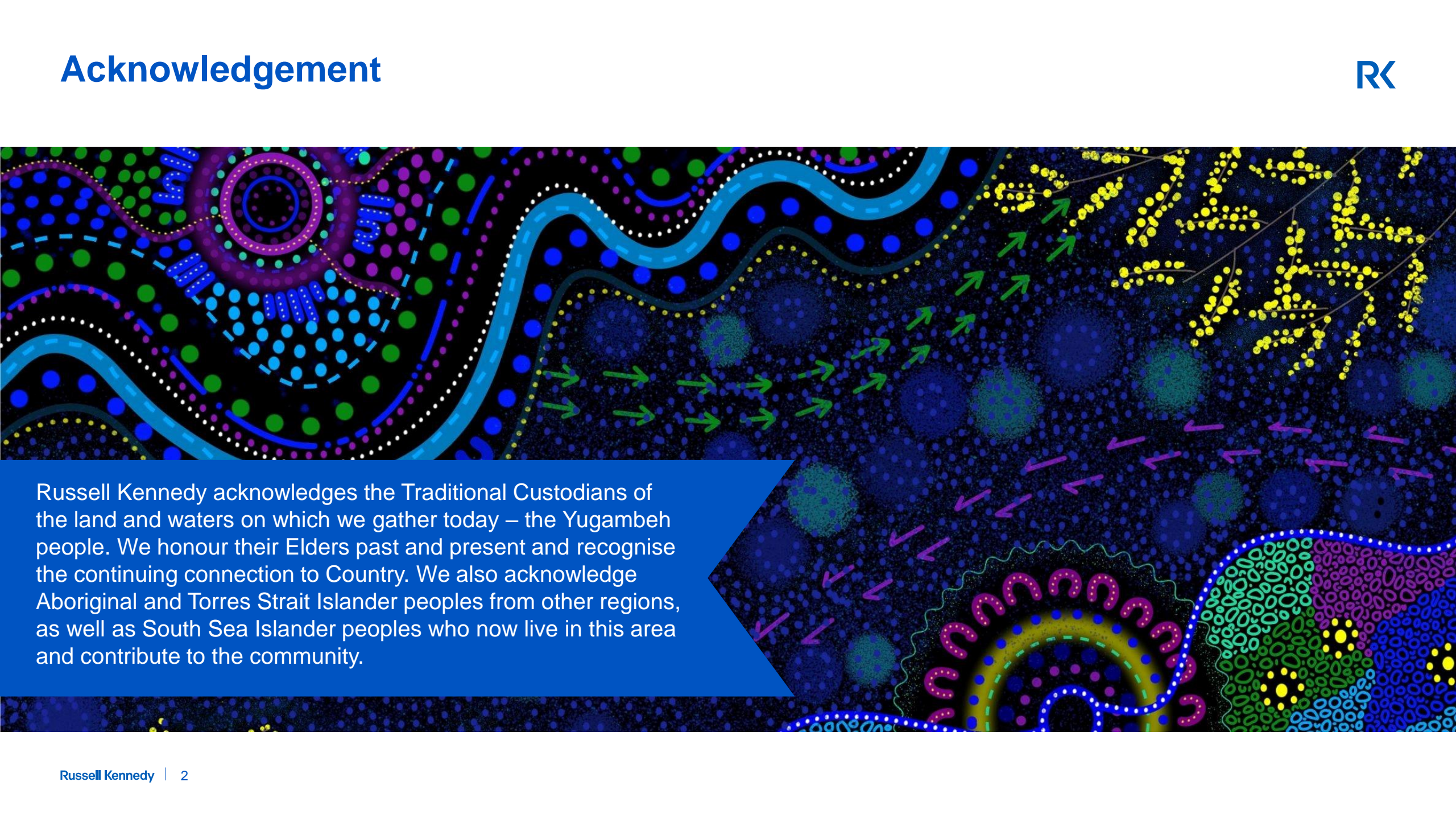**Russell Kennedy**

Legal Risks and Responsibilities in Digital Aged Care

Cyber security, privacy and the rise of AI

Presenter: Gina Tresidder, Principal

Acknowledgement

Russell Kennedy acknowledges the Traditional Custodians of the land and waters on which we gather today – the Yugambeh people. We honour their Elders past and present and recognise the continuing connection to Country. We also acknowledge Aboriginal and Torres Strait Islander peoples from other regions, as well as South Sea Islander peoples who now live in this area and contribute to the community.

Aged Care: Then and Now

50 YRS AGO

NOW

Essential Outcomes

Optimise performance

- Streamlining daily operations
- Improving communications
- Improving resident engagement

Build trust

- Reliability
- Consistency
- Transparency

Demonstrate respect

- Protect privacy
- Manage data breaches responsibly
- Fair and reasonable use

Focus Points

- the evolving landscape of **Privacy Law**

- managing **Cyber Threats**

- harnessing **Artificial Intelligence**

- smart **Data Management**

Privacy – Recent Changes

RK

Serious Invasions of Privacy Tort

Plaintiff - individual
Defendant - any individual or organisation

Technical and Organisational Measures

Technical – software, hardware
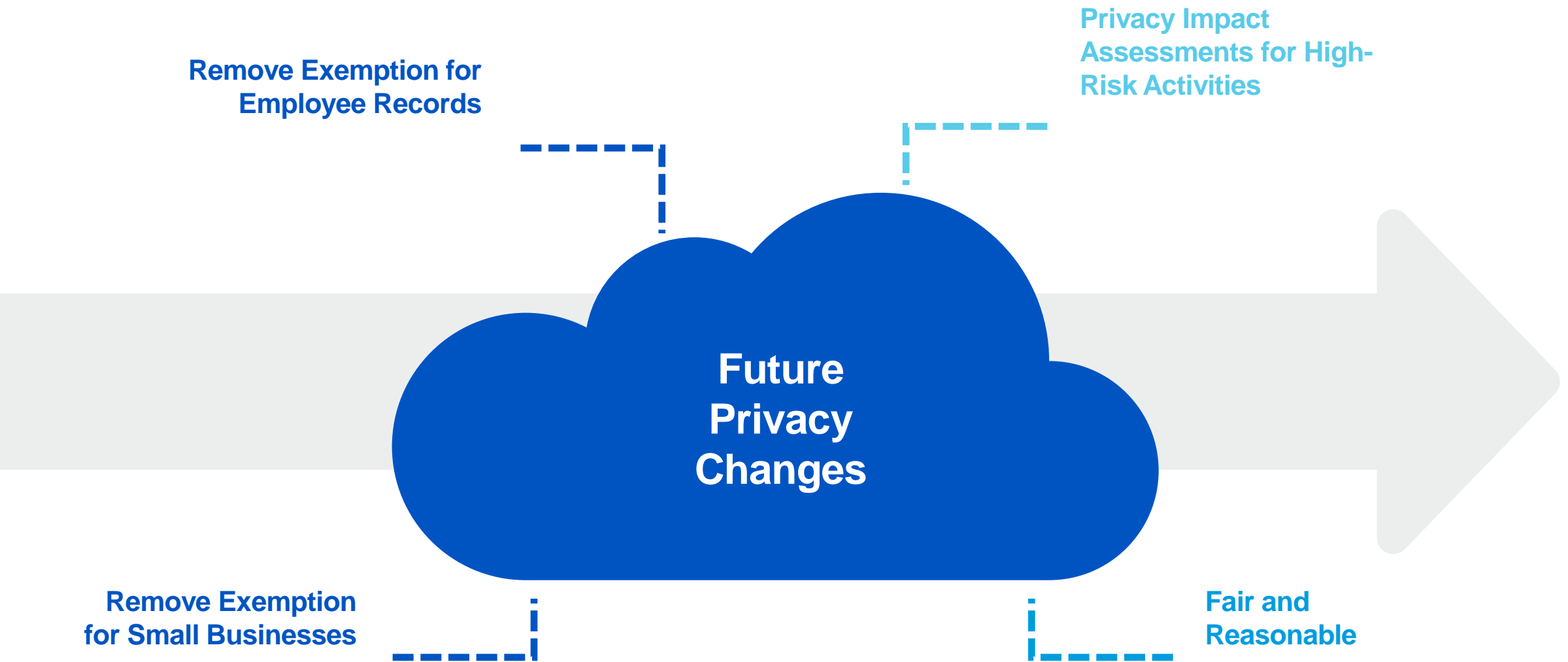**Organisational** – processes, training

Recent Privacy Changes

Expanded Civil Penalty Provisions

Infringement and Compliance Notices

Automated Decision-Making

Disclose in Privacy Policy

Privacy – Future Changes

RK

Remove Exemption for Employee Records

Privacy Impact Assessments for High-Risk Activities

Future Privacy Changes

Remove Exemption for Small Businesses

Fair and Reasonable

Cybersecurity

RK

What ASD saw

Answered over **36,700** calls to the Australian Cyber Security Hotline, up **12%**

- on average, **100 calls per day,** an increase from **90 calls per day**

Average self-reported cost of cybercrime per report for businteses, **down 8%** overall

- small business: **$49,600** (up 8%)
- medium business: **$62,800 (** down 35%)
- large business: **$63,600** (down 11%)

Received over **87,400** cybercrime reports, **down 7%**

- on average a report every 6 minutes, consistent with last year

Top 3 self-reported cybercrime types for business

- email compromise (20%)
- online banking fraud (13%)
- business email compromise fraud resulting in financial loss (13%)

Almost **$84 million** in losses due to business email compromise were self-reported to ReportCyber. Business email compromise continues to significantly impact businesses, with an average financial loss of over **$55,000** for each confirmed incident
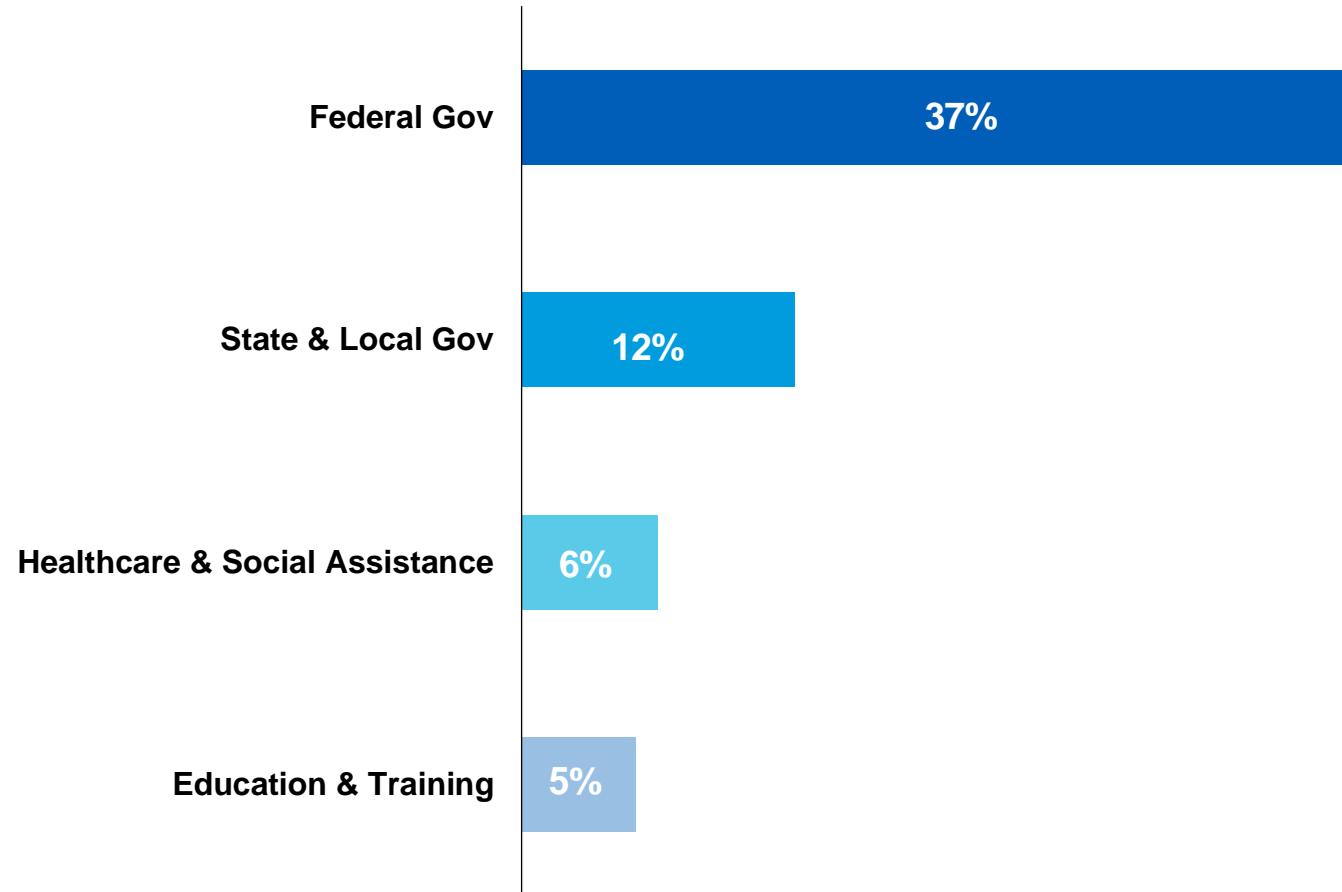
11% of all incidents responded to included **ransomware**, a **3% increase** from last year

Cyber Incident Reporting

RK

Top 4 Reporting Sectors
2023-2024 Annual Cyber Threat Report

Sector	Percentage
Federal Gov	37%
State & Local Gov	12%
Healthcare & Social Assistance	6%
Education & Training	5%

Cyber Crime

Known Hacker Groups

| Group name	Type	Region	Known Targets
FIN7	Cybercriminal	Eastern Europe	Financial institutions
LockBit	Cybercriminal	Russia	Global enterprises
Royal	Cybercriminal	Unknown	Healthcare, manufacturing
BlackCat (ALPHV)	Cybercriminal	Russia	Healthcare, infrastructure
Evil Corp	Cybercriminal	Russia	Banks, corporations
APT28 (Fancy Bear)	State-sponsored	Russia	Political, military
APT28 (Cozy Bear)	State-sponsored	Russia	Government, espionage
Lazarus Group	State-sponsored	North Korea	Finance, healthcare
APT10 (Stone Panda)	State-sponsored	China	Cloud services

Artificial Intelligence
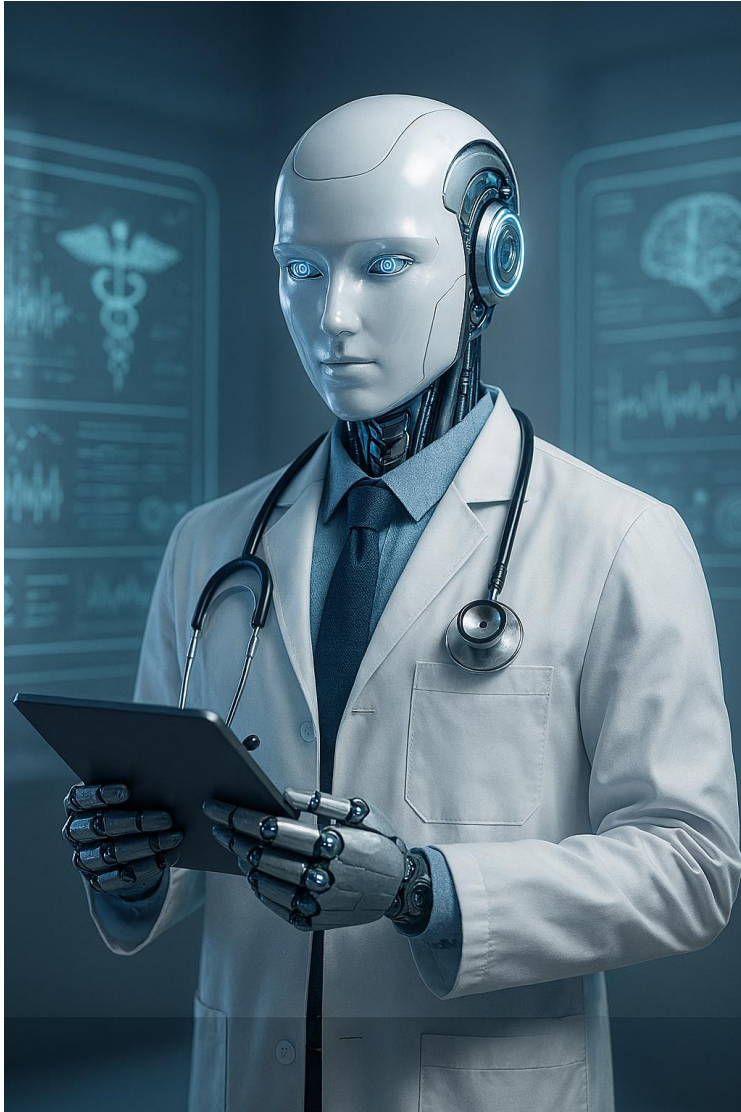
No formal regulation

Future regulatory considerations

Responsibility under existing laws

Managing the Data Surge in Aged Care

Essential Outcomes

RK
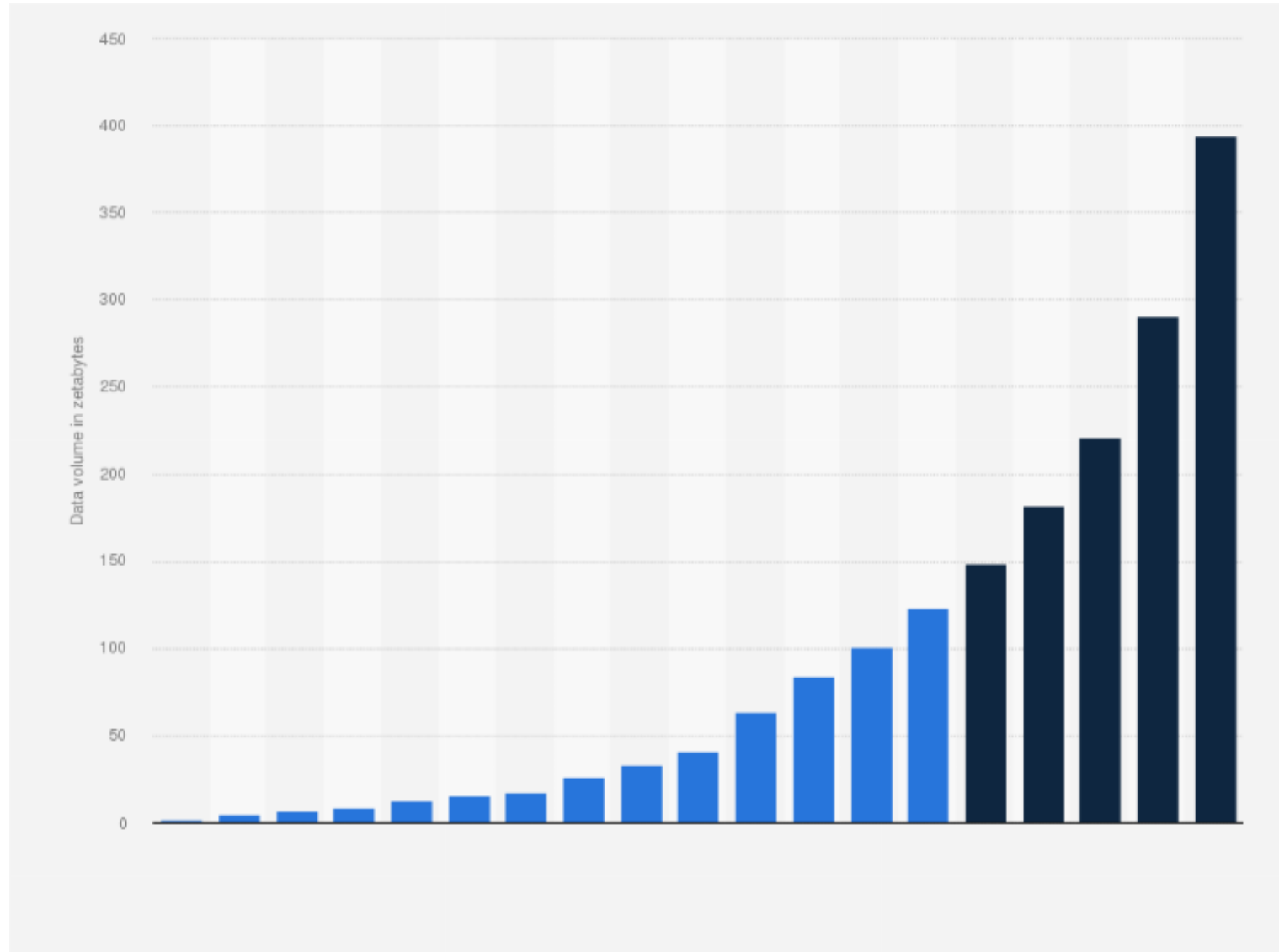
Optimise performance

- Privacy by Design
- Privacy Impact Assessments
- Proper assessments of tools and contracts

Build trust

- Up-to-date Privacy Policies and Collection Statements
- Informed Consent

Demonstrate respect

- Fair and reasonable use
- Data Breach Response Plan
- Staff training

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Stay Ahead of the Changes – Be Ready for 1 November 2025

RK DocsConnect is an online platform developed by Russell Kennedy to help aged care providers get ready for the new Aged Care Act.

It offers practical, legally reviewed template documents, tools, resources and training offerings on subscription.

Why choose RK DocsConnect?

- One-time purchase, multiple use
- Updated by aged care lawyers
- Built for providers
- Save time and money
- Practical

How it works

- Subscription Model
- One-Off Purchase
- No Customisation via RKDC

Scan to visit the platform

W rkdocsconnect.com.au
E info@rkdocsconnect.com.au

Questions?

Disclaimer

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