

# Privacy, data protection and incident response support

In today's digital landscape, ensuring data protection and privacy compliance in Australia is more critical than ever. The risks associated with having a strong cyber presence while ensuring robust data protection and safeguarding privacy keep many clients awake at night.

Cyber incidents, data loss and the unauthorised disclosure of personal information can impact people's lives, disrupt business and cause serious financial or reputational damage.

Our privacy, data protection and cyber law team plays a pivotal role in guiding clients through legal and regulatory challenges associated with information management and digital risk.

We work with a trusted network of forensic investigators, accountants, insurance specialists and crisis communications experts. Together, we deliver legal services that are strategic, practical and seamlessly integrated.

## How we assist

### Incident response

A swift response is critical after a cyberattack or unauthorised disclosure. If you need immediate help, contact our email hotline at [cyber@bartier.com.au](mailto:cyber@bartier.com.au).

We also advise on proactive response planning to reduce legal and reputational risk.

### Regulatory compliance

Being on the front foot from a compliance perspective is imperative. Both state and federal legislation contain strict rules around digital security and privacy, imposing severe penalties for organisations that get it wrong. We provide practical guidance on how these laws should influence the design of your systems

and processes, to safeguard your stakeholders and protect both confidential and personal information.

We regularly work with government agencies, academic institutions and private organisations to ensure they understand their obligations.

### Governance and risk management

We help clients manage digital and privacy risks across complex, evolving legal frameworks. Our advice covers compliance with privacy legislation (Federal and State Privacy Acts, State health records legislation, GDPR and more), responding to personal information access requests, preparing privacy impact assessments, mandatory data breach notification schemes, managing a notifiable data breach and best-practice policy frameworks.

We don't just help you comply with the law, we show you how to build safeguards into your organisation. By integrating privacy and data compliance with commercial and regulatory obligations, we deliver practical and forward-thinking advice.

## Our team can:

- Assist with and advise on responding to requests for personal, health and other sensitive information.
- Provide assistance and advice when dealing with and responding to government regulators.
- Advise on data (including structured and unstructured) retention, destruction, storage, hygiene, and the security of personal information.

- Provide 'legal penetration testing' of contracts, audit systems and policies.
- Support your organisation during cyber incidents, including investigations, containment, notification requirements and recovery.
- Develop systems and protocols to protect digital assets and personal information while reducing claims risk.
- Build compliance programs tailored to your risk profile.
- Resolve cyber or privacy breach claims through negotiation, dispute resolution or litigation.
- Conduct privacy impact assessments to identify vulnerabilities in operational frameworks and specific projects..
- Train your staff (including new or onboarding employees) so that they understand and uphold your cyber and privacy obligations, reducing exposure to unnecessary risk.
- Evaluate the legal requirements for international movements of personal data and assist in structuring compliant agreements and operational models.
- Support clients with risk assessments, vendor due diligence and the implementation of cyber insurance policies.

#### Examples of our work

- Advising a real estate data platform about the user consent requirements for a new digital service offering. This involved assisting our client in the design of the user interfaces for its service app and preparing electronic communications to users, to ensure the consent requirements were met.
- Advising a major Australian not-for-profit organisation with a data breach incident which occurred with its donor call centre service provider. While the breach was not a notifiable data breach, our client decided to inform the individuals impacted. We worked with our client's IT, forensic and public relations advisers to accurately identify the information accessed, prepare the communications and ready our client for media attention.
- Advising a major university on their privacy obligations under NSW and federal legislation regarding collection and use of personal and health information and preparing relevant documents. We analysed and streamlined their existing processes to create uniformity amongst several bodies to reduce risk for the university.
- Assisting an insurance company with privacy information requests. We advised on obligations under Commonwealth and State legislation, responded to allegations of breaches of privacy laws, assessed what information was personal, identified exclusions and restrictions on disclosure and determined what information was to be provided and the terms of access and disclosure.

## KEY CONTACTS

For more information, contact our key team members:



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