

Joshua Marshall

From: Alice Yan
Sent: Thursday, 14 June 2018 11:26 AM
To: Joshua Marshall
Cc: Ministerial Correspondence; Amanda Curran (Minister)
Subject: Data request

Josh,

Could you please advise on the top five speeds (highest over the speed limit)

- (1) Specifically in a school zone;
- (2) Generally across all reps; and
- (3) MP with most reps about speeding

for this financial year.

I appreciate this is a big request, and would be grateful to receive by end of July.

I have cced Amanda, who will be stepping into my role. Please reply to her directly.

Alice

Joshua Marshall

From: Joshua Marshall
Sent: Thursday, 14 June 2018 11:30 AM
To: Katrina Morgan
Subject: Fwd: Data request

FYI...I'll get the data together...

>>> Alice Yan <Alice.Yan@minister.nsw.gov.au> 14/06/2018 11:26 AM >>>
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Could you please advise on the top five speeds (highest over the speed limit)

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Alice

Joshua Marshall

From: Joshua Marshall
Sent: Thursday, 14 June 2018 11:31 AM
To: Alice Yan
Cc: Ministerial Correspondence; Amanda Curran (Minister)
Subject: Re: Data request

Thanks Alice. Received...

...and best of luck if we don't chat before you go.

>>> Alice Yan <Alice.Yan@minister.nsw.gov.au> 14/06/2018 11:26 AM >>>
Josh,

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Joshua Marshall

From: Joshua Marshall
Sent: Friday, 6 July 2018 9:04 AM
To: Barry Lloyd; Barry Olsen; Ian Gray; Jack Leung; Josh Edmonds; Kristel Wallis; Mark Dalby; Nicholas Pospischil; Oldooz Dianat; Pablo Simoes; Roxana Cona; Stephanie Galvin; Tapinder Sandhu; Warrick Bowden
Subject: Fwd: Data request

Hi guys,

Please see data request below from the MO.

Could I get your response by 20 July, if possible please?

Thanks
Josh

Joshua Marshall | Senior Correspondence Officer, Correspondence and Briefings Unit | Strategy and Service Improvement, Strategy and Business Performance | p: (02) 8623 8955 | m: 0466 025 063 | www.revenue.nsw.gov.au

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Revenue

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Alice

Joshua Marshall

From: Barry Lloyd
Sent: Wednesday, 18 July 2018 4:06 PM
To: Barry Lloyd; Barry Olsen; Ian Gray; Jack Leung; Josh Edmonds; Kristel Wallis; Mark Dalby; Nicholas Pospischil; Oldooz Dianat; Pablo Simoes; Roxana Cona; Stephanie Galvin; Tapinder Sandhu; Warrick Bowden; Joshua Marshall
Subject: Re: Fwd: Data request
Attachments: ART - 4418 Representations for speeding offences.xlsx

Josh,

Assuming that the request is only about PN's that resulted in a ministerial the answers are

1. The top 5 speeds, by differential over the limit, in school zones are 24kph twice, 22kph, 20kph and 19kph 6 times. There are further PN's at every differential from 18kph to 10kph.
2. The top 5 speeds, by differential over the limit, in all zones are 60kph , 50kph, 44kph and 40kph twice.
- 3 The ministers with the most PN's that resulted in representations were Nick Lalich (13), Christopher Minns (9), Clayton Barr (7) and Anna Watson, Julia Finn, Sonia Hornery and Guy Zangari (6).

The attached spreadsheet contains the data for these answers. Note that there are two authors for member Lalich on your tables - I have combined the numbers for both. The counts are by PN not by representation, as many have more than one.

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Alice

Joshua Marshall


From: Joshua Marshall
Sent: Thursday, 19 July 2018 9:02 AM
To: Melanie May (@ minister)
Subject: Fwd: Data request
Attachments: Re: Fwd: Data request

Hi Melanie,

As per Alice Yan's request below, please see Revenue NSW response attached.

Thanks
Josh

Joshua Marshall | Senior Correspondence Officer, Correspondence and Briefings Unit | Technical and Advisory Services | p: (02) 8623 8955 |
m: 0466 025 063 |
www.revenue.nsw.gov.au

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Alice

Joshua Marshall

From: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Sent: Monday, 12 November 2018 1:47 PM
To: esu esu
Cc: Ministerial Correspondence
Subject: FW: Data request
Attachments: Re: Fwd: Data request

Hi team,

Could I please have the same data as previously requested (attached) updated to 31 October 2018?

NLT 12pm 16 November 2018.

Thanks,

Gabrielle Hendry
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6638
Email: gabrielle.hendry@minister.nsw.gov.au

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From: James Camilleri
Sent: Monday, 12 November 2018 12:10 PM
To: Melanie May <Melanie.May@minister.nsw.gov.au>
Cc: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Subject: FW: Data request

Hi Mel

Could I please have this updated up to Oct 31 2018.

From: Amanda Curran
Sent: Friday, 27 July 2018 3:11 PM
To: James Camilleri <James.Camilleri@minister.nsw.gov.au>
Subject: FW: Data request

Hi James,

Please see attached RNSW data requested back in early June.

Thanks,

Amanda

Amanda Curran
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6623

Email: amanda.curran@minister.nsw.gov.au

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\$80.1 BILLION
infrastructure spend



SUPPORTING
jobs growth

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Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>; Amanda Curran <Amanda.Curran@minister.nsw.gov.au>
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Joshua Marshall

From: Joshua Marshall
Sent: Monday, 12 November 2018 1:58 PM
To: Information-Analysis-Unit
Subject: Due 11am, 16/11 - Minister's Office Data request
Attachments: Re: Fwd: Data request

Hi,

As per below, the MO have asked if the attached data could be updated to 31 October 2018.

If possible, could I get the data back to me by 11am, 16/11/18?

Let me know if more time is required.

Thanks
Josh

Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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Joshua Marshall

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Joshua Marshall

From: Barry Lloyd
Sent: Monday, 12 November 2018 5:25 PM
To: Joshua Marshall
Subject: RE: Due 11am, 16/11 - Minister's Office Data request
Attachments: OAN-1223 Representations for speeding offences.xlsx

Josh,

I have rerun the previous report to 31 October. The notes from the previous run are still valid but the new values are:

1. The top 5 speeds, by differential over the limit, in school zones are 26kph, 24kph twice, 22kph, 20kph and 19kph 6 times. There are further PNs at every differential from 18kph to 10kph.
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Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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Joshua Marshall

From: Joshua Marshall
Sent: Tuesday, 13 November 2018 8:58 AM
To: Barry Lloyd
Subject: RE: Due 11am, 16/11 - Minister's Office Data request

Thanks Barry. Much appreciated.

Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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From: Barry Lloyd
Sent: Monday, 12 November 2018 5:25 PM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
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Joshua Marshall

From: Joshua Marshall
Sent: Tuesday, 13 November 2018 11:27 AM
To: Katrina Morgan
Subject: FW: Data request
Attachments: Re: Fwd: Data request; OAN-1223 Representations for speeding offences.xlsx

FYI you might find this interesting....some updated corro data for the MO is attached. Lalich is still no. 1 but Minns is breathing down his neck.

Ta
Josh

Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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From: Ministerial Correspondence
Sent: Monday, 12 November 2018 1:49 PM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: FW: Data request

Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
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Sent: Monday, 12 November 2018 1:47 PM
To: esu esu <esu@osr.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>
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Minister for Finance, Services and Property

Phone: 02 8574 6638
Email: gabrielle.hendry@minister.nsw.gov.au

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From: James Camilleri
Sent: Monday, 12 November 2018 12:10 PM
To: Melanie May <Melanie.May@minister.nsw.gov.au>
Cc: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Subject: FW: Data request

Hi Mel

Could I please have this updated up to Oct 31 2018.

From: Amanda Curran
Sent: Friday, 27 July 2018 3:11 PM
To: James Camilleri <James.Camilleri@minister.nsw.gov.au>
Subject: FW: Data request

Hi James,

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Thanks,

Amanda

Amanda Curran
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6623
Email: amanda.curran@minister.nsw.gov.au

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Joshua Marshall

From: Joshua Marshall
Sent: Wednesday, 14 November 2018 1:23 PM
To: Katrina Morgan
Subject: FW: Due 11am, 16/11 - Minister's Office Data request
Attachments: OAN-1223 Representations for speeding offences.xlsx; Fwd: Data request

Timeline for previous request –

14/6/18 – Alice Yan from the MO requested the following data...

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A request for the data was sent and a response was received 18/7/18. My response, including the data, was sent to Melanie May on 19/7/18 (email attached).

Timeline for current request

Gabrielle Hendry from the MO requested that the spreadsheet provided 19/7 be updated to 31/10/18.

Hi team,

Could I please have the same data as previously requested (attached) updated to 31 October 2018?

NLT 12pm 16 November 2018.

Thanks,

Gabrielle Hendry

Notes -

I have received the updated data in response to this request (attached spreadsheet). This data has not been sent to the MO as yet and is due to them this Friday 16/11.

Analysis –

When the data was previously provided to the MO, the tab that included the raw data was included. This tab includes the personal information/offence of the relevant constituents and should have not been included in my response.

Recommendation –

That the updated data be provided to the MO minus the 'data' tab.

Thanks
Josh

Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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Joshua Marshall
Senior Correspondence Officer

Technical and Advisory Services, Correspondence and Briefings
p 02 8623 8955 | m 0466 025 063
e joshua.marshall@revenue.nsw.gov.au



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Angela Beggs

From: Jane Dudley
Sent: Wednesday, 14 November 2018 2:02 PM
To: Cullen Smythe
Subject: FW: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office
Attachments: ART - 4418 Representations for speeding offences (002).xlsx

Also as discussed.

I'll come and see you about this shortly.

J

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley <Jane.Dudley@revenue.nsw.gov.au>
Cc: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Hi Jane,

As discussed earlier:

Background

14/06/2018 – request from the Minister's Office for the following data:

Top 5 speeds (highest over limit) for 2017/18:

1. Specifically in a school zone
2. Generally across all reps
3. MP with most reps about speeding.

19/07/2018 – the attached table was sent to the Minister's Office.

12/11/2018 – request from the Minister's Office for the attached table to be updated to 31/10/2018.

13/11/2018 – telephone discussion with Gabrielle Hendry, DLO. During the conversation, Gabrielle advised that the Minister's Office had interrogated the table previously supplied and identified that Michael Daley MP (who has recently replaced Luke Foley MP as the Leader of the Opposition), contacted the MP Hotline about his own speeding fine. Gabrielle advised that the Minister's Office were determining whether to use this information against Mr Daley in the political arena or not. I strongly advised Gabrielle that the Minister's Office should not be using this data in any way.

Current Status

Upon investigation, it is noted that there is an entry in CABi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence 'Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual'. However, notes concerning this call state 'Lisa from Michael Daley's office queried stat decs. Advised process'. The status of the penalty notice is 'Closed/Paid'.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister's Office (due 16/11/2018).

When the data was previously provided to the Minister's Office, the raw data (Sheet 2) underpinning the statistics (pivot), was included. This data includes the personal information and offence details of constituents and should not have been included in the response. This includes Michael Daley's information (refer highlighted row).

With your agreement, CAB will submit the updated data to the Minister's Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister's Office.

For your review and any appropriate action/referral.

Regards,
Katrina

Katrina Morgan | Manager, Correspondence and Briefings | Technical and Advisory Services | ext. 6394

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Ms Samantha Gavel
NSW Privacy Commissioner
Information and Privacy Commission

Via email: ipcinfo@ipc.nsw.gov.au

Dear Ms Gavel

Notification of data breach concerning Revenue NSW

I write to notify you of a data breach concerning Revenue NSW which took place on 14 June 2018.

The breach followed a request from the office of the Minister for Finance, Services and Property for a list of Members of Parliament who had made representations in relation to certain driving offences in 2017/18. The Minister's office referred the request to the Correspondence and Briefings Unit within Revenue NSW in accordance with established procedures.

A senior correspondence officer arranged for the data to be compiled and then supplied the data to the Minister's office on 14 June 2018. However, in addition to the requested data, an attachment was also inadvertently sent, containing information which went beyond the original request. That additional information included details of each of the offences on which the requested information was based, including personal information which Revenue NSW was not authorised to release.

Commented [SB1]: Do we need to mention the number of people affected? Scale of the breach?

On 13 November 2018, Revenue NSW detected the data breach that had occurred on 14 June 2018 after the Minister's office requested an update to the data. In accordance with the Information and Privacy Commission's *Data Breach Guidance* (May 2018), Revenue NSW acted to contain the breach and determine what further steps should be taken to mitigate the breach and prevent such a breach in the future.

On 14 November 2018, the Commissioner of Fines Administration State Revenue spoke to the Chief of Staff of the Minister's office about the data breach. The Chief of Staff advised that the information contained in the attachment had not been disclosed to any person outside the Minister's office, and would be destroyed. The destruction of the information wasis was confirmed in writing on 19 November 2018.

On this basis, it appears that the breach has been effectively contained, that there was no disclosure to third parties, and that the risk of any future disclosure is low. For this reason, we do not consider it necessary to notify any of the affected persons identified in the attachment. Nonetheless, given the serious nature of the breach, Revenue NSW decided to notify you of the breach and of the steps we have taken to avoid this problem in the future.

As noted above, the attachment was provided to the Minister's office inadvertently. As the State's revenue collection agency, Revenue NSW possesses large quantities of confidential information, which it must

handle in accordance with strict secrecy provisions contained in the legislation it administers. Over time, therefore, Revenue NSW has built up considerable expertise in managing requests for information, and has detailed procedures to support staff.

In this particular case, while the provision of the attachment was unintentional, procedures for controlling the gathering and release of data were not adhered to. Under these policies, before any data or information to an external body (including the Minister's office) is released, approval must be obtained by the relevant officer at Director or above level who manages the business area to which the data relates. On this occasion, this did not occur.

Revenue NSW has now reinforced the above policy to ensure that all requests for data are handled appropriately.

In conclusion, we regard the incident as an unfortunate aberration and are reasonably confident that all appropriate measures have now been taken to prevent a reoccurrence. We would of course welcome any advice from you on this matter and are happy to answer any questions. Please contact Jane Dudley on 02 97627621 or jane.dudley@revenue.nsw.gov.au if you require further information.

Stephen R Brady

[Chief Commissioner of State Revenue](#)

Commissioner of Fines Administration

Angela Beggs

From: Cullen Smythe
Sent: Wednesday, 14 November 2018 5:24 PM
To: Stephen Brady
Subject: FW: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office
Attachments: ART - 4418 Representations for speeding offences (002).xlsx

From: Jane Dudley
Sent: Wednesday, 14 November 2018 2:02 PM
To: Cullen Smythe <Cullen.Smythe@revenue.nsw.gov.au>
Subject: FW: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Also as discussed.

I'll come and see you about this shortly.

J

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley <Jane.Dudley@revenue.nsw.gov.au>
Cc: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Hi Jane,

As discussed earlier:

Background

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1. Specifically in a school zone
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Current Status

Upon investigation, it is noted that there is an entry in CAbi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence ‘Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual’. However, notes concerning this call state ‘Lisa from Michael Daley’s office queried stat decs. Advised process’. The status of the penalty notice is ‘Closed/Paid’.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister’s Office (due 16/11/2018).

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With your agreement, CAB will submit the updated data to the Minister’s Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister’s Office.

For your review and any appropriate action/referral.

Regards,
Katrina

Katrina Morgan | Manager, Correspondence and Briefings | Technical and Advisory Services | ext. 6394

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Angela Beggs

From: Stephen Brady
Sent: Wednesday, 14 November 2018 11:03 PM
To: Cullen Smythe
Subject: Text from Matt Dawson

Cullen

Text of an SMS fro Matt below.

Steve

Hi Steve, just following up on our conversation this afternoon. I know where your concern emanates from and have now got a copy of the relevant spreadsheet. I'm happy to give you an undertaking that the information will not be circulated beyond our office or used inappropriately. I've conveyed this message to the advisers in our office who have been privy to it. Regards Matt.

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Angela Beggs

From: Stephen Brady
Sent: Friday, 16 November 2018 4:56 PM
To: Cullen Smythe
Subject: RE: Draft email to Matt

Hi Cullen

See changes below. Also the description of the additional information in para 2 is a bit loose – should we refer to the hotline or tighten the language a little?

Steve

From: Cullen Smythe
Sent: Friday, 16 November 2018 4:40 PM
To: Stephen Brady <Stephen.Brady@revenue.nsw.gov.au>
Subject: Draft email to Matt

Matt

Further to our discussion, I refer to the email from Revenue NSW dated 19 July 2018 containing data addressing a request for a list of Members of Parliament who had made representations in relation to certain speeding fines.

In addition to the requested information (provided in an Excel spreadsheet), an additional tab was inadvertently included that contained details of each of the offenses on which the requested information was based. Unfortunately, this tab also included some personal information which Revenue NSW was not authorised to release.

Request

Can you please delete the second tab referred to above and confirm when this has occurred, that no other copies of this data is held by your office and that the data has not been shared outside your office.

Revenue NSW will be advising the NSW Privacy Commissioner of this privacy breach and the action that has been taken to contain the breach and ensure there are no adverse impacts for the individuals whose privacy has been affected.

Please feel free to call me on 9689 6667 if you have any questions or would like to discuss in further detail.

Regards

Cullen

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Angela Beggs

From: Cullen Smythe
Sent: Friday, 16 November 2018 5:15 PM
To: Matt.Dawson@minister.nsw.gov.au
Cc: Stephen Brady
Subject: Disclosure of Data

Matt

Further to our discussion, I refer to the email from Revenue NSW dated 19 July 2018 containing data addressing a request for a list of Members of Parliament who had made representations in relation to certain speeding fines.

In addition to the requested information (provided in an Excel spreadsheet), an additional tab was inadvertently included that contained information that went beyond the original request. That additional information included details of each of the offenses on which the requested information was based, including personal information which Revenue NSW was not authorised to release.

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Please feel free to call me on 9689 6667 if you have any questions or would like to discuss in further detail.

Regards

Cullen

Cullen Smythe | Commissioner of State Revenue | Technical and Advisory Services | p: (02) 9689 6667 | www.revenue.nsw.gov.au

Revenue NSW  A fair and prosperous NSW



Revenue NSW is the new name for the Office of State Revenue and State Debt Recovery. We contribute to a fair and prosperous society by collecting revenue, resolving fines, recovering debt and administering grants.

You may see our previous names as we update our systems and material.

Angela Beggs

From: Matt.Dawson@minister.nsw.gov.au
Sent: Monday, 19 November 2018 10:12 AM
To: Cullen Smythe
Cc: Stephen Brady
Subject: RE: Disclosure of Data

Hi Cullen

Thanks for your email. I can confirm that the document has now been deleted from our systems.

Regards
Matt

From: Cullen Smythe <Cullen.Smythe@revenue.nsw.gov.au>
Sent: Friday, 16 November 2018 5:15 PM
To: Matt Dawson <Matt.Dawson@minister.nsw.gov.au>
Cc: Stephen Brady <Stephen.Brady@revenue.nsw.gov.au>
Subject: Disclosure of Data

Matt

Further to our discussion, I refer to the email from Revenue NSW dated 19 July 2018 containing data addressing a request for a list of Members of Parliament who had made representations in relation to certain speeding fines.

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Please feel free to call me on 9689 6667 if you have any questions or would like to discuss in further detail.

Regards

Cullen

Cullen Smythe | Commissioner of State Revenue | Technical and Advisory Services | p: (02) 9689 6667 | www.revenue.nsw.gov.au

Revenue NSW = A fair and prosperous NSW



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Angela Beggs

From: Martin Hoffman
Sent: Monday, 19 November 2018 7:07 PM
To: Cullen Smythe
Cc: Stephen Brady
Subject: Re: Data Disclosure - Revenue

Thanks Cullen. Noted

From: Cullen Smythe <cullen.smythe@revenue.nsw.gov.au>
Sent: Monday, November 19, 2018 7:05 pm
To: Martin Hoffman
Cc: Stephen Brady
Subject: Data Disclosure - Revenue

Martin

Further to the call from Steve and myself last week, just a short email to give you an update on our progress on the unauthorised disclosure of data:

- We have confirmed with the Minister's Office that the relevant data has been deleted and that it never left the Minister's Office;
- We have discussed the matter with DFSI General Counsel. While there is some discretion available to us under the legislation as to whether to advise the Privacy Commissioner of the breach, best practice is to do so; and
- As a result, we are currently preparing a letter to the Privacy Commissioner disclosing the breach and the actions we will be undertaking to ensure there will not be a repeat occurrence.

Please call me if you have any questions or would like additional details.

Regards

Cullen

Cullen Smythe | Executive Director | Technical and Advisory Services | ext. 6667

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Angela Beggs

From: Deputy Secretary
Sent: Thursday, 22 November 2018 4:23 PM
To: ipcinfo@ipc.nsw.gov.au
Cc: Cullen Smythe
Subject: Notification of data breach concerning Revenue NSW
Attachments: Letter to IPC.pdf

Hi,

Please find attached a letter from Stephen Brady, Commissioner of Fines Administration, in relation to Notification of data breach concerning Revenue NSW.

Kind Regards,

Nadia Saraceno
A/Executive Support Officer

RNSW Deputy Secretary Office
p 02 9689 6661
e nadia.saraceno@revenue.nsw.gov.au



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Ms Samantha Gavel
NSW Privacy Commissioner
Information and Privacy Commission

Via email: ipcinfo@ipc.nsw.gov.au

Dear Ms Gavel

Notification of data breach concerning Revenue NSW

I write to notify you of a data breach concerning Revenue NSW which took place on 14 June 2018.

The breach followed a request from the office of the Minister for Finance, Services and Property for a list of Members of Parliament who had made representations in relation to certain driving offences in 2017/18. The Minister's office referred the request to the Correspondence and Briefings Unit within Revenue NSW in accordance with established procedures.

A senior correspondence officer arranged for the data to be compiled and then supplied the data to the Minister's office on 14 June 2018. However, in addition to the requested data, an attachment was also inadvertently sent, containing information which was used to assemble the requested data but went beyond the original request. That additional information included personal information which Revenue NSW was not authorised to release, such as the names of certain fine recipients, the particular driving offences, the dates and times of the offences, and the status of the fines.

On 13 November 2018, Revenue NSW detected the data breach after the Minister's office requested an update to the data. In accordance with the Information and Privacy Commission's *Data Breach Guidance* (May 2018), Revenue NSW acted to contain the breach and determine what further steps should be taken to mitigate the breach and prevent such a breach in the future.

On 14 November 2018, I spoke to the Chief of Staff of the Minister's office about the data breach. The Chief of Staff advised that the information contained in the attachment had not been disclosed to any person outside the Minister's office, and would be destroyed. The destruction of the information was confirmed in writing on 19 November 2018.

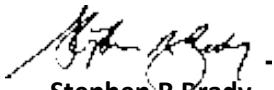
On this basis, it appears that the breach has been effectively contained, that there was no disclosure to third parties, and that the risk of any future disclosure is low. For this reason, we do not consider it necessary to notify any of the affected persons identified in the attachment. Nonetheless, given the serious nature of the breach, Revenue NSW decided to notify you of the breach and of the steps we have taken to avoid this problem in the future.

As noted above, the attachment was provided to the Minister's office inadvertently. As the State's revenue collection agency, Revenue NSW possesses large quantities of confidential information, which it must handle in accordance with strict secrecy provisions contained in the legislation it administers. Over time, therefore, Revenue NSW has built up considerable expertise in managing requests for information, and has detailed procedures to support staff.

In this particular case, while the provision of the attachment was unintentional, procedures for controlling the gathering and release of data were not adhered to. Under these policies, before any data or information to an external body (including the Minister's office) is released, approval must be obtained by the relevant officer at Director or above level who manages the business area to which the data relates. On this occasion, this did not occur.

Revenue NSW has now reinforced the above policy to ensure that all requests for data are handled appropriately.

In conclusion, we regard the incident as an unfortunate aberration and are confident that all appropriate measures have now been taken to prevent a reoccurrence. We would of course welcome any advice from you on this matter and are happy to answer any questions. Please contact Jane Dudley on 02 97627621 or jane.dudley@revenue.nsw.gov.au if you require further information.



Stephen R. Brady

Commissioner of Fines Administration



information
and privacy
commission
new south wales

Enquiries: Liam Crisanti
Telephone: 1800 472 679
Our reference: **IPC18/AU000076**

Stephen Brady
Commissioner of Fines Administration
Revenue NSW

By email to: jane.dudley@revenue.nsw.gov.au

27 November 2018

Dear Mr Brady,

I refer to your correspondence of 22 November 2018 notifying the Privacy Commissioner of a breach of the *Privacy and Personal Information Protection Act 1998* (the PPIP Act) by Revenue NSW (the Agency).

In your letter, you advised the Privacy Commissioner of the disclosure by the Agency on 14 June 2018 of personal information which was inadvertently released to the Minister for Finance, Services and Property's Office.

I note that the Agency detected the data breach on 13 November 2018. Thank you for outlining the actions the Agency has now taken to investigate and address the privacy breach. I note the Agency has now:

- Contacted the Chief of Staff of the Minister's Office;
- Confirmed the personal information has not been disclosed to any person outside the Minister's Office;
- Confirmed the personal information has been destroyed, and;
- Reinforced the Agency's policy on data release procedures with its staff.

I generally advise agencies in these circumstances that it notify affected persons of their rights to make a complaint in accordance with the PPIP Act.

The Agency may also wish to take this opportunity to review the governance arrangements it has in place to ensure staff are aware of their privacy obligations, the information contained in the agency's Privacy Management Plan, and the procedures in place to prevent similar incidents such as this occurring in the future.

Please keep me informed should the Agency conduct any internal reviews in relation to this incident or other privacy related matters.

If you or your staff have any queries, please contact the IPC on 1800 472 679 or by email to ipcinfo@ipc.nsw.gov.au, quoting the reference number at the top of this letter.

Yours sincerely,

Sophie Jones
Manager, Investigation and Review

Angela Beggs

From: Jane Dudley
Sent: Wednesday, 14 November 2018 2:01 PM
To: Katrina Morgan
Cc: Joshua Marshall
Subject: RE: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Hi Kat,

Thank you for the background.

Don't do anything yet. I think this will probably require escalating to the Secretary, but will wait on advice from Cullen about that.

If or when we do provide updated data, it will 100% have the raw data removed.

I'll talk to you about this tomorrow, after Cullen has had some time to talk to Steve.

J

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley <Jane.Dudley@revenue.nsw.gov.au>
Cc: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Hi Jane,

As discussed earlier:

Background

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1. Specifically in a school zone
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3. MP with most reps about speeding.

19/07/2018 – the attached table was sent to the Minister's Office.

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13/11/2018 – telephone discussion with Gabrielle Hendry, DLO. During the conversation, Gabrielle advised that the Minister's Office had interrogated the table previously supplied and identified that Michael Daley MP (who has recently replaced Luke Foley MP as the Leader of the Opposition), contacted the MP Hotline about his own speeding fine. Gabrielle advised that the Minister's Office were determining whether to use this information against Mr Daley in the political arena or not. I strongly advised Gabrielle that the Minister's Office should not be using this data in any way.

Current Status

Upon investigation, it is noted that there is an entry in CABi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence 'Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual'. However, notes concerning this call state 'Lisa from Michael Daley's office queried stat decs. Advised process'. The status of the penalty notice is 'Closed/Paid'.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister's Office (due 16/11/2018).

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With your agreement, CAB will submit the updated data to the Minister's Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister's Office.

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Regards,
Katrina

Katrina Morgan | Manager, Correspondence and Briefings | Technical and Advisory Services | ext. 6394

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Angela Beggs

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley
Cc: Joshua Marshall
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office
Attachments: ART - 4418 Representations for speeding offences (002).xlsx

Hi Jane,

As discussed earlier:

Background

14/06/2018 – request from the Minister's Office for the following data:

Top 5 speeds (highest over limit) for 2017/18:

1. Specifically in a school zone
2. Generally across all reps
3. MP with most reps about speeding.

19/07/2018 – the attached table was sent to the Minister's Office.

12/11/2018 – request from the Minister's Office for the attached table to be updated to 31/10/2018.

13/11/2018 – telephone discussion with Gabrielle Hendry, DLO. During the conversation, Gabrielle advised that the Minister's Office had interrogated the table previously supplied and identified that Michael Daley MP (who has recently replaced Luke Foley MP as the Leader of the Opposition), contacted the MP Hotline about his own speeding fine. Gabrielle advised that the Minister's Office were determining whether to use this information against Mr Daley in the political arena or not. I strongly advised Gabrielle that the Minister's Office should not be using this data in any way.

Current Status

Upon investigation, it is noted that there is an entry in CABi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence 'Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual'. However, notes concerning this call state 'Lisa from Michael Daley's office queried stat decs. Advised process'. The status of the penalty notice is 'Closed/Paid'.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister's Office (due 16/11/2018).

When the data was previously provided to the Minister's Office, the raw data (Sheet 2) underpinning the statistics (pivot), was included. This data includes the personal information and offence details of constituents and should not have been included in the response. This includes Michael Daley's information (refer highlighted row).

With your agreement, CAB will submit the updated data to the Minister's Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister's Office.

For your review and any appropriate action/referral.

Regards,

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Angela Beggs

From: Katrina Morgan
Sent: Wednesday, 13 February 2019 1:32 PM
To: Cullen Smythe
Subject: FW: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office
Attachments: ART - 4418 Representations for speeding offences (002).xlsx; FW: Data request; FW: Data request; FW: Data request

Hi Cullen,

As discussed, emails relating to the Background timeline of events attached. Please let me know if you need anything further.

Regards,
Kat

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley <Jane.Dudley@revenue.nsw.gov.au>
Cc: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

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Angela Beggs

From: Joshua Marshall
Sent: Tuesday, 12 February 2019 2:54 PM
To: Katrina Morgan
Subject: FW: Data request

From: Alice Yan <Alice.Yan@minister.nsw.gov.au>
Sent: Thursday, 14 June 2018 11:26 AM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>; Amanda Curran (Minister) <Amanda.Curran@minister.nsw.gov.au>
Subject: Data request

Josh,

Could you please advise on the top five speeds (highest over the speed limit)

- (1) Specifically in a school zone;
- (2) Generally across all reps; and

- (3) MP with most reps about speeding

for this financial year.

I appreciate this is a big request, and would be grateful to receive by end of July.

I have cced Amanda, who will be stepping into my role. Please reply to her directly.

Alice

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Attachments: Re: Fwd: Data request

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Sent: Thursday, 19 July 2018 9:02 AM
To: Melanie May (@ minister) <Melanie.May@minister.nsw.gov.au>
Subject: Fwd: Data request

Hi Melanie,

As per Alice Yan's request below, please see Revenue NSW response attached.

Thanks
Josh

Joshua Marshall | Senior Correspondence Officer, Correspondence and Briefings Unit | Technical and Advisory Services | p: (02) 8623 8955 | m: 0466 025 063 | www.revenue.nsw.gov.au

Revenue NSW  A fair and prosperous NSW

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Revenue

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Angela Beggs

From: Barry Lloyd
Sent: Wednesday, 18 July 2018 4:06 PM
To: Barry Lloyd; Barry Olsen; Ian Gray; Jack Leung; Josh Edmonds; Kristel Wallis; Mark Dalby; Nicholas Pospischil; Oldoos Dianat; Pablo Simoes; Roxana Cona; Stephanie Galvin; Tapinder Sandhu; Warrick Bowden; Joshua Marshall
Subject: Re: Fwd: Data request
Attachments: ART - 4418 Representations for speeding offences.xlsx

Josh,

Assuming that the request is only about PNs that resulted in a ministerial the answers are

1. The top 5 speeds, by differential over the limit, in school zones are 24kph twice, 22kph, 20kph and 19kph 6 times. There are further PNs at every differential from 18kph to 10kph.
2. The top 5 speeds, by differential over the limit, in all zones are 60kph , 50kph, 44kph and 40kph twice.

3 The ministers with the most PNs that resulted in representations were Nick Lulich (13), Christopher Minns (9), Clayton Barr (7) and Anna Watson, Julia Finn, Sonia Hornery and Guy Zangari (6).

The attached spreadsheet contains the data for these answers. Note that there are two authors for member Lulich on your tables - I have combined the numbers for both. The counts are by PN not by representation, as many have more than one.

Barry

>>> Joshua Marshall Friday, 6 July 2018 >>>

Hi guys,

Please see data request below from the MO.

Could I get your response by 20 July, if possible please?

Thanks

Josh

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m: 0466 025 063 |

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Angela Beggs

From: esu esu
Sent: Wednesday, 13 February 2019 1:31 PM
To: Katrina Morgan
Subject: FW: Data request
Attachments: Re: Fwd: Data request

From: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Sent: Monday, 12 November 2018 1:47 PM
To: esu esu <esu@osr.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>
Subject: FW: Data request

Hi team,

Could I please have the same data as previously requested (attached) updated to 31 October 2018?

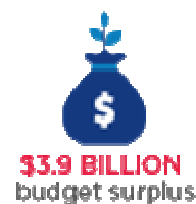
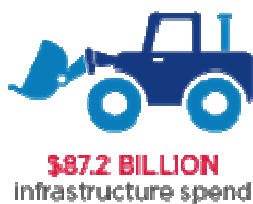
NLT 12pm 16 November 2018.

Thanks,

Gabrielle Hendry
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6638
Email: gabrielle.hendry@minister.nsw.gov.au

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From: James Camilleri
Sent: Monday, 12 November 2018 12:10 PM
To: Melanie May <Melanie.May@minister.nsw.gov.au>
Cc: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Subject: FW: Data request

Hi Mel

Could I please have this updated up to Oct 31 2018.

From: Amanda Curran
Sent: Friday, 27 July 2018 3:11 PM
To: James Camilleri <James.Camilleri@minister.nsw.gov.au>
Subject: FW: Data request

Hi James,

Please see attached RNSW data requested back in early June.

Thanks,

Amanda

Amanda Curran
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6623
Email: amanda.curran@minister.nsw.gov.au

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From: Alice Yan
Sent: Thursday, 14 June 2018 11:26 AM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>; Amanda Curran <Amanda.Curran@minister.nsw.gov.au>
Subject: Data request

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Attachments: ATT00001; ART - 4418 Representations for speeding offences.xlsx

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Portfolio: Department of Finance & Services – Revenue NSW
Issue: Disclosure of Opposition Leaders Fines Information

Background: On 19 July 2018 in response to a data request from the Departmental Liaison Officer, information regarding speeding offences was provided to Minister Dominello's office in an Excel spread sheet.

Inadvertently and due to an administrative error, the spread sheet also contained 274 rows of raw data captured by Revenue NSW's ministerial correspondence database system, relating to approximately 193 customers, including personal information regarding Michael Daley.

When Revenue NSW was made aware of the breach in November 2018, it took all available steps to contain the breach, including advising the NSW Privacy Commissioner. Revenue NSW staff handled this situation with the utmost professionalism, integrity and accountability.

Recent media articles published by the Sydney Morning Herald on 8-10 February 2019 have implied that Revenue NSW leaked information to the NSW Government about the details relating to Mr Daley's matter. The articles also included commentary about a 'secret' MP Hotline.

Suggested Response:

- On 8 – 10 February 2019 the Sydney Morning Herald published a series of articles implying that Revenue NSW had leaked information to the NSW Government about the transfer of a speeding fine by the NSW Opposition Leader, Michael Daley, to his wife.
- The incident occurred in response to a routine data request from the Minister's Office and was due to an administrative error.
- In November 2018, when Revenue NSW became aware of the breach, it took all of the steps necessary to contain the breach, including seeking legal advice and advising the NSW Privacy Commissioner.
- In light of the recent articles, Revenue NSW is also fully cooperating with all external investigations.
- In November 2018, the Revenue NSW Executive mandated *Government Information (Public Access) Act 2009* (GIPA) training for all Revenue NSW staff. The training is designed so that staff are aware of GIPA, its implications and the process for responding to requests, including privacy considerations.
- The media articles also commented about a 'secret' hotline. The MP Hotline is not secret; it has been running since 2005 and provides a valuable service to Members of Parliament to assist them in servicing their constituents.

Minister's office Media Contact:
Minister's office Policy Contact:

Name and number
Name and number

Cullen Smythe

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Cullen Smythe

From: Stephen Brady
Sent: Wednesday, 14 November 2018 11:03 PM
To: Cullen Smythe
Subject: Text from Matt Dawson

Cullen

Text of an SMS fro Matt below.

Steve

Hi Steve, just following up on our conversation this afternoon. I know where your concern emanates from and have now got a copy of the relevant spreadsheet. I'm happy to give you an undertaking that the information will not be circulated beyond our office or used inappropriately. I've conveyed this message to the advisers in our office who have been privy to it. Regards Matt.

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Cullen Smythe

From: Matt Dawson <Matt.Dawson@minister.nsw.gov.au>
Sent: Monday, 19 November 2018 10:12 AM
To: Cullen Smythe
Cc: Stephen Brady
Subject: RE: Disclosure of Data

Hi Cullen

Thanks for your email. I can confirm that the document has now been deleted from our systems.

Regards
Matt

From: Cullen Smythe <Cullen.Smythe@revenue.nsw.gov.au>
Sent: Friday, 16 November 2018 5:15 PM
To: Matt Dawson <Matt.Dawson@minister.nsw.gov.au>
Cc: Stephen Brady <Stephen.Brady@revenue.nsw.gov.au>
Subject: Disclosure of Data

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Revenue NSW will be advising the NSW Privacy Commissioner of this privacy breach and the action that has been taken to contain the breach and ensure there are no adverse impacts for the individuals whose privacy has been affected.

Please feel free to call me on 9689 6667 if you have any questions or would like to discuss in further detail.

Regards

Cullen

Cullen Smythe | Commissioner of State Revenue | Technical and Advisory Services | p: (02) 9689 6667 | www.revenue.nsw.gov.au

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Cullen Smythe

From: esu esu
Sent: Wednesday, 13 February 2019 1:31 PM
To: Katrina Morgan
Subject: FW: Data request
Attachments: Re: Fwd: Data request

From: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Sent: Monday, 12 November 2018 1:47 PM
To: esu esu <esu@osr.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>
Subject: FW: Data request

Hi team,

Could I please have the same data as previously requested (attached) updated to 31 October 2018?

NLT 12pm 16 November 2018.

Thanks,

Gabrielle Hendry
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6638
Email: gabrielle.hendry@minister.nsw.gov.au

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From: James Camilleri
Sent: Monday, 12 November 2018 12:10 PM
To: Melanie May <Melanie.May@minister.nsw.gov.au>
Cc: Gabrielle Hendry <Gabrielle.Hendry@minister.nsw.gov.au>
Subject: FW: Data request

Hi Mel

Could I please have this updated up to Oct 31 2018.

From: Amanda Curran
Sent: Friday, 27 July 2018 3:11 PM
To: James Camilleri <James.Camilleri@minister.nsw.gov.au>
Subject: FW: Data request

Hi James,

Please see attached RNSW data requested back in early June.

Thanks,

Amanda

Amanda Curran
Departmental Liaison Officer
Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6623

Email: amanda.curran@minister.nsw.gov.au

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From: Alice Yan
Sent: Thursday, 14 June 2018 11:26 AM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>; Amanda Curran <Amanda.Curran@minister.nsw.gov.au>
Subject: Data request

Josh,

Could you please advise on the top five speeds (highest over the speed limit)

- (1) Specifically in a school zone;
- (2) Generally across all reps; and
- (3) MP with most reps about speeding

for this financial year.

I appreciate this is a big request, and would be grateful to receive by end of July.

I have cced Amanda, who will be stepping into my role. Please reply to her directly.

Alice

Cullen Smythe

From: Joshua Marshall
Sent: Tuesday, 12 February 2019 2:54 PM
To: Katrina Morgan
Subject: FW: Data request

From: Alice Yan <Alice.Yan@minister.nsw.gov.au>
Sent: Thursday, 14 June 2018 11:26 AM
To: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Cc: Ministerial Correspondence <MinisterialCorrespondence@revenue.nsw.gov.au>; Amanda Curran (Minister) <Amanda.Curran@minister.nsw.gov.au>
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Cullen Smythe

From: Joshua Marshall
Sent: Wednesday, 13 February 2019 1:29 PM
To: Katrina Morgan
Subject: FW: Data request
Attachments: Re: Fwd: Data request

From: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Sent: Thursday, 19 July 2018 9:02 AM
To: Melanie May (@ minister) <Melanie.May@minister.nsw.gov.au>
Subject: Fwd: Data request

Hi Melanie,

As per Alice Yan's request below, please see Revenue NSW response attached.

Thanks
Josh

Joshua Marshall | Senior Correspondence Officer, Correspondence and Briefings Unit | Technical and Advisory Services | p: (02) 8623 8955 |
m: 0466 025 063 |
www.revenue.nsw.gov.au

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Revenue

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Cullen Smythe

From: Barry Lloyd
Sent: Wednesday, 18 July 2018 4:06 PM
To: Barry Lloyd; Barry Olsen; Ian Gray; Jack Leung; Josh Edmonds; Kristel Wallis; Mark Dalby; Nicholas Pospischil; Oldooz Dianat; Pablo Simoes; Roxana Cona; Stephanie Galvin; Tapinder Sandhu; Warrick Bowden; Joshua Marshall
Subject: Re: Fwd: Data request
Attachments: ART - 4418 Representations for speeding offences.xlsx

Josh,

Assuming that the request is only about PNs that resulted in a ministerial the answers are

1. The top 5 speeds, by differential over the limit, in school zones are 24kph twice, 22kph, 20kph and 19kph 6 times. There are further PNs at every differential from 18kph to 10kph.
2. The top 5 speeds, by differential over the limit, in all zones are 60kph , 50kph, 44kph and 40kph twice.

3 The ministers with the most PNs that resulted in representations were Nick Lalich (13), Christopher Minns (9), Clayton Barr (7) and Anna Watson, Julia Finn, Sonia Hornery and Guy Zangari (6).

The attached spreadsheet contains the data for these answers. Note that there are two authors for member Lalich on your tables - I have combined the numbers for both. The counts are by PN not by representation, as many have more than one.

Barry

>>> Joshua Marshall Friday, 6 July 2018 >>>

Hi guys,

Please see data request below from the MO.

Could I get your response by 20 July, if possible please?

Thanks

Josh

Joshua Marshall | Senior Correspondence Officer, Correspondence and Briefings Unit | Strategy and Service Improvement, Strategy and Business Performance | p: (02) 8623 8955 | m: 0466 025 063 |

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Office of the Hon. Victor Dominello MP
Minister for Finance, Services and Property

Phone: 02 8574 6623

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From: Stephen Brady
Sent: Wednesday, 14 November 2018 11:03 PM
To: Cullen Smythe
Subject: Text from Matt Dawson

Cullen

Text of an SMS fro Matt below.

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From: Cullen Smythe
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Cc: Stephen Brady
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Regards

Cullen

Cullen Smythe | Commissioner of State Revenue | Technical and Advisory Services | p: (02) 9689 6667 | www.revenue.nsw.gov.au

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Angela Beggs

From: Jane Dudley
Sent: Wednesday, 14 November 2018 2:02 PM
To: Cullen Smythe
Subject: FW: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office
Attachments: ART - 4418 Representations for speeding offences (002).xlsx

Also as discussed.

I'll come and see you about this shortly.

J

From: Katrina Morgan
Sent: Wednesday, 14 November 2018 1:44 PM
To: Jane Dudley <Jane.Dudley@revenue.nsw.gov.au>
Cc: Joshua Marshall <Joshua.Marshall@revenue.nsw.gov.au>
Subject: For you Review and Appropriate Action/Referral - Use of Data Provided by RNSW to the Minister's Office

Hi Jane,

As discussed earlier:

Background

14/06/2018 – request from the Minister's Office for the following data:

Top 5 speeds (highest over limit) for 2017/18:

1. Specifically in a school zone
2. Generally across all reps
3. MP with most reps about speeding.

19/07/2018 – the attached table was sent to the Minister's Office.

12/11/2018 – request from the Minister's Office for the attached table to be updated to 31/10/2018.

13/11/2018 – telephone discussion with Gabrielle Hendry, DLO. During the conversation, Gabrielle advised that the Minister's Office had interrogated the table previously supplied and identified that Michael Daley MP (who has recently replaced Luke Foley MP as the Leader of the Opposition), contacted the MP Hotline about his own speeding fine. Gabrielle advised that the Minister's Office were determining whether to use this information against Mr Daley in the political arena or not. I strongly advised Gabrielle that the Minister's Office should not be using this data in any way.

Current Status

Upon investigation, it is noted that there is an entry in CABi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence 'Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual'. However, notes concerning this call state 'Lisa from Michael Daley's office queried stat decs. Advised process'. The status of the penalty notice is 'Closed/Paid'.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister's Office (due 16/11/2018).

When the data was previously provided to the Minister's Office, the raw data (Sheet 2) underpinning the statistics (pivot), was included. This data includes the personal information and offence details of constituents and should not have been included in the response. This includes Michael Daley's information (refer highlighted row).

With your agreement, CAB will submit the updated data to the Minister's Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister's Office.

For your review and any appropriate action/referral.

Regards,
Katrina

Katrina Morgan | Manager, Correspondence and Briefings | Technical and Advisory Services | ext. 6394

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To: Cullen Smythe
Cc: Stephen Brady
Subject: RE: Disclosure of Data

Follow Up Flag: Follow up
Flag Status: Flagged

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13/11/2018 – telephone discussion with Gabrielle Hendry, DLO. During the conversation, Gabrielle advised that the Minister's Office had interrogated the table previously supplied and identified that Michael Daley MP (who has recently replaced Luke Foley MP as the Leader of the Opposition), contacted the MP Hotline about his own speeding fine. Gabrielle advised that the Minister's Office were determining whether to use this information against Mr Daley in the political arena or not. I strongly advised Gabrielle that the Minister's Office should not be using this data in any way.

Current Status

Upon investigation, it is noted that there is an entry in CABi that Michael Daley (author) on behalf of Michael Daley (constituent) contacted the MP Hotline on 3 July 2017 querying a penalty notice issued for the offence ‘Motor vehicle exceed speed limit - 10 km/h and under - Camera recorded – Individual’. However, notes concerning this call state ‘Lisa from Michael Daley’s office queried stat decs. Advised process’. The status of the penalty notice is ‘Closed/Paid’.

Data to meet the current request has been received from Analytics. This data has not yet been sent to the Minister’s Office (due 16/11/2018).

When the data was previously provided to the Minister’s Office, the raw data (Sheet 2) underpinning the statistics (pivot), was included. This data includes the personal information and offence details of constituents and should not have been included in the response. This includes Michael Daley’s information (refer highlighted row).

With your agreement, CAB will submit the updated data to the Minister’s Office by the end of the week, however the raw data will be removed as it is not relevant to the request from the Minister’s Office.

For your review and any appropriate action/referral.

Regards,
Katrina

Katrina Morgan | Manager, Correspondence and Briefings | Technical and Advisory Services | ext. 6394

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Portfolio: Department of Finance & Services – Revenue NSW
Issue: Disclosure of Opposition Leaders Fines Information

Background: On 19 July 2018 in response to a data request from the Departmental Liaison Officer, information regarding speeding offences was provided to Minister Dominello's office in an Excel spread sheet.

Inadvertently and due to an administrative error, the spread sheet also contained 274 rows of raw data captured by Revenue NSW's ministerial correspondence database system, relating to approximately 193 customers, including personal information regarding Michael Daley.

When Revenue NSW was made aware of the breach in November 2018, it took all available steps to contain the breach, including advising the NSW Privacy Commissioner. Revenue NSW staff handled this situation with the utmost professionalism, integrity and accountability.

Recent media articles published by the Sydney Morning Herald on 8-10 February 2019 have implied that Revenue NSW leaked information to the NSW Government about the details relating to Mr Daley's matter. The articles also included commentary about a 'secret' MP Hotline.

Suggested Response:

- On 8 – 10 February 2019 the Sydney Morning Herald published a series of articles implying that Revenue NSW had leaked information to the NSW Government about the transfer of a speeding fine by the NSW Opposition Leader, Michael Daley, to his wife.
- The incident occurred in response to a routine data request from the Minister's Office and was due to an administrative error.
- In November 2018, when Revenue NSW became aware of the breach, it took all of the steps necessary to contain the breach, including seeking legal advice and advising the NSW Privacy Commissioner.
- In light of the recent articles, Revenue NSW is also fully cooperating with all external investigations.
- In November 2018, the Revenue NSW Executive mandated *Government Information (Public Access) Act 2009* (GIPA) training for all Revenue NSW staff. The training is designed so that staff are aware of GIPA, its implications and the process for responding to requests, including privacy considerations.
- The media articles also commented about a 'secret' hotline. The MP Hotline is not secret; it has been running since 2005 and provides a valuable service to Members of Parliament to assist them in servicing their constituents.

Minister's office Media Contact:
Minister's office Policy Contact:

Name and number
Name and number