

Australia



AND

THE

GDPR

COMPARING THE REGIMES



The Privacy Act was passed in 1988 and has been amended frequently since.



The GDPR was adopted by the EU in 2016 and became enforceable in 2018.

Exempts from the regime; small businesses, and employee records

Applies to any personal data which refers to an identifiable natural person and generally where any behavior of EU subjects is being monitored.

Australian entities receiving data from a GDPR country - including from a related entity - may be required to agree to the GDPR's Standard Contractual Clauses.

Entities bound by the GDPR may receive data from Australian entities, and usually do not have to agree to anything in addition before receiving the data.

Does not contain the right to be forgotten or right of erasure.

Contains a right to be forgotten where an EU citizen has the right for data to be erased in some circumstances.

The fines for certain breaches of the Act are - in Alec's view - the largest privacy fine on the planet by a significant amount.

The largest fine to date was issued to Amazon in July 2021 - to the value of €746 million.