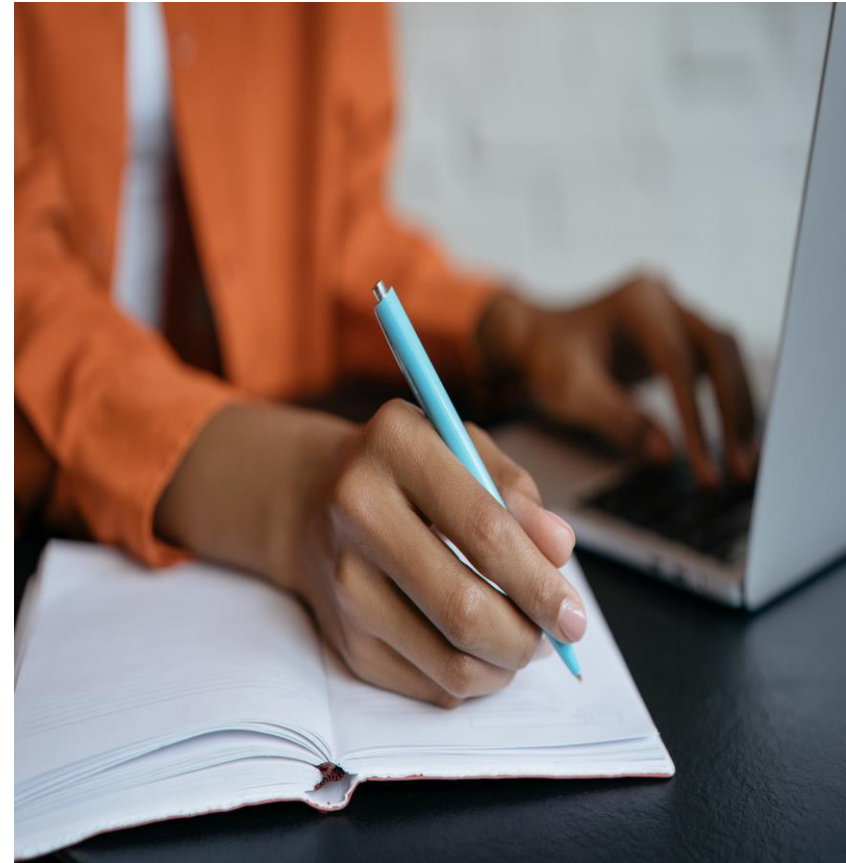


# The announced changes to the privacy law

- The history of the changes and overall uplift of Australian privacy law
- The key changes most relevant to CLCs:
  - Detailed ‘guidance’ on APPs 11.1 and 11.2
  - Making the organisation (and its governing body) more accountable for privacy compliance
  - Mandatory PIAs for ‘high privacy risk’ activities (including re third party providers)
  - New and changed requirements for children’s and vulnerable person’s privacy
  - Consideration and recording of types of and purposes for PI to be collected
  - Overarching requirement to act fairly and reasonably
- The main impacts of those changes for CLCs

# How CLCs can best prepare for the announced changes

- Those with low to mid-level privacy maturity will struggle
- Independent review of your compliance in key privacy areas
  - onboarding
  - data retention/deletion
  - data breach response
  - third party processing
- Did I mention a DRS and DRDP?
- Data breach response plans
- Third party processor clauses



# Key takeaways



- Don't wait for the announced privacy changes to be legislated
- Best value significant privacy risk reduction right now is a DRS/DRDP project
- Consider an independent review of your privacy compliance across key areas
- Start addressing key privacy gaps now!
- Consider PIAs for all high privacy risk or PI-rich new projects or changed collection/uses
- A DBRP and third party provider privacy/information security clauses will be 'essential' to meet the announced changes (if not already)

# Questions & Answers

