



Privacy (International Money Transfers) Generalising Determination 2015

I, Timothy Pilgrim, Privacy Commissioner, make this determination under subsection 72(4) of the *Privacy Act 1988* (Privacy Act).

Dated: 19 February 2015

[signed]

Timothy Pilgrim
Privacy Commissioner

1 Name of determination

This determination is the *Privacy (International Money Transfers) Generalising Determination 2015*.

2 Commencement

This determination takes effect on the day following the day of its registration in the Federal Register of Legislative Instruments maintained under section 20 of the *Legislative Instruments Act 2003*.

3 Authority

This determination is made under subsection 72(4) of the *Privacy Act 1988* (Privacy Act).

4 Expiry

This determination expires, as if it had been repealed by another instrument, 5 years from the day this determination commences.

5 Repeal

The *Privacy (International Money Transfers) Generalising Determination 2014 (No. 1)* (FRLI - F2014L00242) is repealed immediately before this determination commences.

6 Definitions

Terms defined in the Privacy Act have the same meanings in this determination.

7 Giving the public interest determination general effect

(1) Noting that *Privacy (International Money Transfers) Public Interest Determination 2015 (No. 1)* applies to the disclosure of personal information to an overseas recipient where:

- (a) Australia and New Zealand Banking Group Limited (ANZ), as an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (ADI), is processing an international money transfer (IMT) on behalf of one of its customers, and
- (b) in order to process the IMT, ANZ discloses personal information of the individual who is the beneficiary of the IMT (beneficiary) to another financial institution that is not in Australia or an external Territory (overseas financial institution) for the purpose of:
 - (i) remitting the relevant funds to the beneficiary's financial institution for payment, or
 - (ii) a communication that is necessary to confirm receipt of the funds or to facilitate processing or return of the funds by the beneficiary's financial institution.

(2) No other ADI is taken to breach section 15 of the Privacy Act while *Privacy (International Money Transfers) Public Interest Determination 2015 (No. 1)* is in force if:

- (a) the ADI breaches Australian Privacy Principle 8.1 when engaging in the acts and practices described in *Privacy (International Money Transfers) Public Interest Determination 2015 (No. 1)* and set out in subsection 7(1) above, or
- (b) an overseas financial institution does an act, or engages in a practice, in relation to the personal information disclosed to it by the ADI in the course of the ADI engaging in the acts and practices described in section 8 of *Privacy (International Money Transfers) Public Interest Determination 2015 (No. 1)* and set out in subsection 7(1) above, that would be a breach of an APP (other than APP 1) if the APPs applied to that act or practice.