



## INFORMATION UPDATE

# Change to Penalty for Non-Compliance with Privacy and Health Records Compliance Notices

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**From 1 July 2006 the penalty for non-compliance with a compliance notice issued under either the *Information Privacy Act 2000* (“IP Act”) and the *Health Records Act 2001* (“HR Act”) will be \$322,290 for a body corporate and \$64,460 in any other case.**

On 6 April 2006, the Victorian Treasurer advised that, from 1 July 2006, the value of one penalty unit under the *Monetary Units Act 2004* will be \$107.43.<sup>1</sup>

Section 48 of the IP Act states that the penalty for non-compliance with a compliance notice issued by the Privacy Commissioner under section 44 of the IP Act is 3000 penalty units for a body corporate and 600 penalty units in any other case. Section 71 of the HR Act states that the penalty for non-compliance with a compliance notice issued by the Health Services Commissioner under section 66 of the HR Act is also 3000 penalty units for a body corporate and 600 penalty units in any other case.

Therefore, a body corporate which commits either of these offences will be liable, under the IP Act or HR Act, to pay a fine of \$322,290. A non-corporate entity committing either of these offences will incur, under the IP Act or HR Act, a fine of \$64,460. (While 600 units of \$107.43 amount to \$64,458, the *Monetary Units Act 2004* allows for rounding to the nearest 10 cents.)

If you require any further information or assistance about how this update affects your agency, please do not hesitate to contact me.

A handwritten signature in black ink that reads 'Mick Batskos'.

**Dated: 21 June 2006**

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<sup>1</sup> See the Victorian Government Gazette at <http://www.gazette.vic.gov.au/Gazettes2006/GG2006G014.pdf> (pg 680).