



ACT
Government

Chief Minister, Treasury and
Economic Development

INFORMATION PRIVACY POLICY

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Revision

This Information Privacy Policy must be reviewed and updated every two years or as required following major change to business operations and/or priorities as a part of Chief Minister, Treasury and Economic Development Directorate's business planning process.

Revision	Description	Date	Author
0.1	Draft amended following JACSD privacy assessment by OAIC, and GSO input	August 2015	Project Manager, Governance
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1.0	Final	December 2015	Manager, Governance

Review and authorisation

The Information Privacy Policy is to be endorsed by the Director-General, Chief Minister, Treasury and Economic Development Directorate.

(signed)

18 December 2015

Kathy Leigh
Director-General
Chief Minister, Treasury and Economic
Development Directorate

Date

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1. About this policy

This Information Privacy Policy sets out how the Chief Minister, Treasury and Economic Development Directorate (the Directorate) manages personal information when performing its functions.

This policy applies to all business units of the Directorate, and to the following entities:

- ACT Compulsory Third-Party Insurance Regulator.
- ACT Construction Occupations Registrar.
- ACT Insurance Authority (ACTIA).
- Chief Inspector Scaffolding and Lifts.
- Clinical Waste Controller.
- Commissioner for ACT Revenue.
- Commissioner for Fair Trading.
- Commissioner for Public Administration.
- Default Insurance Fund.
- Director of Territory Records.
- Environment Protection Authority.
- Land Development Agency (LDA).
- Lifetime Care and Support Commissioner.
- Registrar, ACT Architects.
- Registrar General.
- Work Safety Commissioner.

Further information about these entities is provided in [Annexure A](#). For ease of reading all references to 'the Directorate' and 'CMTEDD' in this Policy are to be read as including these entities.

The specific legal obligations of the Directorate when collecting and handling your personal information are outlined in the [Information Privacy Act 2014](#) and in particular, in the Territory Privacy Principles (TPPs) found in the Act.

This statement is made in accordance with TPP 1.3 of the [Information Privacy Act 2014](#).

You can access the [Information Privacy Act 2014](#) at the [ACT Legislation Register](#) website at <http://www.legislation.act.gov.au/a/2014-24/default.asp>.

We will update this Information Privacy Policy when our personal information handling practices change. Updates will be available on our website. Please contact us if you would like to request a printed copy of this Policy.

You can access our [Website Information Privacy](#) statement on our website at http://www.cmd.act.gov.au/legal/privacy_statement.

2. Overview

The Directorate collects, holds, uses and discloses personal information to effectively carry out functions or activities under the *Public Sector Management Act 1994*, the *Territory Records Act 2002*, the *Freedom of Information Act 1989*, the [Information Privacy Act 2014](#) and a number of other pieces of legislation relating to our functions.

For the purposes of the Information Privacy Act 2014 and this policy 'Personal Information':

- (a) means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - (i) whether the information or opinion is true or not; and
 - (ii) whether the information or opinion is recorded in a material form or not; but
- (b) does not include personal health information about the individual.

A smaller subset of 'personal information' is also considered to be 'sensitive information'. For a more detailed explanation of what sensitive information includes for the purposes of the *Information Privacy Act 2014* and this policy, please refer to section 6.

Please note, the *Information Privacy Act 2014* does not extend to personal health information. All health records held by the Directorate are protected and managed in accordance with the [Health Records \(Privacy and Access\) Act 1997](#).

The Directorate's functions are determined by the [Administrative Arrangements](#) which are available on the ACT Legislation Register at <http://www.legislation.act.gov.au/ni/2015-354/default.asp>.

The Directorate leads the ACT Public Service and provides strategic advice and support to the Directorate's Ministers and the Cabinet on policy, financial and economic matters, service delivery and whole of government issues. The Directorate also facilitates the implementation of government priorities and drives many new initiatives.

The Directorate is responsible for collecting and managing taxation revenue; managing the Government's financial assets and liabilities, including superannuation liabilities and investments; insurance policy and scheme administration; and providing advice to the Government and ACT agencies on the Territory's budget and financial management, economic and revenue policy, federal financial relations, and workers compensation policy.

The Directorate is also responsible for the Asbestos Response Taskforce which delivers the ACT Government's Loose Fill Asbestos Insulation Eradication Scheme (the Scheme), and Shared Services, which provides financial, ICT and Human Resources support across Government.

The Economic Development focus is on facilitating business development, investment, tourism and events, sport and recreation, arts, and other government activity, often in coordination with the private sector, to increase the economic performance of the ACT. Economic Development is also responsible for facilitating projects through the office of Coordinator-General, as well as Procurement and Capital Works.

The Directorate brings together shopfronts and regulatory services, including Canberra Connect, into a single entity. This provides an integrated and seamless service, making it

easier for business, community organisations and individuals to work with the ACT Government.

Specific detail about what information the Directorate collects, how it is held, what it is used for, and who it is disclosed to in carrying out these functions is included in the Information Privacy [Annexure B](#) to this Policy.

3. Remaining anonymous

Wherever possible when dealing with the Directorate (for example, when calling on the phone to make an enquiry) you will have the option of remaining anonymous or using a pseudonym (a made up name).

However, in some situations the Directorate will need you to identify yourself if we are authorised or required by law to deal with an identified individual, or if it is not practical to deal with you if you have not identified yourself. We may be unable to progress or resolve your specific matter if you choose to remain anonymous. If in doubt, please discuss the issue with the person with whom you are dealing.

If it is not practicable or not lawful for us to deal with you without you providing identifying information, we will let you know why we need your identifying information and what it will mean for you if the information is not collected.

4. Collection of your personal information

At all times, the Directorate tries to only collect personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities. While we will usually seek to collect your personal information from you personally, we may sometimes collect personal information from third parties without your consent, such as when it is required or authorised by a law, a court or tribunal order, or if it is necessary to prevent a threat to the life, health or safety of one or more individuals, or to public health or safety.

We will not collect your sensitive information (such as sexual identity or criminal history information) unless you consent to the collection of that information and the information is reasonably necessary and directly related to one or more of our functions and activities.

Sometimes however, we may collect sensitive information without your consent if it is required or authorised by or under an Australian law, or court or tribunal order. TPP 3.4 also establishes other situations in which we are authorised to collect your sensitive information, for example, if it is necessary to prevent a threat to the life, health or safety of one or more persons, or to public health or safety.

5. How do we collect personal information

The Directorate will only collect personal information by lawful and fair means. The main way the Directorate collects personal information about you is when you give it to us.

Your personal information may be collected in a variety of ways, including through paper or online forms, in correspondence to and from you as well as email, over the telephone and by fax.

The Directorate collects personal information when you transact with one of our business units, for example:

- You participate in community consultations, forums, surveys and research undertaken by us or make submissions to us, and you consent to our collection of your personal information.
- You contact us to ask for information (but only if we need it).
- You submit a Freedom of Information request to us.
- You provide us with personal information in relation to regulatory actions such as submission of a consumer complaint, or for regulatory registers, licenses, and permits.
- You are complying with tax law.
- You are applying for an ACT Government administered concession scheme.
- You apply for funding or assistance provided by us.
- You are employed or seeking employment with the Directorate.
- You are contracted to provide a service to or for the Directorate.
- You volunteer with, or are a statutory office holder of the Directorate.
- You apply to take part in or receive information in relation to an LDA sales event.
- You subscribe to a Directorate email distribution list in order to receive information from us.
- You ask for access to information that the Directorate holds about you or other information about the operation of our business.

We may also collect contact details and some other personal information if you are on our committees or participating in a meeting or consultation with us.

Normally we collect information directly from you unless you consent to us collecting information from someone else, or if it is unreasonable or impracticable to do so.

In certain circumstances, for example where it is required or authorised by law, we may also obtain information collected by other Australian, state and territory government bodies or other organisations, including, for example another ACT Government directorate or statutory authority.

We may also receive unsolicited information from a third party if we decide we could have collected it ourselves by a lawful and fair means. If we decide we could not have collected it for ourselves, we will as soon as practicable, and if it is lawful and reasonable, destroy the information or de-identify it.

We also collect personal information from publicly available sources where that is reasonably necessary for, or directly related to, us being able to perform our functions effectively.

6. Types of information we collect and hold

At all times, the Directorate tries to collect the minimum amount of personal information that is required to perform, or directly related to, one of its functions.

The personal information we collect and hold will vary depending on what we require to perform our functions and responsibilities. It may include:

- Your name, address and contact details (e.g. phone, email and fax).
- Information about your identity and personal circumstances (e.g. date of birth, country of birth, gender, marital status, details of family members, relationship details, occupation, citizenship or immigration status, racial or ethnic origin, passport details, academic record, and driver licence).
- Information about your financial affairs (e.g. payment details, bank account details, taxation details and information about business and financial interests).
- Information about your employment (e.g. applications for employment, work history, referee comments, professional memberships, remuneration, Tax File Number, medical information such as medical conditions, physical or mental health details)¹, superannuation, professional development and disciplinary action).
- Information about assistance applied for, or provided to you under our grant or assistance arrangements.
- Photographs, video recordings and audio recordings.
- The Directorate also collects personal information when we are required or authorised by law or a court or tribunal order to collect the information.

Tax File Number (TFN) information of employees, contractors and vendors is handled as required under the *Taxation Administration Act 1999* (ACT), *Taxation Administration Act 1953* (Cth), and the *Privacy (Tax File Number) Rule 2015* (TFN Rule). The TFN Rule regulates the collection, storage, use, disclosure, security and disposal of individuals' TFN information.

The Directorate will not normally collect sensitive information about you without your consent, unless this is required by law or another exception applies.

Sensitive information is handled with additional protections under the [Information Privacy Act 2014](#), and in relation to an individual means personal information that is about the individual's:

- Racial or ethnic origin.
- Political opinions.
- Religious beliefs or affiliations.
- Criminal record.
- Philosophical beliefs.
- Membership of a political association.

¹ Medical information may constitute "personal health information" as defined by the *Health Records (Privacy and Access) Act 1997*, in which case this policy and the Information Privacy Act do not apply (see Section 2, "Overview").

- Membership of a trade union.
- Membership of a professional or trade association.
- Sexual orientation or practices.
- Biometric information (including photographs, video recordings and audio recordings of you).
- Genetic information.

The Directorate collects and holds sensitive information such as:

- Racial or ethnic origin, for the purpose of human resource management, reporting of staffing and board membership data and community development, competition and survey activities.
- Religious beliefs or affiliations for the purpose of regulatory action.
- Union membership, for the purposes of human resource management and regulatory action.
- Sexual orientation for the purpose of regulatory action.
- Criminal convictions, for the purposes of human resource management and regulatory action.
- Photographs, for example in relation to board membership, staff security (building access) passes, identification for program applications, regulatory action, land ballot participation, and public or Directorate event attendance.
- Video and audio recordings, for example in relation to program applications, and public or Directorate event attendance.

Additional protections provided for sensitive information may include, for example, more thorough steps to ensure the quality of information at the time of collection, use or disclosure, and more rigorous steps to destroy or de-identify information.

Annexure B to this policy provides more detail about the information the Directorate collects relating to its specific functions, activities and duties.

7. Notice of collection

When the Directorate needs to collect personal information from you, we will take all reasonable steps to notify you about:

- Who we are and how you can contact us.
- If we have collected personal information from someone other than you, or if you may not be aware that we have collected your personal information, the circumstances in which we may or have collected personal information.
- The name of the law that requires us to collect this personal information, or if the collection is authorised or required by a court or tribunal order (if any).
- The purposes for which we collect the personal information.
- How you may be affected if we cannot collect all or some of the personal information we need.

- The details of any agencies or types of agencies with which we normally disclose personal information. We will also notify you if we are likely to disclose your personal information to a recipient overseas, and the countries those recipients are located in.
- That we have an Information Privacy Policy explaining how you can make a complaint about a breach of the TPPs by us, and how we will deal with that complaint.
- That we have an Information Privacy Policy explaining how you can access your personal information and how you can seek a correction of that information.
- How you can access our Information Privacy Policy.

We usually provide this information by including privacy notices on our forms, Directorate websites and online portals.

8. Collecting through our websites

You can view our [Website Information Privacy](http://www.cmd.act.gov.au/legal/privacy) statement on our website at <http://www.cmd.act.gov.au/legal/privacy>.

9. Social Networking Services

If you communicate with the Directorate using social networking services like Facebook or Twitter, your information may also be collected by those social networking services in accordance with their own privacy policies. The Directorate may have limited or no control over the ways in which your information might be used or disclosed by those services. Generally, the Directorate does not collect personal information via social media platforms, but if it does it will ensure that the personal information it does collect is restricted to what is reasonably necessary for, or directly related to, one of more of its functions.

10. Email lists

The Directorate manages subscriber email lists to provide up to date information, such as newsletters, information on land releases and details of sales events to community members and stakeholders. These services are voluntary and require your consent to subscribe. If you subscribe, your details will be collected for the purposes of that subscription list, and we will tell you how to unsubscribe if you wish to do so. The information collected is not disclosed outside of the Directorate without your consent.

11. Use and disclosure of personal information

The Directorate will not use your personal information for a secondary purpose or disclose your personal information to private sector organisations or anyone else without your consent, unless an exception applies.

Exceptions are available under a number of circumstances including when:

- You would reasonably expect us to use the information for the secondary purpose that is related (or directly related – in the case of sensitive information) to the original purpose for which the information was collected.

- The use or disclosure of information is legally required or authorised by a law, or court or tribunal order.
- The use or disclosure is reasonably necessary for a law enforcement related activities, such as the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of the law, intelligence gathering, surveillance, conduct of protective or custodial services.
- It is unreasonable or impracticable to obtain your consent, and we reasonably believe that use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
- We have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we reasonably believe that the use or disclosure of the information is necessary in order for us to take appropriate action.
- We reasonably believe that the use or disclosure is necessary to help locate a person who has been reported as missing.

Annexure B to this policy provides more detail about how we use or disclose personal information to perform our functions effectively.

If the Directorate has this information, it is also allowed to disclose your biometric information (such as your fingerprints or photograph) or your biometric templates (digital representations of your distinct characteristics) for a secondary purpose to an enforcement body (like the Australian Federal Police or the Australian Government Department of Immigration and Border Protection) if we comply with any guidelines made by the Information Privacy Commissioner².

The Directorate may also disclose personal information to Commonwealth intelligence agencies where that is authorised by the head of the intelligence agency and the agency certifies that the collection of the personal information from the Directorate is necessary for its functions.

Referring information to another ACT Government Directorate or agency

The Directorate will share information with other ACT agencies in situations where you would reasonably expect us to use the information for a secondary purpose that is related (or directly related, in the case of sensitive information) to the original primary purpose for which the information was collected.

For example, we may disclose information you provide to us in correspondence to another ACT Government Directorate if that would enable us to respond to your enquiry more accurately and effectively.

If you make a complaint about our service delivery we may as part of our internal process disclose personal information to the investigating agency, such as the Information Privacy Commissioner, to enable them to understand the circumstances of your complaint. If the Commissioner receives a complaint that we have interfered in an individual's privacy, they are required to give us a copy of the complaint.

²The role of the Information Privacy Commissioner for the ACT is currently performed by the Australian Information Commissioner.

Disclosure of sensitive information

The Directorate will only disclose your sensitive information for the purposes for which you gave it to us or for directly related purposes you would reasonably expect, or if you agree.

12. Disclosing information to service providers

The Directorate contracts service providers to support it in carrying out specific activities and functions. In some circumstances it may be necessary for the Directorate to disclose personal information to these service providers to enable them to perform their functions efficiently and effectively.

In these situations, we protect personal information by only entering into contracts with service providers who agree to comply with the TPPs and any applicable TPP Codes.

13. Disclosure of personal information overseas

In some circumstances, the Directorate may need to disclose or store information with overseas recipients.

If overseas disclosure is necessary we will take reasonable steps before disclosing the information to ensure that the recipient treats the personal information in a manner consistent with the TPPs.

In some cases, the information will already be protected under the law governing the overseas recipient in a manner that is similar to the way the TPPs protect that information, and you can access mechanisms to enforce these protections.

If it is practical and reasonable to do so, we will obtain your consent to overseas disclosure. However, there may be situations where we are unable to do so, for example where we disclose personal information on the belief the disclosure is reasonably necessary for an enforcement-related activity conducted by an enforcement body, and the recipient is a body that exercises functions similar to those exercised by an enforcement body.

The Directorate will ensure this Information Privacy Policy is updated to reflect any new arrangements it may enter into resulting in the regular sharing of personal information with an overseas recipient.

14. Quality of personal information

The Directorate is required to take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete. Personal information we use or disclose must be accurate, up to date, complete and relevant for the purpose for which we use or disclose it.

In some circumstances and if it is appropriate, we can assist you to correct your personal information held by us if it is no longer accurate, up to date or complete (see section 17 below).

15. Storage and security of personal information

The Directorate is required to take reasonable steps to ensure that personal information it holds is safe and secure. Every reasonable effort is taken to protect your personal information from misuse, interference or loss from unauthorised access, use, modification or disclosure in accordance with the [Information Privacy Act 2014](#).

The [Territory Records Act 2002](#) establishes frameworks for the management of your personal information if it is held within the files or data systems of the Directorate. The Directorate will also handle your personal information in accordance with any requirements set out by the legislation under which it was collected.

Our Information Technology systems use comprehensive protections to guard against unauthorised access. Paper based files are stored securely.

As part of our general practice, personal information is only made available to staff who have a need to access it in order to perform their role. Additionally, further legislative compliance is necessary when dealing with specific information such as Tax File Numbers.

When personal information is no longer required by the Directorate we will take reasonable steps to destroy the information or ensure that it is de-identified, consistent with our obligations under the *Information Privacy Act 2014* and *Territory Records Act 2002*.

16. Accessing your personal information

In accordance with the [Information Privacy Act 2014](#) (TPP 12 and 13), you have the right to ask for access to personal information that the Directorate holds about you.

If you contact us to request access to your personal information, we must provide you with access to information in the way you requested, if it is reasonable and practical to do so. We must also respond to your request in writing within 30 days telling you whether we are able to provide you with access to that information.

We will not charge you any fees for making the request or providing you with access unless a fee has been specifically determined for the information in question (for example births, deaths and marriages information).

You also have the right under the [Freedom of Information Act 1989](#) to request access to documents that we might hold. Further information on the Directorate's Freedom of Information (FOI) arrangements, including how you can apply for access, can be found on the [Directorate's website](#) at <http://www.cmd.act.gov.au/functions/foi>.

17. Correcting your personal information

Under the [Information Privacy Act 2014](#) (TPP 13) you may also request that we correct any of your personal information that we might hold, if you believe it is incomplete, incorrect, out of date or misleading.

If you ask the Directorate to correct your personal information, we must take reasonable steps to correct and satisfy ourselves that the information is accurate, up to date, complete, relevant and not misleading in relation to the purpose it is held for.

If we agree to correct information and that information has previously been disclosed to another agency, you may request that we notify the other agency of the possible need for them to correct that information.

There may be reasons why we refuse to correct that information, for example, if we are required or authorised by law not to correct the information.

If you have requested the Directorate to correct the personal information we hold about you, we must respond within 30 days of your request having been made.

If we refuse to correct your personal information, you can ask us to attach or link a statement that you believe the information is incorrect to the information.

We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information.

18. How to make a complaint

Complaints about the Directorate's handling of your personal information should be made in writing where possible, to the contact details below. We are able to assist you to lodge your complaint if required.

Information about the Directorate's complaints process is available on the [Directorate's website](http://www.cmd.act.gov.au/functions/feedback) at <http://www.cmd.act.gov.au/functions/feedback>.

We will consider your complaint to work out how we can resolve your issue satisfactorily. We will try to acknowledge receipt of your complaint within five working days and respond to the complaint within 21 working days.

If you are not satisfied with our response, you may ask for a review by a more senior officer or you can make a formal privacy complaint to the Information Privacy Commissioner under section 34 of the [Information Privacy Act 2014](#).

The Office of the Australian Information Commissioner (OAIC) is an independent body that will assess your complaint and can make a determination that our actions are an interference with your privacy. The role of the Information Privacy Commissioner for the ACT is performed by the Australian Information Commissioner, including the handling of complaints against ACT public sector agencies. If your complaint is upheld by the Commissioner, you may be able to seek a remedy in the ACT Magistrates Court.

Complaints made to the Information Privacy Commissioner must be in writing and include your name, address and telephone number, and provide details of the subject of your complaint. Exceptions to this requirement may be made by the Information Privacy Commissioner in circumstances where they consider an oral complaint appropriate.

The Information Privacy Commissioner can be contacted on 1300 363 992 or via the [OAIC website](http://www.oaic.gov.au) at www.oaic.gov.au.

19. How to contact us

You can contact us by:

Email: CMTEDDCorporate@act.gov.au

Web: [Access Canberra Feedback and Complaints](#)
at https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1479

Mail: CMTEDD Privacy Contact Officer
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Telephone: Mr Chris Cole
Manager, Governance
+61 2 6207 5883; or

Ms Deidre O'Brien
CMTEDD Privacy Contact Officer
+61 2 6207 8175

Assisted Contact:

National Relay Service

National Relay Service users: access the [National Relay Service](#) website at <http://relayservice.gov.au/making-a-call/>. Choose the 'Making a call' option that suits your needs to contact one of the **Telephone** numbers listed above.

Translating and Interpreting Service

Call the Telephone Interpreter Service on:

13 14 50 (within Australia) or +613 9203 4027 (outside Australia).

20. Compliance with this Policy

Directorate business units will be regularly reviewed in relation to their compliance with this policy.

21. Review

This policy will be reviewed on an ongoing basis, with a formal review to be completed every two years, or as required.