

KK10 — Key legal requirements relating to intellectual property, ownership and privacy of data

Analysis & Design · Comprehensive exam study guide

STUDY DESIGN — YOU MUST KNOW

- Copyright Act 1968 (Cwlth)
- Privacy Act 1988 (Cwlth) (APP 1, 3, 6, 8, 9, 11)
- Privacy and Data Protection Act 2014 (IPP 1, 2, 4, 5, 7, 9, 10)

You must know the **purpose** of each Act and what the listed principles require. Be precise: APPs are Commonwealth (Privacy Act 1988); IPPs are Victorian (PDP Act 2014).

The three laws

Law	Protects	Key idea
Copyright Act 1968 (Cwlth)	Original works (incl. source code).	Automatic protection of original expression; you can't copy others' code/content without permission.
Privacy Act 1988 (Cwlth)	Personal information held by organisations.	Sets the Australian Privacy Principles (APPs) governing collection, use, storage and disclosure.
Privacy and Data Protection Act 2014 (Vic)	Personal information held by Victorian public bodies.	Sets the Information Privacy Principles (IPPs).

Key Australian Privacy Principles (APPs)

APP	Requires (in plain terms)
APP 1	Open, transparent management of personal information (have a privacy policy).
APP 3	Only collect personal information that is reasonably necessary.
APP 6	Only use/disclose information for the purpose it was collected.
APP 8	Take care before disclosing information overseas.
APP 9	Restrictions on using government identifiers.
APP 11	Keep information secure and destroy/de-identify it when no longer needed.

Information Privacy Principles (IPPs)

The Victorian IPPs (1, 2, 4, 5, 7, 9, 10) mirror the APPs for state public sector data — covering collection, use/disclosure, data security, access/correction and identifiers. For the exam, know that IPPs apply to Victorian public bodies and align closely with the APPs.

Key definitions to memorise

Copyright	The automatic legal protection of original works (including source code) that prevents unauthorised copying or use.
Australian Privacy Principles (APPs)	The principles in the Privacy Act 1988 (Cwlth) governing how organisations handle personal information.
Information Privacy Principles (IPPs)	The principles in the Privacy and Data Protection Act 2014 (Vic) governing personal information held by Victorian public bodies.

Exam technique

EXAM TIP

- Get the jurisdiction right: APPs = Commonwealth (Privacy Act 1988); IPPs = Victorian (PDP Act 2014).
- Quote a relevant APP number (e.g. APP 11 for security) to strengthen an answer.

COMMON MISTAKES

- Mixing up APPs and IPPs or their Acts.
- Saying copyright must be registered — it is automatic on creation.

Quick revision checklist

- I can state the purpose of each of the three laws.
- I can match a scenario to the relevant APP (e.g. security → APP 11).

Exam practice — questions & model answers

Q1. State which law and principle set requires an organisation to keep personal data secure.

State · 2 marks

Model answer

- The Privacy Act 1988 (Cwlth) (1),
- under APP 11 (security of personal information) (1).

Q2. Explain how the Copyright Act 1968 applies to source code.

Explain · 2 marks

Model answer

- Original source code is automatically protected as an original work (1),
- so it cannot be copied or reused without the creator's permission (1).

Q3. Distinguish between the APPs and the IPPs.

Distinguish · 2 marks

Model answer

- APPs are Commonwealth principles under the Privacy Act 1988 applying broadly to organisations (1);
- IPPs are Victorian principles under the PDP Act 2014 applying to Victorian public bodies (1).