**Telecommunications Information Privacy Code 2003**

**Amendment No 6**

**1. Title**

This amendment is the Telecommunications Information Privacy Code 2003 Amendment No 6.

**2. Commencement**

This amendment will come into force on 28 September 2017.

*Note: The commencement of the amendment aligns with the commencement of amendments made to the Privacy Act 1993 by the Intelligence and Security Act 2017.*

**3. Amendment to Rule 11 (Limits on disclosure of Telecommunications Information)**

Rule 11(1) is amended by inserting the following paragraph:

(ga) except where the disclosure of the information may be sought in accordance with a business records direction under Part 5(4) of the Intelligence and Security Act 2017, that the disclosure of the information is necessary to enable an intelligence and security agency to perform any of its functions;

*Note: See Intelligence and Security Act 2017, ss 10-16, for the functions of intelligence and security agencies.*

*Note: Privacy Act, s 7(1) and (2), provides that rule 11 does not derogate from any provision in another enactment that requires or regulates the disclosure of personal information. Intelligence and Security Act 2017, Part 5(4), which enables an intelligence and security agency to obtain business records of telecommunications network operators is such a provision and therefore it prevails over the code. Rule 11(1)(ga) provides for disclosures outside the scope of Part 5(4).*

*Note: Intelligence and Security Act, section 122(3) provides that the Director-General of an intelligence agency may certify that he or she believes on reasonable grounds that the disclosure is necessary, for the purpose of enabling an agency to decide whether to disclose the information.*

*The text in italics is for information only and is not part of the amendment as issued.*

***Legislative history***

*6 June 2017 Public notice of intention to issue Amendment No 6 (Privacy Act, s 48)*

*25 August 2017 Amendment No 6 issued (Privacy Act, s 51)*

*31 August 2017 Gazette notice concerning issue, commencement and availability (Privacy Act, s 49)*

*28 September 2017 Commencement of Amendment No 6*